

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MELECIO FLORES, DEFENDANT AND APPELLANT.

G.R. No. 2853. August 30, 1906

Ponente: TRACEY, J.

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TRACEY, J.:

The conviction of the defendant for rape is based upon the testimony of the complainant alone, inasmuch as the two other witnesses for the prosecution corroborate his testimony on unimportant points only, not in dispute. His story is contradicted by the accused and is inconsistent in detail. In cases of this kind the evidence of the complainant to justify the conviction of the defendant must be clear and must be corroborated (*U. S. vs. Mamintud*,^[1] August 16, 1906), otherwise it fails to satisfy beyond a reasonable doubt, as required by *U. S. vs. Dacotan* (1 Phil. Rep, 669).

The complaint in this case should be dismissed and the defendant discharged with costs de oficio. So ordered.

Arellano, C. J., Torres, Mapa, Carson, and Willard, JJ., concur.

^[1]Page 374, *supra*

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