

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PIO MERCADO, TOMAS MERCADO, AND CATALINO MERCADO, DEFENDANTS AND APPELLANTS.

G.R. No. 8332. November 13, 1913

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-8332/>

JOHNSON, J.:

These defendants were charged with the crime of coaccion in the Court of First Instance of the Province of Bulacan. On the 13th of March, 1912, one Claro Mercado presented a complaint against the defendants in the court of the justice of the peace of Baliuag. The justice of the peace conducted a preliminary examination and found that there was probable cause for believing that the defendants were guilty of the crime charged and held them for trial in the Court of First Instance. On the 21st of March, 1912, the prosecuting attorney of said province presented the complaint, which alleged:

"That the said accused on December 22, 1911, in the municipality of Baliuag, Province of Bulacan, P. I., did willfully and criminally, without legitimate authority therefor, and by means of violence or force employed upon the person of Claro Mercado, prevent the latter from rendering aid to Maria R. Mateo in order that Santiago Mercado might at his pleasure maltreat the said Maria R. Mateo, in violation of law."

After hearing the evidence adduced during the trial of the cause, the Honorable Alberto Barretto, judge, found the defendants guilty of the crime charged in the complaint, without any aggravating or extenuating circumstances, and sentenced each of them to be imprisoned for a period of two months and one day of *arresto mayor*, with the accessory penalties of the law, to pay a fine of 325 pesetas and in case of insolvency to suffer subsidiary imprisonment, allowing to the defendants one-half of the time they had already suffered in prison, and each to pay one-third part of the costs. From that sentence each of the defendants appealed to this court and made the following assignments of error:

"I. The trial court erred in overruling the objection of the accused to the private prosecutor's question referring to the character of the witness.

"II. The trial court erred in reaching the conclusion that the crime prosecuted was committed and that the accused are responsible therefor.

"III. The trial court erred in sentencing the accused.

"IV. The trial court erred in not having the accused testify in their own behalf, as they offered to do, allowing them to testify in the same way as he did the sole witness for the defense."

With reference to the first assignment of error, we find by referring to page 75 of the record, that Mr. Ricardo Gonzalez Lloret, attorney for the private prosecutor, asked the witness for the defense, the said Santiago Mercado, who is mentioned in the complaint presented in said cause, the following question;

"How many times have you been convicted of assault upon other persons?"

To this question, the defendant Tomas Mercado objected on the ground that the question was impertinent. Mr. Lloret explained the purpose of his question by saying:

"I wish to demonstrate that he has a pugnacious disposition. I have had occasion to defend him in various causes for assault"

Upon the question and the objection Judge Barretto ruled that "the character of the witness has an intimate relation or may have a strong relation with the facts being investigated in the present cause. The objection is overruled."

To that ruling of the court the defendant duly excepted. Said exception is assigned here as the first assignment of error. The only argument which the appellant presents in support of his assignment of error is that the question had no relation to the question which was being discussed by the court and did not tend to show that the defendants were either guilty or not guilty of the crime charged; that questions tending to disclose the character of a witness are immaterial. In reply to the argument of the appellant, the Attorney-General contends that the question was a proper question, because, it tended to impugn the credibility of the witness and that such questions were for that purpose material and pertinent. It will be remembered that the complaint charged that on the occasion when the alleged crime was committed Santiago Mercado was attempting to and did assault and illtreat one Maria R. Mateo. In answer to said question, the witness admitted that complaint had been presented against him for the offense of assault and battery.

The prosecution, in order to show the circumstances under which the crime charged here was actually committed, showed that this witness, Santiago Mercado, had assaulted and illtreated Maria R. Mateo, under the circumstances described in the complaint. That was an important fact. If the said assault did not actually take place, then the theory of the prosecution must fail. If there was no assault or attempted assault, there was no occasion for the alleged interference on the part of the said Claro Mercado to prevent it, and the probability of the guilt of the defendants is greatly lessened. If the witness who had committed the alleged assault, had assaulted other persons and had been prosecuted therefor, may that fact be considered by the court in weighing the proof and in testing the credibility of the witness? It was an important fact to prove that Santiago Mercado, at the time and place mentioned in the complaint, had assaulted or attempted to assault or illtreat Maria R. Mateo, in order to show that there was occasion for the interference of Claro Mercado.

Generally speaking, a witness cannot be impeached by the party against whom he has been called, except by showing (a) that he has made contradictory statements; or (b) by showing that his general reputation for truth, honesty, or integrity is bad. (Sec. 342, Act No. 190.) The question to which the defendant objected neither attempted to show that the witness had made contradictory statements nor that his general reputation for truth, honesty, or integrity was bad. While you cannot impeach the credibility of a witness, except by showing that he has made contradictory statements or that his general reputation for truth, honesty, or integrity is bad, yet, nevertheless, you may show by an examination of the witness himself or from the record of the judgment, that he has been convicted of a high crime. (Sec. 342, Act No. 190.) In the present case, the other offense to which the question above related was not a high crime, as that term is generally used, and we assume that the phrase "high crime," as used in section 342, is used in its ordinary signification. High crimes are generally defined as such immoral and unlawful acts as are nearly allied and equal in guilt to felonies. We believe that the objection to the above question was properly interposed and should have been sustained. The question now arises, did the admission of the question prejudice the rights of the defendants? If there was proof enough adduced during the trial of the cause, excluding the particular proof brought out by this question to show that the defendants are guilty of the crime, then the question and answer and the ruling of the court upon the same did not affect prejudicially the interests of the defendants. Errors committed by the trial court, which are not prejudicial to the rights of the

parties, should be disregarded by the court. In our opinion the evidence clearly shows that the witness committed the assault to which reference is made in the complaint in the present cause. Whether he had committed other assaults or not was a matter of no importance in the present action. The admission or rejection, therefore, of the proof to which such question related could in no way prejudice the rights of the defendants.

The second and third assignments of error relate to the sufficiency of the proof adduced during the trial of the cause to show that the defendants were guilty of the crime charged. A question of fact only is raised by these assignments of error. After a careful examination of the proof, we are convinced that the same shows, beyond a reasonable doubt, that the defendants are each guilty in the manner and form charged in the complaint. We find no reason for modifying the conclusions of fact reached by the lower court.

With reference to the fourth assignment of error, an examination of the record shows that but one witness was examined for the defense: that was the said Santiago Mercado. At the close of the examination of said witness, we find the following statement by the accused:

"The accused state that should they testify they would testify in the same way as the witness Santiago R. Mercado, with whose testimony they close their evidence.

"Both parties close their evidence."

Even admitting that the accused, had they testified, would have made the same declarations as those made by the only witness, Santiago Mercado, we are of the opinion that such declarations would not have been sufficient, inasmuch as they would have added nothing to the record, except an accumulation of proof, to have shown that the defendants were not guilty of the crime charged. We find no reason in the fourth assignment of error for modifying the conclusions of the lower court.

After a careful examination of the record, we are persuaded that the same shows, beyond a reasonable doubt, that the defendants were guilty of the crime charged and that the sentence of the lower court should be affirmed, with costs. So ordered.

Arellano, C. J., Torres and Carson, JJ., concur.
Moreland, J., dissents.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.