

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. QUINTIN MONDEJAR, DEFENDANT AND APPELLANT.

G.R. No. 6481. March 21, 1911

Ponente: TRENT, J.

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TRENT, J.:

This is an appeal from a judgment of the Court of First Instance of Occidental Negros, Hon. Albert E. McCabe presiding, condemning the defendant, Quintin Mondejar, for the crime of robbery with wounds, to ten years and one day of presidio mayor, to indemnify the offended party, Chiong Uco, in the sum of P200, and to pay the costs.

On the afternoon of the 18th of June, 1910, while Chiong Uco, who was then a merchant and residing within the jurisdiction of the town of Cadiz, Province of Occidental Negros, was returning from the town of Sagay to Cadiz, he met, in an uninhabited place, the defendant and spoke to him in a friendly manner without stopping. Just after the defendant had passed the Chinaman, he, the defendant, suddenly, and without warning, attacked the Chinaman from behind with a bolo, inflicting upon his head a terrific wound, over five inches in length, extending over the back of the neck, around to and upon the right jaw. On receiving this blow the Chinaman turned around and said to the defendant: "Quintin, do not kill me; if it is money you want, I will give it to you." The defendant paid no attention to this request, but struck the Chinaman two other blows upon the head, knocking him down, where he remained for several minutes in an unconscious condition. When the Chinaman regained consciousness he found that the P200 which he had in his possession had disappeared. No one else was present nor saw this crime committed.

Apparently counsel for the defendant is of the opinion that under the doctrine laid down by this court in the cases of U.S. vs. Cabe (1 Phil. Rep., 265) and U. S. vs. Asiao (1 Phil. Rep., 304), the uncorroborated testimony of one witness as to the identity of an accused person is not sufficient upon which to base a conviction. In the first case above-cited the court said, at page 266:

"The fact that only one witness testified is not an obstacle to our becoming fully convinced as to the certainty of the occurrence and of the guilt of the defendants, because, in addition to the testimony of this witness we find grave and conclusive circumstantial evidence, based upon proven facts, such as the sequestration of the deceased and of the witnesses Daniel Gascon and Sotero Alquero * * *."

And in the second case the court enunciated this doctrine (reading from syllabus):

"The presumption of innocence will prevent the conviction of accused upon the uncorroborated identification of one witness whose statements are discredited by the circumstances or by contradictions."

In neither of these cases did the court say that the uncorroborated testimony of one credible witness is not sufficient upon which to base a conviction. The testimony of one witness is sufficient for this purpose, if such testimony convinces the court beyond a reasonable doubt that the accused committed the crime charged.

The offended party in the case at bar was well acquainted with the defendant. When he met him on that day he

spoke to him, calling him by name, and after receiving the first blow he again addressed him in a familiar manner, saying: "Quintin, do not kill me." The Chinaman went before the justice of the peace on that same afternoon and charged the defendant with this crime, The testimony of the injured party throughout the entire proceedings is direct and positive, clear and conclusive, free from contradictions, and establishes the guilt of the defendant beyond peradventure of a doubt.

The crime committed by the defendant is that defined and penalized under paragraph 4, article 503 of the Penal Code, in relation with article 502 and paragraph 4 of article 416 of the same code.

The judgment appealed from is, therefore, affirmed: Provided, however, That the penalty be and the same is hereby fixed at fourteen years and eight months' cadena temporal. Costs against the appellant. So ordered.

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

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