

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CHIEN SUEY, DEFENDANT AND, APPELLANT.

G.R. No. 9916. October 30, 1914

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal from a judgment of the Court of First Instance of the Department of Mindanao and Sulu convicting the accused of a violation of section 31 of the Opium Law and sentencing him to pay a fine of P1,000, with subsidiary imprisonment in case of insolvency, and to pay the costs of the trial.

The information alleges: "On or about the 17th day of October, 1913, in the municipality of Jolo, district of Sulu, Department of Mindanao and Sulu, P. I., the aforesaid accused Chinaman, Chien Suey, did then and there willfully, knowingly, criminally, and illegally have in his possession and under his control 10 cans of opium, without being duly authorized to have the same in his possession."

The opium alleged to have been found in the possession of the defendant was not produced in court and no one testified to the fact that it was opium except an ignorant Moro woman, who apparently knew nothing about opium.

It further appears in the case that the witnesses for the prosecution were enemies of the accused, and that fact, taken in connection with the further fact that their testimony is not altogether reasonable and, in part, contradictory, makes it impossible for us to concur in the finding of the learned trial court that the accused was proved guilty beyond a reasonable doubt.

It not having been shown beyond a reasonable question that the substance alleged to be opium was such, and the only other evidence tending to incriminate the accused being given by persons who entertained strong feelings against him and whose testimony was, to say the least, in part unreasonable, we are constrained to reverse the judgment and to acquit the accused.

The judgment of conviction is reversed and the accused acquitted. Costs de officio.

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

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