

3 Phil. 612

[ G.R. No. 1564. April 05, 1904 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. PEDRO DE LA PATA ET AL., DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**COOPER, J.:**

The defendants, Pedro de la Pata, Leocadio Reyes, and Melquiades Santiago, are charged with the crime of robbery, committed as follows:

The defendants, while employed as servants in the dwelling house of one Iluminado Cosio, unlawfully and feloniously opened a wooden chest which was locked and contained valuable papers, jewelry, and other documents, with the intent of gain, without the consent of the owner, and took the following personal property belonging to Iluminado Cosio, to wit, \$400, United States currency, in bills of \$20 and \$10; 400 pesos, Mexican currency, in bills of \$50 and \$25; two gold diamond rings, one of the value of 550 pesos, Mexican currency, and the other of the value of 250 pesos, Mexican currency.

The defendant Melquiades Santiago was not arrested.

The defendants Pedro de la Pata and Leocadio Reyes were found guilty by the Court of First Instance and sentenced to imprisonment at hard labor for the period of three years.

The case has been appealed to this court and the question submitted for determination is, Was the proof sufficient to connect the defendants with the commission of the crime?

The proof shows that the defendant Pedro de la Pata was the cochero,

Leocadio Reyes was the cook, and Melquiades Santiago was the servant of Iluminado Cosio; that on the 29th day of April, 1902, Iluminado Cosio, upon awakening in the morning, found that these servants had left his service and he discovered that the lock of the chest containing the articles referred to had been broken open and the articles taken from it.

A few days after the occurrence the defendant Pedro de la Pata returned to his master and was taken back into his service. The only excuse he gave for his sudden departure was that he was invited by the other defendants to leave with them. The defendant Leocadio Reyes was arrested about five months after the occurrence and gave no excuse for his sudden departure. Up to the date of the trial Melquiades Santiago had not been apprehended and arrested.

It was shown that Melquiades Santiago slept in the room of his master and had an opportunity perhaps superior to that of the other servants, who slept below, to commit the robbery and it is most probable that the offense was committed by him. The circumstance of their all leaving was very suspicious, but this circumstance alone we think is hardly sufficient to fix upon the defendants the commission of the crime.

It may be possible that the defendants Pedro de la Pata and Leocadio Reyes had a knowledge of the taking of the property and may have participated in its division, but the doubt arises as to whether they were accessories after the fact or were engaged in the commission of the offense as principals. There is a reasonable doubt in the case as to the guilt of the defendants, which will require their acquittal.

The judgment of the lower court is reversed and the defendants are acquitted of the charge, with the costs *de oficio*.

*Arellano, C. J., Torres, Mapa, McDonough, and Johnson, JJ., concur.*

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