

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. DOMINGO BALTAZAR, DEFENDANT AND APPELLANT.

G.R. No. 3669. September 24, 1907

Ponente: JOHNSON, J.

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JOHNSON, J.:

This defendant was accused in the Court of First Instance of the Province of Capiz of the crime of parricide. The complaint alleges that on the night of the 16th of January, 1906, the said defendant did, with a club or cane which he carried, beat his wife, Victoriana Osorio, from the effects of which beating she died the following day.

Upon hearing the evidence adduced during the trial of the cause in the lower court, the judge of said court found the defendant guilty of the said crime and sentenced him to be imprisoned for a period of twenty years of cadena temporal, with the accessories of article 56 of the Penal Code, and to pay the costs. From this decision the defendant appealed to this court.

An examination of the facts adduced during the trial of the cause in the lower court shows that, upon the night in question, the said Victoriana Osorio was in the house of her neighbor, Quiteria Sioco, for a short time, and that soon after the time when she left the home of Quiteria Sioco the defendant came to the house of the former in search of his wife and made inquiries for her and ordered his daughter to look for her mother; that later in the same evening the said Victoriana Osorio was found in the woods near by, sitting upon the ground, complaining that she was sick, and was carried by one Francisco Olivares to her home, for the reason that she could not walk; that at the time the said Olivares found the said Victoriana Osorio in the woods she was vomiting water; that she made no complaint to the said Olivares other than that she was sick. Sometime the next morning the said Victoriana Osorio died. The next day the deceased was buried without a postmortem examination. Two or three witnesses testified that they saw the body of the deceased the morning after her death and did not observe anything upon the body of the deceased to indicate that she died from the effects of violence committed upon her body.

The witness Bonifacio Tejada testified that, soon after the time when the defendant came to the house of Quiteria Sioco, he heard a noise in the road which he believed was caused by the beating by the said defendant of his wife, Victoriana Osorio. This witness testified that the night was dark and that he could not see, and that he was uncertain as to just what caused the particular noise which he heard. In view of the fact that no bruises or wounds were found upon the body of the deceased, we are not justified in finding that the noise which this witness heard was what he thought it was.

There is nothing in the evidence to show that the defendant and his wife had ever had any trouble prior to the night in question, neither is there any proof to show, further than the supposition of the said Tejada, that they had any trouble on the night in question. There is nothing but a mere suspicion on the part of any of the witnesses who were called during the trial, either for the prosecution or the defense, that the defendant was in any way directly or indirectly responsible for the death of his wife, Victoriana Osorio.

In order to justify the conviction of a person for a crime, by virtue of suspicious circumstances, each of the suspicious circumstances necessary for the conclusion that the defendant is guilty of the crime charged must be supported by evidence sufficient to show, beyond peradventure of doubt, that the defendant is guilty of the crime charged. We are of the opinion that the evidence is not sufficient to support the conviction of the defendant, and therefore the sentence of the lower court is hereby revoked and the cause is hereby remanded to the lower court with direction that the same be dismissed. So ordered.

Arellano, C. J., Torres, Willard, and Tracey, JJ., concur.

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