

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MANOJI (MORO), DEFENDANT AND APPELLANT.

G.R. No. 46412. September 18, 1939

Ponente: LAUREL, J.

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LAUREL, J.:

On August 2, 1938, the provincial fiscal of Davao filed an amended information charging Moros Abdullah and Manoji with the crime of robbery with homicide, alleged to have been committed as follows:

"That on or about the 19th day of April, 1938, in the barrio of Bongabong, municipality of Pantukan, Province of Davao, Philippines, and within the jurisdiction of this court, the said accused, conspiring and confederating together and helping one another and with intent of robbing, did then and there wilfully, unlawfully and feloniously, and with intent to kill, box, attack, assault and beat with a piece of wood one Seijin Ige, and once the latter was rendered helpless, lying on the ground, the said accused choked him to death; and that in direct relation thereto, the said accused, immediately after the killing, with intent of gain, did then and there take and steal from the pocket of said Seijin Ige the amount of P5, to the damage and prejudice of the said Seijin Ige in the said sum."

After trial, the Honorable Judge of the Court of First Instance of Davao, rendered a decision on September 8, 1938, acquitting Moro Abdullah, and finding Moro Manoji guilty of the crime charged, and sentencing the latter to reclusion perpetua, to indemnify the heirs of the deceased in the sum of P1,000, and to pay the costs. From this judgment, Moro Manoji appeals to this court. His counsel de oficio, whose well-written brief merits commendation, submits the following assignment of errors:

- ° Al declarar probada debidamente la culpabilidad del apelante y al no concederle a este el beneficio de duda racional;
- ° Al no absolver a dicho apelante."

It appears that on April 19, 1938, at about five o'clock in the afternoon, Seijin Ige, a Japanese subject, was attacked, killed, and robbed of a few coins and certain bank notes of undetermined amount while he was passing through the municipality of Pantukan, Province of Davao. Despite diligent search of the authorities, his dead body was never seen nor found. It is suggested that the herein appellant was one of those who dumped the body into the sea.

Moros Andis Salupudin and Maradani testified that they witnessed the commission of the criminal act from a distance of ten brazas. (P. 23, t. s. n.) They also testified that they were warned by the appellant, on pain of death, to keep silent about the crime. (Pp. 25, 27, t. s. n.) The trial court, however, did not give any credit to their version; on the contrary, the court observed that "la conducta de estos testigos coetanea a los actos de ejecucion del delito, es tal que induce a creer, que son, corresponsables del hecho, por accion o por omision, * * *. Bajo tales circunstancias, un tribunal de justicia solo debe aceptar el testimonio inculpatario, en tanto en cuanto esta fuertemente corroborado por otras pruebas, y rechazar el que no lo esta." (Page 22, Rec.)

Corroborating evidence being absent as to Moro Abdulah, the trial court acquitted him. It found, however, the following corroborative circumstantial evidence against the appellant, and on this evidence convicted him: (1) the finding of the hat (Exhibit A) of the deceased in the house of the appellant (pp. 75, 76, 87, t. s. n.); and (2) the fact that the appellant was pale, nervous, and trembling when he was investigated by the constabulary authorities (pp. 75, 86, t. s. n.). The sole basis of conviction is the circumstantial evidence which the lower court believed was sufficiently corroborative of the affirmations of Moros Andis Salupudin and Maradani. It becomes important, therefore, to consider the relative weight and importance that should be attached to these two circumstances relied upon by the lower court.

With reference to the hat (Exhibit A), said to belong to the deceased and alleged to have been found in the house of the appellant, careful scrutiny of the testimony of Ankichi Ige, Erajio Ello and Katsue Kubayashi, leaves much room for doubt regarding ownership of this article. Kubayashi, a disinterested witness, who was at the time the secretary of the Davao Japanese Association, testified that the initials on the hat were illegible, and that he was not sure whether said initials were in Japanese or in Chinese characters. His testimony is not in harmony with that of Ankichi Ige who, it should be observed, is a cousin of the deceased. Erajio Ello, on the other hand, swore that the hat (Exhibit A) belonged to him; that he gave the same, together with a pair of trousers, to Maradani; that the initials supposed to be those of the deceased, Seijin Ige, were his own which he placed there sometime before he gave the hat to Maradani. (See pp. 185-187, t. s. n.) In view thereof, the possession of the hat by the appellant cannot be taken as sufficient proof of his authorship of the grave crime imputed to him.

With reference to the alleged pale and nervous appearance of the appellant at the time corporal Dimas Bellido of the Constabulary investigated him, the court below considered this circumstance as indicative of the culpability of the appellant. We are of the opinion that this fact by itself does not necessarily show appellant's guilt. While lessons in human psychology teach us that a guilty conscience will exhibit an excited behavior, nevertheless this is not true in all cases. All living things, in their spontaneous activities, respond readily to the influences of their surroundings. In the same manner as the microscopic amoeba feels the external variations in heat, and a plant responds to light and moisture, so is man's life, in the language of Herbert Spencer, "a continuous adjustment of internal relations to external relations," a never-surceasing subserviency to the influences of environment, heredity, and education. Under-development and under-employment of the human faculties result in the repression of true feelings and emotions, and may give occasion for the manifestation of fear and nervousness, and the restraint of vigorous self-expression. But whatever may be the proper guide in experimental psychology in doubtful matters of this kind, we find that in this case it would be unjust to attach importance to an expression of fear or emotion to the extent of virtually permitting the overcoming of the presumption of innocence in favor of the accused.

Upon the other hand, there are certain facts which if taken together are sufficient to raise in the mind of the court a grave doubt as to the guilt of the defendant-appellant, "that doubt engendered by an investigation of the whole proof and an inability after such investigation, to let the mind rest easy upon the certainty of guilt." (U. S. vs. Lasada [1910], 18 Phil., 90, 96.) The finding of the two gold teeth of the deceased in the suitcase of Maradani, and the testimony of Erajio Ello that he gave the hat (Exhibit A) to Maradani not only engender serious doubt in our minds as to the guilt of the appellant, but also seems to sustain the theory of the defense and strengthen the suspicion of the trial court, that Maradani and Salupudin are not foreign to, or entirely ignorant of, the killing of Seijin Ige. In the light of the facts and circumstances of record, we feel that it is better to acquit a man upon the ground of reasonable doubt, even though he may in reality be guilty, than to confine in the penitentiary for the rest of his natural life a person who may be innocent. (People vs. Asinas [1929], 53 Phil., 59, 71.)

The judgment of the trial court is accordingly reversed, and the defendant-appellant is hereby acquitted, with costs

de oficio. So ordered.

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

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