

3 Phil. 3

[G. R. No. 1374. December 03, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLANT, VS. CRISTINO REYES,
DEFENDANT AND APPELLEE.**

D E C I S I O N

JOHNSON, J.:

The defendant was charged in the Court of First Instance of the city of Manila with the crime of larceny, as follows:

“Before me, the undersigned officer of the court, personally appeared the complainant, who, under oath, made a statement to which he affixed his signature, that he had reasonable grounds to believe that Cristino Reyes, in the southern district of the Pasig River, on or about the 29th day of September, 1902, in the city of Manila, illegally took, stole, and carried away with him a check for \$500, money of the United States, and specie in the sum of \$110, money of the United States, amounting altogether to \$610, money of the United States, the said check and specie being the property of Bud Wing, without the consent of the latter and with the intention of illegally depriving Bud Wing, its owner, of the value of the said property and of appropriating the same for his own and exclusive use.”

The defendant was brought to trial on the 28th day of October, 1902, and was dismissed for insufficient proof on the same day. The prosecuting attorney appealed to this court. Because the defendant has been unable to give bail, he has been imprisoned since that date.

The defendant was a servant of one S. B. Kurtz, who was secretary of the Young Men’s Christian Association of Manila, and had been such servant for several months prior to the time of the alleged commission of the said offense. The association mentioned occupied a house at No. 205 Calle Real, Intramuros, Manila. The defendant was a servant in this house, which was a sort of lodging house, containing several rooms, with numerous beds.

On the night of the 28th of September, 1902, one Bud Wing went to this house at about 11 o'clock at night for the purpose of sleeping there. On retiring for the night, he placed the money and check referred to in his bed. His brother, a small boy of 9 years, more or less, slept in the same room during the same night. The next morning, at about 8 o'clock, he and his small brother arose and left the house. On the same morning, at about 9 o'clock, he discovered that he had forgotten his money and check. He then returned to the house and examined the bed in which he had placed the property, but it could not then be found. The loss was reported to the secretary, Mr. Kurtz. There were two other servants in the said house. All of the servants were called together and closely questioned concerning what they knew of the alleged loss. They each denied having any knowledge or information concerning the same. The servants were ordered to search the rooms and to see if the money and check could be found. Later in the day the property in question was found on the floor in the room of the servants, where also the dirty linen was kept from time to time.

The room in which the said Bud Wing slept on the night in question was connected with a hall and another large room by means of doors. Other persons occupied the large room.

On the morning when the property in question was alleged to have been taken, all the servants were in and about the house. It was the duty of the accused to clean this room in which Bud Wing slept. The evidence is not clear whether or not the linen on the bed in this room had been changed on the morning of the 29th of September. Neither does the evidence show that the said property was hid away in the room where the dirty linen was kept. It is possible that the property in question was removed at the same time with the dirty linen, and in that manner found its way into the room with the linen.

The learned judge of the court below found that the evidence adduced on the trial was not sufficient to convince him beyond a reasonable doubt that the defendant was guilty of the crime charged.

There was no direct proof adduced against the accused. The evidence was wholly circumstantial. It is true that the commission of crime may be proven by circumstantial evidence. In such cases, however, the circumstances must be just as convincing as when the proof is direct and positive. The circumstances must be such as to lead the mind of the judge irresistibly to but one conclusion, namely, the guilt of the person charged. So long as the acts of the accused and the circumstances can be explained upon any other reasonable hypothesis inconsistent with his guilt, he must be acquitted. If the judge, after hearing the proof, is not convinced beyond a reasonable doubt that the accused is guilty,

he must dismiss him.

A reasonable doubt in criminal cases must be resolved in favor of the accused. A reasonable doubt has been variously denned. It is most difficult to define. It has been said that a reasonable doubt was the doubt of a reasonable man under all the circumstances of the case. ' This statement is too general and includes too much. Neither does the rule that the judge (or jury) must be convinced beyond a reasonable doubt mean that he must be convinced to an absolute certainty. This construction would preclude a conviction based upon circumstantial evidence. Proof "beyond a reasonable doubt" does not mean, upon the other hand, proof beyond all "possible or imaginary" doubt. It means simply such proof, to the satisfaction of the court, keeping in mind the presumption of innocence, as precludes every reasonable hypothesis except that which it is given to support. It is not sufficient for the proof to establish a probability, even though strong, that the fact charged is more likely to be true than the contrary. It must establish the truth of the fact to a reasonable and moral certainty a certainty that convinces and satisfies the reason and conscience of those who are to act upon it.

The judgment of the court below is affirmed.

Arellano, C. J., Torres, Cooper, Willard, Mapa, and McDonough, JJ., concur.