

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LEONARDO BANDO, DEFENDANT AND APPELLANT.

G.R. No. 7337. August 16, 1912

Ponente: CARSON, J.

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CARSON, J.:

The discovery of opium and of various utensils used in smoking opium, upon the premises of the defendant and appellant in this case, was conclusively established by the evidence of record. Indeed, the accused did not deny the truth of the testimony of the witnesses to the effect that they discovered opium upon his premises. He declared, however, that he knew nothing whatever about this opium and had no knowledge as to the fact that it was on his premises, or as to how it had gotten there; and counsel, relying upon the case of the U. S. vs. Tan Tayco and Co Sencho (12 Phil. Rep., 739) insist that upon this showing the information should have been dismissed.

This contention of counsel can not be maintained. While it is true that in the case just cited we held that the discovery of opium in the house or upon the premises of an accused person is not conclusive evidence that such opium was in his possession and control, nevertheless it is under the law prima facie evidence to that effect, and is sufficient to sustain a conviction in the absence of a satisfactory explanation. In the case at bar, we think that, under all the circumstances, as disclosed by the record, the trial court properly declined to accept the statements of the accused in regard to this matter; and we are of opinion that there can be no reasonable doubt that he had full knowledge of the fact that this opium was on his premises at the time it was, discovered.

We find no error in the proceedings prejudicial to the rights of the accused, and the judgment of the lower court convicting him of the offense with which he is charged, and imposing upon him the penalty prescribed by law, should be and is hereby affirmed, with the costs of this instance against the appellant,

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

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