

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PABLO PIZARRO, DEFENDANT AND APPELLANT.

G.R. No. 9019. December 11, 1913

Ponente: CARSON, J.

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CARSON, J.:

The appellant Pablo Pizarro was found guilty of "subornation of perjury" as defined and penalized in section 4 of Act No. 1697 and sentenced to six months' imprisonment in the provincial jail of Bataan, to pay a fine of P200, to suffer subsidiary imprisonment in case of insolvency as provided by law, and to pay the costs of the proceedings.

The evidence adduced at the trial of the case establishes that the appellant was a justice of the peace of the municipality of Pilar, Province of Bataan, and that certain charges had been formulated against him, among others that he made it a practice to gamble at cards and to permit others to do so in violation of his official duties. The charges formulated against the defendant were referred to the judge of the Court of First Instance of his province for investigation.

Some time before the investigation was held, a man named Gervasio Liamson had signed an affidavit in which he charged the defendant with having been present at his house on a certain occasion when he participated in a gambling game there in progress. Having been called as a witness to testify before the court in the investigation proceedings, and having been duly sworn for that purpose, this man Liamson denied having made the affidavit in question, denied having attached his signature thereto, and denied all knowledge of its contents. The basis of the charge herein presented against the appellant Pablo Pizarro is that he suborned Gervasio Liamson falsely to deny, under oath, that he had made the affidavit in question.

The evidence of record fully supports the charge. It appears that under instructions from the Honorable Vicente Jocson, the judge who held the original investigation, the provincial fiscal filed an information in which he charged Gervasio Liamson with the crime of perjury, in that he had falsely stated under oath in the investigation proceedings against Pablo Pizarro, justice of the peace, that he had not signed the affidavit in question; it appears further, that upon the trial of Liamson upon this charge of perjury before the Honorable John P. Weissenhagen, acting judge of the Sixth Judicial District, Liamson pleaded guilty to the charge, was convicted and sentenced accordingly.

Upon the trial of the case at bar Liamson was not permitted to testify, being incapacitated as a witness by reason of the fact that he had been convicted of the crime of perjury. (Sec. 3 of Act No. 1697.) But his wife, having been called for the prosecution, testified that Pablo Pizarro came to her husband's house subsequent to the time of the making of the affidavit and prior to the hearing in the investigation proceedings, and urged Liamson to retract the statements made in the affidavit. The appellant admitted that he had gone to Liamson and that he had endeavored to induce him to retract the statements made in the affidavit, claiming, however, that the statements contained in the affidavit were false. The appellant's claim that the statements contained in the affidavit were false and that he merely sought to induce Liamson to retract the false statements in the affidavit cannot be accepted in the face of

the other evidence of record; and we are satisfied, beyond any reasonable doubt, that the accused persuaded and induced Liamson to appear at the investigation and falsely to deny under oath the execution of the affidavit to which his signature was attached.

We find no error in the proceedings prejudicial to the rights of the accused. The judgment of the trial court convicting and sentencing the defendant and appellant should therefore be affirmed, with the costs of this instance against the appellant. So ordered.

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

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