

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PEDRO REYES, DEFENDANT AND APPELLANT.

G.R. No. 6411. March 02, 1911

Ponente: CARSON, J.

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CARSON, J.:

The complaining witness in this case testified that in the year 1899, about the time when the American troops entered the town of Santolan, he fled with his family to Antipolo; that soon thereafter he turned over the key of his storehouse in Santolan to the accused, who stayed behind, asking him to take care of a considerable quantity of rice which he had stored there; that the accused, who is his cousin, undertook to do so, but instead of rendering an account of his commission, appropriated to his own use some 450 cavans of the rice intrusted to his care, valued at P1,350, falsely pretending that the American troops had taken possession of the rice.

The trial judge was of opinion that the accused did in fact undertake the mission intrusted to him, as alleged by the complaining witness, but that the evidence disclosed that the American troops seized an unknown part, but not all of the rice of the complaining witness at the time they occupied the town of Santolan; that the accused carried away, to another place, the rice which the Americans left behind them in the storehouse; that at least 10 cavans of the rice thus saved and carried away by the accused had been sold by him for the sum of P25; and that he had failed to account to the complaining witness for this money.

On this finding the accused was convicted of the crime of estafa and sentenced to three months of *arresto mayor* with the accessory penalties prescribed by law.

The evidence of the prosecution, if it could be believed, undoubtedly sustains the judgment of conviction by the trial judge. But this evidence, especially as to the amount of rice deposited in the storehouse, the amount seized by the American troops, and the alleged carrying away of a part of this rice by the accused is strongly contradicted by the witnesses for the defense; and on a careful review of all the record we are unable to say that the evidence as a whole establishes the guilt of the defendant beyond a reasonable doubt.

Ordinarily, we would be disposed to accept the findings of fact of the trial judge in a case of this kind, recognizing as we do that in sifting the truth from a mass of conflicting testimony and in determining the relative degree of credibility of interested witnesses testifying in a bitterly contested cause, the trial judge who sees and hears the witnesses testify is in a better position than are we to make such findings of fact as truth and justice require. But in this case we are satisfied that it was impossible for the trial judge to ascertain, beyond a reasonable doubt, the truth of the findings on which he based his conclusion as to the guilt of the accused.

The incidents out of which this prosecution arose took place, in 1899, nearly ten years before the complaining witness filed his complaint. No satisfactory reason appears for the long delay on the part of the complaining witness in seeking redress for the alleged injury charged in his complaint. With manifest insincerity he pretends that he only discovered the facts in this regard a short time before the institution of the action; although if the facts alleged by him were true, it would seem that either he must have discovered them soon after they took place, or

not at all. His witnesses and his alleged informants were neighbors and dependents among whom he had lived for the greater part of the ten years during which he says he was kept in ignorance of the occurrences of which he now complains. These occurrences, if he tells the truth, must have been generally known in the community where he lived, and not only did he have an active interest in discovering the facts, but some at least of his informants and witnesses had every reason to tell him all they knew as to what had occurred, and it is not suggested that any of them had any reason for concealing the facts or had any desire to do so. Under all the circumstances we are satisfied that if his allegations had any foundation in truth, he must have been fully informed of the facts many years before he filed his complaint. This unexplained delay in instituting the prosecution would under ordinary circumstances be sufficient to cast a doubt on the truth and sincerity of his claim for redress, and raises a question as to his motive in proceeding against the defendant at this time. Under the exceptional conditions existing at the time when it is alleged the estafa complained of was committed, it would, in any event, have been extremely difficult to ascertain and judicially determine, beyond a reasonable doubt, the truth of disputed facts of the nature of those upon which the complaint in this action is based. After the lapse of ten years these difficulties are multiplied to such a degree that in the absence of evidence of the most unimpeachable character, a conviction can not and should not be sustained.

The trial judge was compelled to reject the greater part of the evidence introduced by the prosecution as unconvincing and unsatisfactory and rested his judgment of conviction upon the testimony of one of the witnesses that he purchased a few cavans of rice from the defendant at about the time when it is alleged the larger amount of rice in question was in his charge. But aside from the inherent weakness of this evidence, it is to be observed that there is nothing whatever in the record which justifies the conclusion that the rice thus sold by the defendant, if in fact it was sold as alleged, was a part of the rice which plaintiff alleges he intrusted to defendant's care.

The judgment convicting the defendant and imposing sentence upon him should be reversed and the defendant acquitted of the crime charged in the information, with the costs of both instances de oficio. If in detention, he will be set at liberty forthwith, and if at large, his bond will be canceled and his bondsmen exonerated.

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

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