

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
TORIBIO C. COSTES, DEFENDANT AND APPELLANT.***G.R. No. 46302. September 22, 1939*

Ponente: IMPERIAL, J.

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On October 14, 1908, the accused-appellant Toribio C. Costes was convicted of the crime of homicide in criminal case No. 1971 of the Court of First Instance of Pangasinan and was sentenced to twelve years and one day of reclusion temporal with the accessory penalties prescribed by law, to indemnify the heirs of the deceased in the sum of P500, and to pay the proportionate part of the costs. The appellant served his sentence and left Bilibid in the year 1918. In the general elections held in the years 1919, 1922, 1925, 1928, 1931, 1934, and 1935, the appellant registered as a qualified voter and voted. He likewise voted in the special elections of 1929 and in the plebiscite held to approve the Constitution. On October 30, 1937, the appellant applied for registration as voter in precinct No. 6 of the municipality of San Manuel, Province of Pangasinan, and to that effect he was given form No. 2, called "Voter's Affidavit", for the purpose of filling the blanks thereof. The appellant did so and later swore to the truth of the contents of said document before Basilio Valdez, one of the election inspectors of the precinct in question. Consequently, he was registered in the census as a duly qualified elector in said precinct. However, he did not vote in the general elections held on the 14th of December of said year. In the affidavit sworn to by him, Exhibit B, the appellant answered "No" to the question appearing therein which reads: "Have you ever been sentenced by final judgment for not less than eighteen months imprisonment, if so, have you been granted plenary pardon? For having so answered, the appellant was prosecuted for violation of section 2645 of the Revised Administrative Code, having sworn falsely to said affidavit, inasmuch as he answered said question in the negative, knowing that he had been sentenced to twelve years and one day of reclusion temporal for the crime of homicide. The appellant pleaded not guilty in court, but said court found him guilty of said offense and sentenced him to an indeterminate penalty of from one month to three months imprisonment, to pay a fine of P100, with the corresponding subsidiary imprisonment in case of insolvency, plus the costs. He was likewise deprived of his right of suffrage and was disqualified from holding public office for a period of two years. From this judgment of conviction, this appeal was taken.

The appellant assigns in the judgment of the court four errors of law which shall not be discussed nor decided separately in this decision, in view of the fact that the Solicitor-General, in the brief presented by him, recommends that the appealed judgment be reversed and that the appellant be acquitted, with the costs de oficio.

The recommendation of the Solicitor-General is based on the fact that the question answered by the appellant is ambiguous, suggestive and misleading, and that the answer given is not incorrect or false if it were to refer to the second part of the question. It is submitted that as the appellant did not qualify his answer and, on the other hand, it has not been proven that the same had been given in answer to the first part of the question, there is reasonable doubt as to the guilt of the appellant and he is entitled to the benefit thereof. We agree to the opinion of the Solicitor-General. The answer of the appellant, in relation to the first part of the question, is false, but it is correct

if it relates to the last part thereof. As there is no evidence that the appellant had answered the first part of the question, there arises the reasonable doubt which must be decided in his favor, in accordance with the provisions of section 57 of General Orders, No. 58.

The appealed judgment is reversed and the accused is acquitted, with the costs of both instances de oficio. So ordered.

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

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