

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. GUILLERMO ALVARADO, DEFENDANT AND APPELLANT.

G.R. No. 4054. August 14, 1908

Ponente: MAPA, J.

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MAPA, J.:

This action was brought for the crime of homicide; the accused was found guilty and sentenced to the penalty of twelve years and one day of reclusion temporal, to pay an indemnity of 1,000 to the heirs of the deceased, and the costs of the proceedings.

For two or three months prior to the affair that gave rise to this action, the Chinaman Chua-Siangco, the deceased, lived in the house of the accused, a fellow-countryman. It has been shown that at about 5 o'clock in the afternoon of the 12th of January, 1907, the said Chua-Siangco died near the front part of the store of the accused which faces the street, and was buried, under authority of the lieutenant of the barrio in which the affair took place, at 8 p. m. of the same day. As to the manner in which said death occurred, the evidence of the prosecution is entirely in conflict with that of the defense. The witnesses for the prosecution, all of whom claim to be eyewitnesses, declare that on said afternoon the accused had a quarrel with the deceased; that the reason or motive therefor they could not understand because they spoke in Chinese; that the former struck the latter three times with his fist, hitting him in the stomach according to some, and according to others on the left side of the chest; that the deceased was knocked down by the blows, falling into a gutter alongside the road, and while down he was still further kicked and struck all over the body by the accused. He never got up, for which reason they believe that he was killed on the spot.

On the other hand the evidence adduced by the defense tends to prove that the deceased died a natural death. The witnesses for the accused state that the deceased was ill with fever four days prior to his death; that at 8 o'clock in the morning of the day in question he took a dose consisting of five spoonfuls of salts with lemon and sugar; that in the afternoon he complained of weakness and sensation of weight in the stomach because he had not had a bowel movement, and that he sat down on a bench outside of the store from which, he fell dead about an hour afterwards. According to these witnesses the accused did not have any trouble with the deceased either on that afternoon or at any other time before the affair, and at the moment when the latter died the accused was not in his store but at the house of an acquaintance where he was informed of the occurrence.

The lieutenant of the barrio, whom the accused informed of said death in order to obtain from him the necessary permit for the burial of the deceased, and who went at once to the place of the occurrence, attests that he did not see any sign of violence on the body of the deceased; two of the witnesses for the prosecution who were expressly questioned on this point testified the same thing; it is to be observed that one of the latter witnesses helped bury the body, and had, therefore, an opportunity to see it very closely. If the deed imputed to the accused were true, it would seem very strange that none of the persons-alluded to saw any marks of violence on the body of the deceased, at least, on the uncovered parts of the same, such as, for example, the face and mouth, since, according to the witnesses for the prosecution, the deceased was struck and kicked on said parts of the body after he had

fallen and was lying in the gutter.

On the other hand, it has been shown that the principal witnesses for the prosecution are enemies of the accused. One of them declared that he had had trouble with the latter because he was insulted and abused by him; and, with respect to another witness, it was proven that there had been criminal accusations between him and the accused five days before the date in question. Moreover, there exists the fact that a sister of the last mentioned witness, herself a witness for the prosecution, testified at the trial that she had witnessed the deeds imputed to the accused; upon being questioned by some municipal policemen, who were instructed by the municipal president to make an investigation of the affair prior to the filing of the complaint, she replied that she knew nothing and that she had not witnessed the affair.

In view of such circumstances, we can not consider that the guilt of the accused has been proven beyond all reasonable doubt, even though we take into account a fact to which great importance is attached by the Attorney-General in his brief, namely, that the deceased was buried three or four hours after his death. The accused gave several explanations of this fact, some of which are certainly well proven, such as that no timber nor carpenters could be found to make the coffin wherein the body might be placed, nor persons willing to help him in keeping watch over the body during the night; these statements were corroborated by the lieutenant of the barrio who assisted him, although unsuccessfully, in his search for said persons, no one being willing to render service even under an offer or promise of payment. Whatever the said explanations may be worth, the lack of interest or perhaps the repugnance that the accused would have in keeping the body any longer in his store can easily be understood, inasmuch as the deceased was not related to him but simply a man whom he had admitted to his house out of pure charity. At all events, the fact in question is not by itself necessarily indicative of the culpability of the accused, especially since it was effected by permission of the local authority of the barrio, who personally went to the house where the body was lying and examined the same prior, to granting the burial permit.

The judgment appealed from is hereby reversed and the accused fully acquitted with the costs of both instances de oficio. Let the accused be at once released from custody in case he has been detained. So ordered.

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

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