

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ALEX JUREIDINI, DEFENDANT AND APPELLANT.***G.R. No. L-118. February 28, 1946*

Ponente: JARANILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f0512fe3175f/>**JARANILLA, J.:**

Alex Jureidini was prosecuted for and convicted of theft in the Municipal Court of Cebu and on appeal to the Court of First Instance was found guilty of the same crime and was sentenced to one month and one day of imprisonment. From this judgment he appealed to this Court.

The prosecution tried to establish the following facts:

In the morning of April 16, 1945, Private Ned Games, a guard of the warehouse of the quartermaster depot, APO 716, at pier 2, Cebu City, saw on the carriage of a parked bicycle a bag, exhibit A, containing the articles Exhibits A-1 to A-7, belonging to the United States Army. Thereupon Private Games reported what he had seen to Sergeant Merle G. Brown, calling his attention particularly to the bag Exhibit A which contained cigarettes. Private Games was instructed by Sergeant Brown to take the bicycle and its owner to the office as soon as the latter showed up. Moments later the accused appeared, approached the bicycle and, after tying his shoes over the bag exhibit A which was placed on the carrier of the bicycle, tried to leave the premises. Upon being asked by Private Games whether he was the owner of the bicycle, the appellant answered in the affirmative; whereupon, following the order of his superior. Private Games took the appellant together with the bicycle and the exhibits referred to above to the quartermaster. Here the appellant admitted having placed the goods inside the bag Exhibit A but without any intention of stealing them. Appellant was at that time an employee of the said warehouse of the quartermaster depot of the United States Army in Cebu.

Denying his guilt, the appellant adduced the following evidences That he was the only son of Isidro Jureidini and one Eulalia, wealthy merchants of Cebu before the outbreak of the war; that he studied in the Sambag Grammar School of the City of Cebu, attended high school in the Silliman Institute and received his college education in the Cebu Junior College; that he had never before been accused of any crime in any court of justice and that lie is a young man of good moral character; that at the time he was prosecuted for theft he was living with his mother in such ease and comfort that he did not have to work for a living but that being bored having nothing to do he worked, in the aforesaid quartermaster of the United States Army as foreman; that while he was working there so many robberies and thefts had taken place that the authorities of the quartermaster took all precautionary measures to prevent further commissions of such crimes by, among others, posting guards at the entrance and exit of the premises, frisking every employee going out and placing a notice in the premises warning that any person caught in the act of stealing goods from the quartermaster would be shot; that in the afternoon of April 14, right after he had begun working in the warehouse, he stumbled on a box, as a result of which, he injured his feet, but despite the accident he continued working; that early in the evening of said date he requested the watchman, Venancio Antonio, to speed up the work in the warehouse which appeared to the former to be going on very slowly, but that Venancio refused to cooperate; that he then told Venancio that he was only wasting the money of the Americans,

which provoked a quarrel between the two; that in the morning of April 16 the appellant entered the warehouse and waited there for about half an hour to get his rations, but finding that there was nobody to attend him he went back to his bicycle intending to go home, as his office hours had already ended; that on that occasion he noticed that his bicycle had been removed from the place where he had left it and found on its carrier a small box with lettering "PRUNES" and a small tin can without any label; that a guard approached and told him to go to the office; that upon arriving there he was shown by Sergeant Brown a big bag and was told that it was found on the carrier of his bicycle; that a Corporal Lovensky began typing something which was probably an affidavit to be subscribed against him; that about an hour later Lieutenant James, head of the employees in the quartermaster, arrived, and told him that he and several others had committed the crimes of robbery and theft in the premises of the quartermaster; that the bag exhibit A was placed by Venancio Antonio on the bicycle of the accused after filling it up with some scattered chewing gums, chocolate bars and other things that were found by him in the premises of the quartermaster; that Venancio Antonio, not knowing what had become of the appellant because the former left the quartermaster for not having been paid his salary, discovered when he visited the accused that the latter was being prosecuted for theft due to that bag which he had placed on the bicycle of the accused, and so willingly testified before the court on this matter.

Appellant's brief raises six errors supposedly committed by the trial court which in our opinion may be reduced to the following proposition: Whether or not the appellant was proved guilty of the crime charged beyond reasonable doubt.

In the course of the presentation of the evidence for the defense, Venancio Antonio was introduced as a witness, who strongly corroborated appellant's testimony. He declared that he had a quarrel or fight with the appellant in the evening of April 15, 1945, and that as a result thereof he wanted to get even with him and decided to put the contents of the bag Exhibit A and the bag itself on the carrier of appellant's bicycle, unsuspecting that appellant would be seriously affected by the deed and would result in his prosecution for theft. This act of Venancio Antonio was probably conceived by him due to the prevailing condition during that time in the warehouse in question wherein, in view of the numerous robberies and thefts being committed, the people or employees who were carrying any kind of bundle were examined and searched at the exit by the guard purposely posted there to remedy the situation. This practice of the guard being known to the accused (pp. 50-51, 79, t. s. n.), it was most natural for him not to take any package or bundle containing stolen goods from the quartermaster warehouse, because it was logical for him to presume that he would be searched at the gate when he went out, similarly to other people or employees who were going out of the premises. If he were really aware of the fact that he had committed said crime of theft and that he was carrying with him the corpus delicti in the bag Exhibit A on the carrier of his bicycle, he would not have attempted to go through that gate with that incriminating evidence against him, knowing as he did that every person was searched as he went out. The appellant, it stands to reason, would not have exposed himself to becoming a sure victim of the stolen goods that he had in his possession. Under the circumstances it is not hard to believe that, there having been an ill feeling between the appellant and Venancio Antonio, it was very probable that the latter might have planted it, as in fact he so testified before the trial court and corroborated the accused on this point, which testimony was not in any way rebutted by the prosecution although there were other persons present cited by Venancio Antonio (pp. 35, 36, t. s. n.).

It is alleged that the testimony of Venancio Antonio and that of the appellant suffer from some inconsistencies which render the testimony of the former unbelievable and that said Venancio did not appear on the payroll of the employees of the warehouse in question. The alleged inconsistencies are not serious in nature. Moreover we should not expect the testimony of every person to be identical and coinciding with each other. It is enough that the principal points, covered by their testimonies are established although they do not dovetail in all the details—which would even prove well-rehearsed and studied declarations. The fact that many employees were not

noted on the payroll was also established in this case. And even the name of the appellant himself was only written in ink in one of the payrolls, which goes to show that many of the employees there were not regularly carried on the payroll.

Another circumstance which to our mind strengthens the position of the appellant is that he was an intelligent person and a college student, and it seems reasonable to expect that he would not be so stupid as to commit the crime in the manner attributed to him by the prosecution.

One more significant circumstance that should not escape our attention is that one lent testified that in the evening of April 16, as one of the guards of the warehouse, he actually saw the appellant take away surreptitiously the stolen goods and place them in the bag Exhibit A, and that he reported what he had seen to Sergeant Brown, another witness for the prosecution. But if what he testified was true, why is it that he was not presented as a witness for the prosecution since the beginning in the municipal court where this case was originally heard? And why is it that the trial judge, in his decision, did not even mention the name of this witness the most pertinent facts declared by him in the trial? Was it because he believed that the accused was being "persecuted"?

Finally, when the appellant was told to go to the office by the guard, believing that he was to get his rations, he met there Corporal Lovensky and was shown by Sergeant Brown a big bag, bigger than that which was made an exhibit in this case, and was informed that it was found on the carrier of his bicycle. Corporal Lovensky then began typing something which was probably an affidavit to be subscribed by the accused. That affidavit which is supposed to be one of the strongest proofs against the accused does not appear to have been introduced in this case — which leads us to another significant circumstance: Was the purpose of preparing that affidavit to establish something that the accused committed such and such acts but that the accused repudiated the same, or was that affidavit prepared for the purpose of having it subscribed by the persons who were supposed to have been present on that occasion of the discovery of the corpus delicti but that the witnesses or individuals expected to testify thereon refused to "persecute" the appellant herein?

In view of all the foregoing, we are of the opinion that the guilt of the appellant has not been proved beyond peradventure of doubt. The judgment of conviction is accordingly reversed and the appellant acquitted, with costs de oficio. So ordered.

Moran, C. J., Parás, Feria, Pablo, and Briones JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.