

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LORENZO LOPEZ QUIM QUINCO, DEFENDANT AND APPELLANT

G.R. No. 10731. January 20, 1916

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was charged with a violation of the Opium Law, Act No. 2381. A complaint was presented against him in the court of the justice of the peace on the 21st of September, 1914. Upon said complaint the defendant was duly arrested and was brought before the justice of the peace on the same day. The complaint was read to him. Upon hearing the complaint, he declared that he was guilty of the crime charged. (See Exhibit A.) Whereupon the justice of the peace found that there was probable cause for believing that the defendant was guilty of the crime charged and remanded him to the Court of First Instance for trial.

On the 19th of November, 1914, the prosecuting attorney of the Province of Albay presented a complaint in the Court of First Instance which alleged that said accused, on or about the 20th of September, 1914, in the municipality of Ligao, Province of Albay, intentionally, maliciously, and illegally possessed and had under his power and control opium and certain paraphernalia used in smoking opium, without being lawfully authorized to have such opium or paraphernalia in his possession.

Upon said complaint, the defendant was duly arraigned, plead not guilty, was tried, found guilty of the crime charged in the complaint, and sentenced by the Honorable J. C. Jenkins to be imprisoned for a period of three months and to pay a fine of P300, and in case of insolvency to suffer subsidiary imprisonment in accordance with the provisions of the law, and to pay the costs. From that sentence the defendant appealed to this court.

From an examination of the record, we find from the evidence presented at the trial, that on or about the 20th of September, 1914, one Mariano Arroyo, an inspector of the Internal Revenue Bureau, went to the tienda of the defendant in the town of Ligao, for the purpose of examining the books of the defendant, which were kept in his tienda; that upon arriving at said tienda he smelled opium, and upon going into the bedroom of the defendant found a small bottle of opium, an opium pipe and other articles used in the smoking of opium. (See Exhibit C.) Whereupon the defendant was arrested, was taken before the justice of the peace on the same day and a complaint was presented against him on the following day. When the complaint was read to the defendant he voluntarily plead guilty to the charges therein. (See Exhibit A.) In this court the defendant alleges that Exhibit A should not have been admitted in evidence. Exhibit A constituted a part of the record of the preliminary examination before the justice of the peace. The record of a preliminary examination is always admissible in evidence for the purpose of testing the credibility of the witnesses. That was evidently the purpose of presenting Exhibit A in the present case.

During the trial of the cause in the Court of First Instance the defendant admitted that he had made the confession before the justice of the peace and had signed Exhibit A, but attempted to avoid its effect by alleging that he had been intimidated and forced by the said inspector to make the same. The lower court found that the confession had

been made voluntarily.

The defendant attempted to show, by several witnesses, that the opium and pipe which had been found in his room, had been left there by another Chinaman, nearly two years before the date on which it was found, and that he had no knowledge of the contents of the box in which the opium and paraphernalia were found. It will be remembered that the inspector discovered the presence of the opium in the house, by the smell of opium which he detected. It is not likely that opium which was in a closed box and had been there for a period of two years, would give out an odor to challenge the attention of a person who was not looking for opium. It will be remembered that the inspector went to the house of the defendant for the purpose of examining his books and not for the purpose of looking for opium. The lower court who saw and heard the witnesses did not believe that theory of the defense.

The defendant also complains that there was but one witness presented for the prosecution, while he presented several witnesses, and that therefore the facts charged in the complaint had not been proved beyond a reasonable doubt. We have frequently decided that the testimony of one witness is sufficient to support a judgment of conviction, if it satisfies the mind of the judge, beyond a reasonable doubt. (U. S. vs. Dacotan, 1 Phil. Rep., 669; U. S. vs. De la Cruz, 4 Phil. Rep., 438; U. S. vs. Bastas and De la Serna, 5 Phil. Rep., 251; U. S. vs. Sison, 6 Phil. Rep., 421; U. S. vs. Lopez Sy Quingco and De Jesus, 16 Phil. Rep., 416; U. S. vs. Oracion and Lambino, 18 Phil. Rep., 580.)

From an examination of the record brought to this court, we are convinced that the defendant is guilty of the crime charged, beyond a reasonable doubt. The sentence of the lower court is therefore hereby affirmed, with costs. So ordered.

Arellano, C. J., Torres, Carson, Moreland, Trent, and Araullo, JJ., concur.

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