

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BERNABE SANTOS (ALIAS BALBINO SANTOS), DEFENDANT AND APPELLANT.

G.R. No. 5818. December 24, 1910

Ponente: MORELAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5818/>

MORELAND, J.:

In the month of August, 1900, Lorenzo Laopoco was murdered in this city. One Bernabe Santos was charged with the commission of the crime, was tried in the Court of First Instance of the city of Manila in the year 1901, condemned and sentenced to death. On the night of Thanksgiving of the year 1901, said Bernabe Santos, then in confinement awaiting the execution of the sentence pronounced against him, broke jail and escaped. For about eight years he remained at large.

In the month of October, 1909, the appellant in this case was arrested in the district of Tondo, city of Manila, charged with being Bernabe Santos, the condemned murderer. He denied that he was such person. The issue of identity thus resulting was tried in the Court of First Instance of this city. The court found the appellant to be Bernabe Santos, the person who had been convicted of the murder of Lorenzo Laopoco and who, having been sentenced to death, escaped pending the execution of the sentence. He appealed.

Some question has been raised in this court as to the right of the appellant to appeal in a case of this character. We are of the opinion, however, that an appeal ought to lie. One of the main elements necessarily involved in any crime is the identity of the person tried with the person who committed the crime. If that identity remains unestablished, the case against him necessarily falls. While this appellant was not tried for murder, in the strict sense, in the proceeding in which this appeal is taken, it, nevertheless, amounts substantially to that. If he is not the person that he is alleged by the prosecution to be, then he is not the murderer. If he is the person whom the prosecution claims him to be, then he is guilty of murder and must be hanged. The appellant's life is involved. He is entitled to the same defenses, to the same remedies, to the same rights in this proceeding that he would have if this appeal had been made in the cause wherein he was tried for murder. While the trial of identity separate and apart from the main cause is unusual, it is necessary in cases of this character. The issue involved is so vital and important that in its passage through the courts the rights of the accused should be guarded and protected with the same care which they would have received in the principal case.

We are of the opinion that the judgment of the Court of First Instance, identifying the defendant as Bernabe Santos, the convicted murderer, must be affirmed. It is fully and clearly sustained by the proofs.

The Hon. W. A. Kincaid, who was the judge presiding in the Court of First Instance during the trial of Bernabe Santos, was presented as a witness for the prosecution in this proceeding, and, after a careful examination and inspection of the appellant as he stood in court, testified that he was the identical person whom he had tried for the murder of Lorenzo Laopoco and sentenced to death upon his judgment of conviction.

Jose Crame, who was captain of police in the year 1901, and who was a witness for the prosecution against Bernabe Santos in his trial for the murder of Lorenzo Laopoco and who was the person who arrested him, testified

that he clearly and without difficulty recognized the appellant as the convicted murderer. He testified that he had had him in his custody for several months during the year 1901 and that he knew him and his appearance well.

Anastasio Carmona, another witness for the prosecution, testified that he was a companion of the appellant during his imprisonment in 1901 for a period of about two months and up to the time when Bernabe Santos effected his escape. He testified that he was sure that the appellant in this case is the Bernabe Santos who was in prison with him, under sentence of death, in the Parian police station in the city of Manila in 1901.

Jose Fernandez, a sergeant of police of Paco, city of Manila, in the year 1901, testified that he was the custodian of Bernabe Santos for about two months before his trial in the year 1901, and that after his conviction he conducted him to prison. He had no hesitation in testifying that he recognized the appellant as Bernabe Santos, convicted of the murder of Lorenzo Laopoco in the year 1901.

Several other witnesses testified to the same effect.

The evidence introduced by the accused in his behalf leaves the evidence of the prosecution substantially unmet. The testimony of the defense consisted very largely of expert testimony presented by Miguel Zaragoza and Rafael Enriquez, both professors in the College of Fine Arts of the Philippine University. Their testimony consisted of a comparison of the acknowledged genuine photograph of Bernabe Santos with the appellant in this case and the disclosure of distinctions and differences which indicated that the appellant was not Bernabe Santos. Giving that testimony all the weight to which it is entitled, we do not think that it is sufficient to raise a reasonable doubt against the strength of the testimony introduced by the prosecution.

There remaining in our minds no doubt whatever of the identity of this appellant with Bernabe Santos, the convicted murderer, we have no hesitation in affirming the judgment of the court below and of ordering the appellant remanded into the custody of the proper officials for the execution of the sentence enunciated upon the judgment of conviction entered in the Court of First Instance of the city of Manila in the year 1901. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and Carson, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.