

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. A. A. ADDISON,
DEFENDANT AND APPELLANT.***G.R. No. 9951. December 03, 1914*

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9951/>**TRENT, J.:**

The defendant A. A. Addison, having been condemned to pay a fine of P100, to indemnify the injured party in the sum of P500, with subsidiary imprisonment in case of insolvency, and to the payment of the costs of the cause, for a violation of the provisions of section 106 of General Orders No. 58, appealed to this court.

On the 23d of December, 1912, the appellant subscribed and swore to an affidavit wherein he stated that on or about the 20th of that month at 8.30 a. m. he saw various bottles containing compounds of opium in an aparador situated in the upstairs sala of the house of John McStay in Lucena, Tayabas. On the same day the Court of First Instance issued a search warrant, based upon that affidavit, directing the sheriff to search the house of McStay and seize the opium. In compliance with this warrant the sheriff proceeded immediately to search the house, but found nothing of a contraband nature, and so reported to the court. Subsequent thereto, and on the 3d day of January, 1913, John McStay filed a sworn complaint (*denuncia*), charging the appellant with the "crime of malicious prosecution" and alleging that the appellant did, on the 23d day of December, 1912, willfully and maliciously, with the sole intent and purpose of gratifying his personal resentment against the complainant, procure and obtain, without any probable cause whatever, a search warrant "of the person, residence, and place of business of the undersigned, by signing and swearing before the Honorable Herbert D. Gale, judge of the Court of First Instance, certain malicious, false, and defamatory statements, known to be false and defamatory by said accused." On the 11th of April, 1913, the provincial fiscal filed a formal complaint against the appellant charging him with the same crime and setting forth the same allegations as in the complainant's *denuncia*. After trial, the judgment above stated was duly entered.

For the purpose of showing that the search warrant was procured "maliciously and without probable cause," the prosecution presented seven witnesses, who testified substantially as follows:

Juan Merchan, clerk of the court, and Agapito Villa senior, sheriff, testified only in reference to the filing of the affidavit upon which the search warrant was based, the issuing of the warrant, and the search of the complainant's premises.

John McStay, the complainant, testified that for some time prior to the 23d of December, 1912, he was running a hotel and canteen in Lucena, Tayabas; that the appellant lived in his hotel from the 28th of September until the 23d of December; that on the 23d of December the appellant left his hotel on account of certain disturbances which occurred therein on the previous night and that these disturbances were caused by three or four guests, and disturbed the appellant's sleep; that on the following day the appellant had a quarrel with one of these guests; that at the time he left he was angry and stated that he desired to leave the hotel and would arrange his account on the following day; that when he (the witness) bought the hotel he also bought the beds and the aparadores; and that he

and the appellant were friends, never having had any trouble. As to the damages suffered by the complainant on account of the search of his premises, he stated that some persons did not know whether he was guilty or not, and, therefore, stayed away from his hotel during those days, resulting in damaging him in the sum of P500.

James R. Gittings testified that he was one of the persons who were making the noise in the hotel on the night of the 22d, while the appellant was sleeping upstairs; that the appellant called their attention to these disturbances and asked them to stop so that he could sleep; and that on the following day he and the appellant had a quarrel.

Thomas Hoey, an internal-revenue agent, testified that he accompanied the sheriff at the time the complainant's hotel was searched; and that he induced the appellant to present the affidavit upon which the search warrant was based, after the appellant had stated to him that opium could be found in McStay's possession.

Guy B. Shiller, principal of the Lucena High School, testified that he had a conversation with the appellant and Hoey at the government building, and that he heard Hoey ask the appellant if the latter would make an affidavit for the purpose of securing the search warrant, and the appellant answered that he would.

Jose Nieva, an employee in the Bureau of Agriculture, stated that he was acquainted with Benigna Robles, a witness for the defendant; that on the 24th of December he returned to Lucena from Manila, and that when the train stopped at Calamba about 10 a. m., he saw Benigna Robles in the train.

The defense presented four witnesses; Joseph Roseblatt, Charles R. Duffin, Benigna Robles, and the appellant.

Roseblatt testified that he lived in Lucena up until some time in the month of August, 1912; that at that time a Mr. Salmon owned the canteen and hotel which was searched by the sheriff; that he was in an automobile accident when one of the passengers had his arm dislocated and, upon returning to Lucena after the accident, they went to the drug store to get some opium liniment; that the pharmacist refused to sell them this medicine without a doctor's prescription; that the following day he went to the canteen, which was located in the hotel, and was then informed by a Mr. Henson that the canteen had some 25 bottles of various kinds of medicines; that these bottles were shown him in an aparador; and that on taking hold of one of the bottles he discovered that it contained an opium mixture.

Duffin, who was a mechanical engineer at that time, stated that he knew the canteen owner, at the time the search warrant was issued, to be McStay; that when he first knew the hotel it was owned by one Henson; that at the time he left Lucena McStay was negotiating for the purchase of that hotel; that he saw in this hotel on various occasions opium in an aparador; and that this aparador was upstairs.

Benigna Robles testified that she was a dancing girl in McStay's saloon in December, 1912; that two days before Christmas she saw Hoey and McStay talking together in the hotel and heard Hoey use the word "Addison;" that after Hoey and McStay terminated their conversation, Henson entered the room upstairs and took out of the aparador some bottles and put them in his pocket; and that that same afternoon the search was made.

Section 106 of General Orders No. 58 reads: "Any person who shall procure a search warrant maliciously and without probable cause, and any officer who shall unlawfully exceed his authority or use unnecessary severity in executing the same, shall be punished by imprisonment for not more than one year or by a fine of not exceeding one thousand pesos, or by both such fine and imprisonment."

This section requires that both malice and absence of probable cause must exist concurrently in order to justify a conviction. If the appellant's act in making the affidavit was malicious and unfounded, but there was probable cause for such act, he must be acquitted. "In a legal sense" says Greenleaf (vol. 2, sec. 453, 16th. Ed.), "any unlawful act done willfully and purposely to the injury of another; is, as against that person, malicious." Malice

cannot be inferred from the fact that no opium was found in the house of the complainant by the sheriff.

"Probable cause may be defined as such reasons, supported by facts and circumstances, as will warrant a cautious man in the belief that his action, and the means taken in prosecuting it, are legally just and proper."
(Burton vs. St. Paul, M. & M. Ry. Co., 33 Minn., 189.)

Addison lived in McStay's hotel from September 28 to December 23, when he left on account of certain disturbances in the hotel on the night of the 22d.' McStay took no part in these disturbances. He and Addison were, according to his own testimony, friends. But it is said that the fact that Addison in effect charged McStay with the commission of a serious crime is inconsistent with the latter's testimony to the effect that they were friends. McStay said that they were friends, and he is the person who claims to have been injured. Again, Addison was induced by the internal-revenue agent to make the affidavit. In so doing he was carrying out his obligation as an "informer," and as such informer he had reasonable cause to believe that he would be rewarded therefor in accordance with certain provisions of the Opium Law.

Rosemblatt testified that he saw opium in the aparador before McStay bought the hotel. Duffin testified to the same effect and, also, that at the time he saw the opium McStay was negotiating for the purchase of the hotel. Benigna Robles said that she saw opium in the hotel two days before Christmas. She also testified in effect that McStay was notified of the issuance of a search warrant and caused the opium to be removed. The prosecution attempted to show that this witness was not in Lucena on the 23d of December, and for this purpose presented Jose Nieva, who testified that on his return to Lucena on the 24th he saw Benigna in the train at Calamba. It does not appear that Benigna could not have come to Manila on the afternoon or night of the 23d, or even on the morning of the 24th. We must, therefore, conclude that there was an absence of malice on the part of the defendant in making the affidavit and that there existed probable cause for making the affidavit.

For the foregoing reasons the judgment appealed from is reversed and the defendant acquitted, with costs de officio.

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

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.