

## THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. VICENTE P. ANCHETA, DEFENDANT AND APPELLANT.

*G.R. No. 46250. July 26, 1939*

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### PER CURIAM:

Again this case occupies the attention of this court by reason of the petition filed by the accused and appellant Vicente P. Ancheta for reconsideration of the judgment rendered against him, which affirms that formerly entered by the Court of First Instance of Palawan sentencing him to the indeterminate penalty of from six months of arresto mayor to four years of prision correccional, with the costs of the proceedings. His petition is based on the following grounds:

"I. That it is an error to hold that the detention of Bibiana Sanson ordered by the appellant was not justified on the ground that it has not been proven that she had conspired with her brothers to assault said appellant.

"II. That the conviction of the appellant in this case, after this Supreme Court has found in its decision that 'there are circumstances in support of the theory of the defense' that the appellant ordered the arrest of Bibiana Sanson for having conspired with her brothers and with the deceased Salazar to assault said appellant, is a deviation from the uniform ruling that peace officers are empowered to make arrests without warrant when they have reasonable cause to believe that an offense or violation of law has been committed and that the accused is guilty thereof, and is likewise contrary to the express provision of section 848 of the Administrative Code pertinent thereto."

We have reviewed the record and firmly adhere to the finding that it was the accused-appellant who really ordered the arrest of Bibiana Sanson upon the belief that she had taken part in the assault committed upon him by the Sanson brothers, Rufo and Cirilo and by justice of the peace Guillermo Salazar. The only question now to be determined anew is: "Was the detention of said woman arbitrary under said circumstances?"

Without making a tedious repetition of the facts pertinent to the case, which already appear in the decision rendered in case G. R. No. 45344 (37 Off. Gaz., 620), and in the one under reconsideration, it should be stated, however, that the assault committed by the Sanson brothers and justice of the peace Salazar upon the accused-appellant took place immediately after the latter had been approached by Bibiana Sanson in the middle of the street, while he was passing in front of the store situated under the house owned by the Sansons. Under said circumstances, the appellant undoubtedly had well founded reasons to believe that Bibiana Sanson was not innocent of said aggression: first, because it was strange for her, an unmarried woman, after the appellant had broken with her, to approach him in the middle of the street feigning friendship, a thing she had never done before, and for her brothers Rufo and Cirilo and justice of the peace Salazar, immediately afterwards and knowing him to be a peace officer, to fall upon him and assault him, punching and kicking him until he fell to the ground, and at the same time wresting from him the revolver which he carried in his belt; second, because the four of them harbored a grudge against him, and he knew it, by reason of his break with Bibiana and of the slander of which she had allegedly been informed and which had reached the ears of the Sansons thereby naturally offending them, that he had been spreading the news that she had in his possession some of Bibiana's innermost garments, and by

reason of having complained of the behaviour and investigated the conduct of justice of the peace Salazar in various cases in which the latter had intervened as such justice of the peace; third, because Bibiana made no efforts to prevent her brothers and said justice of the peace from maltreating as they in fact maltreated him; and lastly, because after the assault, all the four went up the house of the Sansons, locking up themselves therein until they were compelled to surrender by the Constabulary.

There is no doubt that the above-stated facts constitute in themselves strong" circumstantial evidence that the aggression was premeditated and was the result of a previous conspiracy in which Bibiana Sanson could not but have a part. Anybody who found himself in the same circumstances as the appellant, would have believed so himself and would have made the same decision, all the more so because the person involved was not merely a peace officer but a commanding officer of a detachment of constabulary soldiers, called upon, by reason of his position, to act promptly in order to preserve order and to bring to the authorities those whom he believes in good faith to be violators of the law. It should be borne in mind that on the same day on which the appellant ordered the detention of Bibiana Sanson, he caused the presentation of a complaint for frustrated homicide, which was so done in fact not only against her but also against her two brothers, because he was then of the opinion that such was the crime committed by them against him. The complaint was filed with the acting vice-president Emilio Castro, on the belief that said official could act upon it, in the absence of the justice of the peace and of the municipal president of Balabac. It seems clear that the appellant ceased to have any responsibility from the time the complaint was filed with the authorities, because it was not then incumbent upon him to take the steps subsequent to said act, such as that of effecting the provisional release of Bibiana Sanson on bail, or that of dismissing the complaint against her for the reason that she does not appear to be liable for any crime, after the corresponding preliminary investigation.

In crimes of arbitrary detention (article 124 of the Revised Penal Code, which is equivalent to article 200 of the old Penal Code), the legality of the detention made by a person in authority or an agent thereof, as stated by the Supreme Court of Spain in its decision of January 27, 1885, does not depend upon the juridical and much less judicial fact of a crime which, at the time of its commission, is not and cannot definitively be determined for lack of the necessary data and of jurisdiction, but upon the nature of the deed, wherefrom such characterization may reasonably be inferred by the officer or functionary to whom the law at that moment leaves the decision for the urgent purpose of suspending the liberty of the citizen.

The obligation of an agent of authority to make an arrest by reason of a crime, does not presuppose as a necessary requisite for the fulfillment thereof, the indubitable existence of a crime. For the detention to be perfectly legal, it is sufficient that the agent or person in authority making the arrest has reasonably sufficient grounds to believe the existence of an act having the characteristics of a crime and that the same grounds exist to believe that the person sought to be detained participated therein (Decision of the Supreme Court of Spain of November 5, 1892).

This same ruling was upheld by this court in several cases, among them being that of *United States vs. Santos* (36 Phil., 853), where it was stated that the reasonable or probable cause which must exist to justify an arrest without warrant consists in a ground sufficient in itself to convince a reasonable man to believe that the person arrested by him is guilty; and that, besides reasonable ground of suspicion, action in good faith is another protective bulwark for the peace officer making the arrest. It was likewise stated therein that under such conditions, even if the suspected person is later found to be innocent, the peace officer who arrested him is not liable, adding that one should not expect too much of a policeman, and the same is true with a constabulary officer as the appellant, because both are not presumed to have the training and preparation of a judicial officer, not having as they do not often have the opportunity to make proper investigation but must act in haste on their own belief to prevent the escape of the criminal. It should likewise be borne in mind that the law (section 848 of the Administrative Code

and article 124 of the Revised Penal Code) allows members of the Constabulary or policemen, and in general, every public officer or employee, to make arrests without warrant, not only when a crime is being committed or is about to be committed in their own presence, but also when they reasonably believe or have ground to suspect that a crime has been committed and that it has been committed precisely by the person arrested (U. S. vs. Fortaleza, 12 Phil., 472; U. S. vs. Samonte, 16 Phil, 516; U. S. vs. Batallones, 23 Phil, 46; U. S. vs. Santos, *supra*; People vs. Kagui Malasugui, 63 Phil, 221). Bibiana Sanson's detention ordered by the appellant took place exactly under these same circumstances.

Wherefore, judgment is rendered acquitting the appellant Vicente P. Ancheta, lieutenant of the Constabulary, of the crime of arbitrary detention with which he was charged, the detention of Bibiana Sanson ordered by him being as it is now declared sufficiently justified, in view of the circumstances surrounding the same, with the costs de oficio. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Diaz, Concepcion, and Moran, JJ., concur.

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