

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CASIMIRO DEL CAMPO AND JOSE DEL CAMPO, DEFENDANTS AND APPELLANTS.

G.R. No. 8306. November 03, 1913

Ponente: JOHNSON, J.

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JOHNSON, J.:

These defendants were charged with the crime of false accusation. They were arrested, and tried by the Court of First Instance of the Moro Province, district of Davao.

From the record it appears that on the 2d of July, 1912, the said Casimiro del Campo presented a complaint in the court of the justice of the peace of the municipality of Davao, district of Davao, Moro Province, against one Jerry N. Roscom, accusing him of the crime of attempted homicide. Upon said complaint the said Roscom was duly arrested. Upon arraignment, he plead not guilty. The justice of the peace conducted the preliminary examination, at the close of which he found that there was probable cause for believing that the said Jerry N. Roscom was guilty of the crime charged in said complaint and held him for trial in the Court of First Instance of said province.

On the 3d of September, 1912, the acting prosecuting attorney of the Moro Province, James R. Marlott, presented a complaint against the said Jerry N. Roscom, accusing him of attempted homicide. The cause was duly brought on for trial, at the close of which the Honorable Charles A. Low found that the evidence was insufficient to show that the defendant Roscom was guilty of the crime charged and dismissed the complaint against him and discharged him from the custody of the law, with costs de oficio. In the same sentence the judge directed the said prosecuting attorney to present a complaint against Casimiro del Campo and his son, Jose del Campo, charging them with the crime of false accusation. Later the said prosecuting attorney, James R. Marlott, presented a complaint against the said Casimiro del Campo and Jose del Campo, accusing them of the crime of false accusation. The defendants were duly arrested and tried. After hearing the evidence, the Honorable Charles A. Low found the defendants guilty of the crime charged in the complaint and sentenced each of them to be imprisoned for a period of two years four months and one day of prison correccional, and each to pay one-half the costs. From that sentence the defendants appealed to this court.

While the appellants in this court do not make any specific assignments of error in their brief, they present a very interesting argument and discussion of both the facts and the law applicable to the present case, and attempt to show that the record of the lower court does not justify the conclusions of fact nor the sentence imposed by the lower court. The Attorney-General, in a very short brief, submits the case to this Court "without argument or recommendation."

During the trial of the present cause in the lower court the entire record in the case of United States vs. Jerry N. Roscom was presented in evidence without objection. It will be remembered that the order of the judge directing that a complaint be presented against the present defendants for false accusation, was based upon the facts as they were developed in that cause. In view of the fact that the record in the case of the United States vs. Roscom was introduced in evidence during the trial of the present case, we have a right to examine that record for the purpose

of ascertaining the basis of the order of the lower court with respect to these defendants. During the trial of that cause but three witnesses were examined and they were all presented by the prosecution. They were Casimiro del Campo, Jose del Campo, and a woman called Balandia. Jose del Campo testified that in the month of June, 1912, he was going from La Union to Putaquiton, in a banca or "vinta de vela," in Davao Bay; that there was with him in the banca a woman called Balandia and one Rafael; that when he was passing a point called Mantuka he saw the said Jerry N. Roscom riding a horse along the beach; that the said Roscom whistled for him, swinging a handkerchief in the air, indicating that he (Roscom) desired him to come ashore; that he did go near the shore; that the said Roscom immediately commenced to abuse him by using abusive and insulting language, as well as to abuse his father, Casimiro; that he then started to sail away from the beach and that the defendant Roscom immediately fired four shots with his revolver at him and his companions; that later he reported what had occurred to his father, Casimiro del Campo. These declarations of Jose del Campo are substantially and in many details supported by the declarations of the witness Balandia.

Casimiro del Campo, the father of Jose del Campo, declared as a witness and said that while he knew nothing of what actually occurred, as related by his son, Jose del Campo, he believed that what his son had told him in relation to what had actually taken place, was true, and that he filed the complaint before the justice of the peace, basing the same upon the information which he had received from his son.

The defendant presented no proof whatever. In view of the fact that the testimony of the witnesses for the prosecution was riot even contradicted, it is difficult to understand upon what theory the defendant was absolved. It must have been upon the theory that the witnesses for the prosecution, in the opinion of the judge, failed to state the truth.

During the trial of the present cause (U. S. vs. Casimiro del Campo et al.) a number of witnesses were sworn both for the prosecution and for the defense. The prosecution attempted to show by the declarations of Jerry N. Roscom and others, that he had not fired four shots at Jose del Campo at the time and place mentioned in the complaint against him, as was shown in the trial of the cause against him. (U. S. vs. Roscom.) The prosecution also presented some other witnesses who claimed that they were on the beach at the time and place where Jerry N. Roscom called or whistled or waved his handkerchief to Jose del Campo and his companions, and tried to induce the latter to come ashore, in the month of June. They say that Jerry N. Roscom fired no shots at Jose del Campo and his companions. Jose del Campo and Balandia again declared as witnesses and stated positively, giving the circumstances, that at the time Jerry N. Roscom fired the four shots at them there were no other persons on the beach with him.

In addition to this fact the defense tried to show that the said Jerry N. Roscom was living with Flora, the daughter of Casimiro del Campo and sister of Jose del Campo, as his "querida," and that that fact had caused difficulty between the said Roscom and the Del Campp family. Casimiro testified that he had presented the complaint before the justice of the peace upon information given him by his son and after he had consulted with the governor of the province (p. 64). He declared that he had presented the complaint in good faith and without any malice whatever, believing that his son had told him the exact truth.

Under the foregoing facts, were the defendants guilty of the crime of false accusation? In the first place it is not shown by the record nor by the declarations of any of the witnesses that the defendant Jose del Campo presented any charge, false or otherwise, to "any executive or judicial officer, whose duty it is to investigate or punish." That fact would seem to be sufficient to dispose of the present case as to him. As to the defendant, Casimiro del Campo, he frankly admitted that he presented the complaint before the justice of the peace, relying wholly upon the statements made to him by his son and the advice given to him by the governor of the province. Accepting the conclusions of the lower court in the case of United States vs. Roscom, we must conclude that the facts adduced

during the trial of that cause were not sufficient to show that Jerry N. Roscom was guilty of the crime charged in the complaint presented by the acting fiscal in the Court of First Instance of the District of Davao. Even though the evidence was not sufficient to show that Roscom had committed the crime charged against him, is that fact sufficient to justify a conviction of Casimiro del Campo of the crime of false accusation? Article 326 of the Penal Code provides that the crime of false accusation or complaint is committed by any person who falsely charges another with acts which, if committed, would constitute an offense upon which a prosecution might be instituted by the Government on its own motion, if such charges be made to any executive or judicial officer, whose duty it is to investigate or punish such felony. We believe that in addition to the fact that the accusation is false, it must appear that the accuser knew that it was false at the time the same was presented. It is not sufficient to sustain a complaint of false accusation to show simply that the proof was not sufficient to convict the accused. That rule would subject every complainant to the possibility of a complaint for false accusation. We believe that it must be shown that the accuser "falsely charged" another with an offense upon which a prosecution might be instituted. That is to say, that the accuser knew or had good reason to believe that the accusation at the time it was presented contained false charges. Many complaints are presented charging another with an offense, etc., and finally, after trial, it is shown to the satisfaction of the courts, that all of the charges in the complaint were in fact false, as they were applied to the particular defendant. That fact, however, is not sufficient of itself to condemn the accuser. In our opinion it must be shown that the accuser knew that such accusations were false or had good reason to believe that they were false, at the time they were made. It not being made to appear, beyond a reasonable doubt, that the defendants knew that the accusation or complaint which they had presented was false, we are of the opinion that the sentence of the lower court should be, and it is hereby reversed, with costs de officio.

Arellano, C. J., Torres, Carson, and Trent, JJ., concur.

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