

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LIM SIP (ALIAS TAN QUI) ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. 4376. March 20, 1908*

Ponente: TORRES, J.

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On the morning of the 10th of May, 1907, when Juan Mauricio, the man in charge of the warehouse of Behn, Meyer & Co., at the Barraca, district of Binondo, went to said warehouse, he noticed that the padlocks that secured the door of the same had disappeared; the door was closed and the bolt was in its place, but the padlocks were missing. He further noticed that the hole at the end of the bolt was covered with oil, and one of the padlocks was put in it showing signs of having been forced. On entering the warehouse he saw that twenty bolts of merino, which had been taken out of the cases on the previous evening, were missing, and close to the cases he found a bag and a candle; on the previous evening, which was a Wednesday, he had left the warehouse closed and the door properly secured. Upon the matter having been reported to the police authorities, a member thereof, George W. Walker, went to the warehouse and inspected the place where the robbery was committed, and as the result of his investigations the accused were arrested.

A complaint was filed charging the three Chinamen with the crime of robbery, and on the 6th of June, 1907, the court below sentenced Chan Sin to the penalty of four years nine months and ten days' imprisonment with hard labor, and to indemnify the co-partnership of Behn, Meyer & Co. in the sum of P600, or in case of insolvency to suffer the corresponding subsidiary imprisonment; Lim Sip was sentenced to one year and eight months' imprisonment, and each of them to pay one-half of the costs. By an order of court of July 2 following, the charge against Go Tui was dismissed with the costs de oficio. From this judgment the counsel for the accused Chan Sin and Lim Sip has appealed.

The record shows the existence and reality of the robbery of about twenty bolts of black merino, the property of the co-partnership Behn, Meyer & Co., of the value of P608, or P3,040 pesetas, all of which is fully proven, the same having been committed in a warehouse, an uninhabited place, the door of which, although properly closed and secured, the thieves managed to open after breaking the two padlocks that secured it. This crime is defined and punished by article 512 of the Penal Code.

Notwithstanding the fact that the crime has been clearly proven, the case, however, offers no sufficient proof of the guilt of the accused Lim Sip) (alias Tan Qui) and Chan Sin (alias Chan Chi), the charges of the prosecution, such as the finding of a crowbar at the house of the latter, Chan Sin, where several other Chinamen lived, which has not been proven to belong to either of the two accused; the statements made by Chan Sin to the policeman Walker not confirmed by the interpreter, William Compton, or by any other person, and the circumstantial evidence in the case are not sufficient to demonstrate the guilt of the said accused, inasmuch as, in order to establish the liability of a criminal, and to convict him by circumstantial evidence, it is necessary that the evidence be derived from interrelated facts and properly proven in such manner that they definitely lead to the logical and rational conclusion, beyond all reasonable doubt, that the accused is the author of the crime, because where his

guilt has not been satisfactorily established, there always arises the presumption of his innocence; and until the contrary is proven he is unquestionably entitled to an acquittal. As to Go Tui, upon request of the prosecuting attorney his case was dismissed on the 2d of July, 1907, with the costs de oficio.

In view of the foregoing it is our opinion that the judgment appealed from should be reversed, as we do hereby reverse the same, and that the accused Lim Sip (alias Tan Qui) and Chan Sin (alias Chan Chi) should be acquitted with the costs de oficio. So ordered.

Arellano, C. J., Mapa, Johnson, Willard, and Tracey, JJ., concur.

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