

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. VICENTE LUMAMPAO, DEFENDANT AND APPELLANT.

G.R. No. 6692. September 02, 1911

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Province of Iloilo, the Hon. J. S. Powell presiding, convicting the defendant of the crime of perjury and sentencing him to two years of imprisonment and to pay the costs of the action.

The prosecution of this case arises from the testimony given by the accused in the case of U. S. vs. Quebengco (18 Phil. Rep., 447), which was a prosecution for the seduction of a young lady by the defendant, brought about by a fictitious marriage ceremony between them performed by a brother of the defendant on the 27th day of October, 1909. In that action the accused in the present case testified as a witness that he was in company with the brother of Jose Quebengco, who performed the marriage ceremony proved in the seduction case, during the whole day of the 27th of October, the day on which the said marriage ceremony took place, and that the said brother of Jose Quebengco did not perform any such marriage ceremony on said day.

It having been ascertained that the testimony given by the accused as a witness in behalf of the defendant in the seduction case was false, the information in this case was presented against him and he was prosecuted thereunder.

The guilt of the defendant is proved overwhelmingly. He himself, testifying as witness in his own behalf, substantially admits the falsity of his previous testimony. Every essential element of perjury is present.

Counsel for the appellant alleges two errors. The first one is that the judge erred in denying the application of the accused that he be tried before another court by reason of an alleged prejudice against the defendant on the part of the trial court. The only ground presented by the defendant for the alleged prejudice is the fact that said court, on the trial of the seduction case against Quebengco, became satisfied that the accused in this case committed perjury and, therefore, ordered the fiscal to present an information against him if he could obtain sufficient evidence. This in no sense disqualified the judge. If a trial judge is convinced that a witness in any case before him is deliberately, willfully and corruptly swearing falsely on a material matter, it is not only his right but it is his duty to see that such witness is duly prosecuted. Men's lives and property are wholly insecure in a community where perjury is prevalent. If a court can not believe the witnesses who testify before him, then his judgment is but a guess and real justice is impossible. There is nothing more fatal to justice than a corrupt witness. The learned trial court performed his duty when he ordered the prosecution of the accused.

The second and last assignment of error is that the court erred in finding the accused guilty of the crime charged. As we have already said, the proofs demonstrate beyond a reasonable doubt that the accused is guilty of the crime of perjury and that the court would have been remiss in its duty in making any other finding.

The judgment appealed from is hereby affirmed, with costs against the appellant.

Torres, Mapa, Johnson, and Carson, JJ., concur.

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