

1 Phil. 239

[G.R. No. 113. April 24, 1902]

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

D E C I S I O N

ARELLANO, C.J.:

According to the complaint the Moro Samarin, one day in June, 1900, at a place called Sigamay, in the town of Iligan, Province of Isabela, Island of Luzon, gave Juan Castro a cut with a bolo in the right side, in consequence of which the latter died. The complaint charges the accused with having subsequently possessed himself of 20 pesos and some pieces of cloth which the deceased was carrying.

The defendant pleaded not guilty, and at the trial stated that the person who killed Juan Catstro was Domingo Sipagan, and that the four pieces of cloth which were shown him had been found in his possession and were part of those which Castro was carrying, but that they had been given him by Sipagan as a present.

The only witness who charges him with the crime of homicide and the robbery Of the cloth is Domingo Sipagan himself, who says that he started, in company with Juan Castro, to go to a Callingas fiesta; that the accused, the Moro Samarin, sprang upon them in the road and gave Castro a cut, inflicting upon him a wound running from the base of the neck down to the breast on the right side; that the accused then seized several pieces of cloth—the same pieces which were shown him at the trial—and that then he, Sipagan, fearing that he might also be killed, ran away; that he does not know who picked up the body, and can not say whether the deceased had any money.

Domingo Ibarra says that he accompanied the local president of Ilagan to look for the body at the place indicated by the last witness, but that they could not find the body nor did they see anything there to attract their attention. They concluded that the body had been carried

away by some crocodile or that it had been borne off by the current, as the place was on the bank of a river. Juan Castro is unknown and his relatives are unknown. It only appears that he was seen passing through the village of Catalañganes.

The *corpus delicti* has not been proven after an exhaustive investigation. The judgment of conviction by the court below is clearly erroneous.

We therefore acquit Samarin, with the costs of both instances *de oficio*.

Torres, Cooper, Willard, Mapa, and Ladd, JJ., concur.
