

2 Phil. 148

[ G.R. No. 1138. April 20, 1903 ]

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

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

**COOPER, J.:**

The defendants, Damian de la Cruz, Francisco Baltimosada, Alvaro Mendoza, and Francisco Rafael, were charged in the Court of First Instance of the Province of Nueva Ecija with the crime of robbery en cuadrilla. Damian de la Cruz and Alvaro Mendoza were acquitted, and Francisco Rafael and Francisco Baltimosada were convicted and sentenced to the punishment of two years of *presidio correccional* with accessories. The two last-named defendants appeal from the judgment.

On the preliminary examination these defendants confessed to having committed various robberies in the barrio of Tambo and other adjacent barrios, including one on the road to Aliaga, which seems to be the robbery upon which the complaint is founded. They also confessed to being members of a band of robbers going about committing robberies and other depredations.

When the trial of the case came on in the Court of First Instance, they plead not guilty and each of them denied having any knowledge whatever of the robberies to which they confessed.

They state, as a reason for having made the confessions in the preliminary investigation, that they were made through fear of ill treatment on the part of the police who had captured them.

Francisco Rafael stated that he had been illtreated by the lieutenant in whose charge he was, and that he was threatened by the lieutenant at the time he testified that he would

again be illtreated in the same manner if he did not again confess before the justice of the peace.

Francisco Baltimosada also denied in his testimony in the Court of First Instance that he had anything to do with the robberies committed and to which he had confessed, and further stated that he had been terrorized into making the confessions before the justice of the peace by threats made by the lieutenant, who had extorted a confession from him through ill treatment, and that he believed that by making the confessions he would be released from further prosecution.

The lieutenant by whom the defendants claim to have been ill treated and forced to make these admissions denied having used any force whatever upon the defendants or any undue persuasions or threats, and states that the confessions were made voluntarily.

The justice of the peace before whom the preliminary examination was held also testified that there were no undue influences used upon the defendants at the preliminary hearing.

We are not entirely satisfied as to the admissibility of the confessions made by the defendants while under arrest. A confession in order to be admissible must be voluntary. An involuntary confession is so uncertain with regard to its truthfulness that it is unsafe as evidence to sustain a conviction.

There is no proof whatever offered by the Government of the *corpus delicti* except the confessions of the defendants. Outside of these confessions there is no proof of any robberies having been committed at the times and places at which the defendants are charged to have committed them.

It is the general rule that the *corpus delicti* must be proven by evidence independent of confessions. It is true that this evidence may be circumstantial, but there should be some evidence corroborating the confessions.

There is a vagueness both in the confessions and in the complaint. The names of the persons against whom the offense; was committed are not stated in either, nor were they produced as witnesses at the trial.

The case was easily susceptible, so far as we can see, of proof, at least as to the *corpus delicti*; perhaps circumstances as to the identity of the defendants might have been shown connecting them with the commission of the offense, but it seems that the prosecution in the

case relied exclusively upon the confessions and apparently made no effort to adduce<sup>1</sup> other testimony. The case has not been made out to our satisfaction against the defendants, and we must reverse the judgment of the court below and acquit the defendants on account of the insufficiency of the evidence, which is accordingly done. Costs are adjudged *de officio*.

*Arellano, C. J., Torres, Mapa, and Ladd, JJ., concur.*

*Willard, J., concurs in the result.*

*McDonough, J., did not sit in this case.*

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