

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. REMIGIO DONATO ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 3905. October 17, 1907

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

It appears that in this case only one declaration was received, that of the witness Prudencia Ragosante, but several agreements were made between the representative of the Government and the attorneys for the defendants; one, to the effect that four more witnesses affirm the declaration for the prosecution; and another to the effect that "three witnesses would declare that the accused Hilario Tabucly and Gregorio Sapla were in the pueblo of Cabugao on the days in question; further, that three other witnesses would also declare that Juan Baldivino was with them in a barrio of the pueblo of Badoc on the said days; and that all the accused, denying the charges against them, declared that the accused Juan Baldivino did not attend the function referred to by the witness for the prosecution, Prudencia Ragosante, and that said accused do not know each other, as they come from different pueblos; the declarations of the witnesses and of the accused were received verbally, and the attorneys for the latter consider the defense as complete and ask for their acquittal accordingly."

The court below, considering that "the commission of the crime by the accused is further corroborated, in view of the form and manner in which the witnesses in support of the alibi have testified," sentenced the accused to eight years and one day of presidio mayor, with the accessories expressed in the judgment, from which judgment the accused appealed.

This court, however, upon attempting to review the evidence, has found it impossible to do so, because of the reprehensible abuse committed in resorting to such unlawful agreements, thereby frustrating the purposes of the law, which has been openly violated. (Sec. 32, General Orders, No. 58.)

Therefore the judgment appealed from is declared null and void and a new trial is hereby ordered which shall be held strictly in accordance with the provisions of the law. So ordered.

Torres, Johnson, Willard, and Tracey, JJ., concur.

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