

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MAGDALENA ESQUEJO, DEFENDANT AND APPELLANT.

G.R. No. 6404. February 27, 1911

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-6404/>

CARSON, J.:

The accused woman is charged with having opium in her possession contrary to the provisions of Act No. 1910.

Homer G. Smith, an internal-revenue agent, testified that on the morning of the 3d of February, 1910, he went upstairs into a house in the municipality of Binalonan, in the Province of Pangasinan, and seeing the accused standing there with something in her hand, ordered her to give it to him; that she attempted to conceal it about her person but that he caught her hand and took it from her; that on examination it proved to be a small bottle of opium ash; and that when he asked the accused what she was doing with it, she replied that it was medicine, which she had in her possession because she was sick.

The woman, testifying on her own behalf, admitted that the bottle and its contents were found in her possession; but she insisted that she did not know that the bottle contained opium. In explanation of the fact that she had the bottle in her hand at the moment when the internal-revenue agent entered the house, she stated that a man named Vijunco, the local practicante (medical practitioner, without title or special training) had been called in to prescribe for her mother who was very ill; that this man had handed her the bottle and told her to give it to her mother in the manner prescribed by him; that immediately after he had handed her the bottle and received the sum of P4 for his services he stepped to the window and spat on the ground outside, and then hurriedly left the house; that almost at the same time the revenue agent rushed into the house in response (as she believed) to the spit signal from Vijunco, and found the bottle in her hand which she had just received from Vijunco. She further testified that she made no attempt to conceal the bottle, other than the involuntary movement of resistance which she might have made when a strange man suddenly entered her house and attempted to take her property from her by force; and that she did not tell the revenue agent that the medicine was for herself but did say that it was for her mother who was ill at that time.

Her testimony was corroborated in every detail by the testimony of various members of her family, who were in the house at the time when the seizure of the opium was made; and it is not contradicted in any of its important details, except by the testimony of Vijunco. Called in rebuttal he swore that although it is true that he is a sort of amateur surgeon or practicante, he had not prescribed for the sick woman's mother, had not given the bottle in question to the accused, and had not been in the house where the opium was seized on the day of the seizure or at any other time before or since. We are satisfied that the testimony of this witness is wholly untrustworthy. His positive oath that he had never been in the house where the seizure was made is in direct conflict with the testimony of Smith, the principal witness for the prosecution, who, on cross-examination, testified that Vijunco had just come out of the house when he entered. We think it quite clear that the revenue agent and Vijunco acted in conjunction, Vijunco going into the house first and selling the opium and the agent rushing in and making the arrest as soon as the signal from his confederate informed him that the sale had been made and that the opium had

passed into the possession of the purchaser.

The apparent contradiction between the testimony of Smith and the witnesses for the accused as to the alleged attempt on the part of the accused to conceal the bottle, and as to the sick person for whose use the contents were intended, may readily be accounted for by the fact that the revenue agent might easily have fallen into error, as to these details, dealing, as he was, with a woman of a different race and habits from his own and the conversation having been conducted in Spanish, a tongue with which both he and the accused were but imperfectly acquainted.

That the accused bought the bottle of opium ash and had it in her possession is conclusively proven, but the evidence leaves us in doubt as to whether she did or did not know that the substance purchased by her contained opium. Her account of the incident is reasonable and wholly consistent with her entire innocence of any intent to buy the prohibited drug or to take it into her possession. On the other hand, it is not impossible that Vijunco (who it appears, was himself under charges at the time of the illicit sale of opium) knew that she and her family were users of the drug, laid a trap for her, and made the sale at a time and under such conditions that the revenue agent (with whom he was seeking to ingratiate himself), acting in conjunction with him, would be certain to find it in the possession of the purchaser. But giving the accused the benefit of the reasonable doubt, she should be acquitted. The judgment of conviction and the sentence imposed by the trial court should, therefore, be reversed with the costs of both instances de oficio, and the accused will be set at liberty forthwith if in detention, or if she is at large on bail, her bondsmen will be exonerated. It is so ordered.

Arellano, C. J., Mapa, Moreland, and Trent, 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.