

7 Phil. 199

[ G.R. No. 3204. December 17, 1906 ]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FLAVIANO SALANATIN  
(ALIAS ANO), DEFENDANT AND APPELLANT.**

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

**ARELLANO, C.J.:**

This case is here on appeal. The court has nothing before it except what purports to be the answers given by the various witnesses, but not the questions that were put to them, either in their direct or cross examination; which are followed by the certificate of one who signs himself "interpreter," to the effect that the foregoing is a correct translation of the notes taken by the court in longhand during the absence of the official stenographer.

Section 32 of General Orders, No. 58, provides that where the testimony and proceedings are taken in shorthand they must be certified to by the official stenographer in order to be considered *prima facie* as a correct statement of such testimony and proceedings; otherwise the testimony after being reduced to writing must be signed by the witness and the judge and duly attested by the clerk. The testimony in this case not being certified to in either of the above manners, it can not be considered as a correct statement of the facts which this court is called upon to review.

The judgment of the court below is accordingly set aside from the case remanded for a new trial with direction to that court to enter judgment in accordance with the testimony introduced, which said testimony shall be taken and received in the manner and form prescribed by law. Let judgment be entered in conformity herewith,, without special provision as to costs, and the case returned to the lower court forthwith. So ordered.

*Torres, Mapa, Carson, and Tracey, JJ., concur.*

*Willard, J., dissents.*

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

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