

6 Phil. 510

[G.R. No. 2999. October 25, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. PERFECTO VILLOS,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The facts as found by the trial court which connect the accused with the commission of the crime charged may be summarized as follows: First, that the deceased came to his death by being stabbed in the back with a sharp-pointed instrument; second, enmity and bad blood between the accused and the deceased for a period of about three years prior to the commission of the crime; third, the finding of a blood-stained dagger three days after the commission of the crime some forty or fifty yards from the place where the body was found, and the identification by several witnesses of this dagger with one known to have been in the possession of the accused some three or four months prior to the commission of the crime; fourth, the fact that the accused was seen at a point on the road about one mile from the scene of the crime at about 9 o'clock of the night when it took place, and that he was wearing in his belt a dagger that resembled the one found near the body of the deceased; fifth, the fact that the people in the community did not usually carry daggers, a prohibitory ordinance having been enacted by the municipal authorities.

We think, however, that the evidence of record as to the identity of the dagger found near the scene of the crime with the dagger said to have been seen in the possession of the accused some months prior thereto is unsatisfactory and that the evidence is wholly insufficient to sustain a finding beyond a reasonable doubt that the accused was seen on the night of the crime wearing such a dagger.

When independent facts and circumstances are relied upon to identify the accused as the person who committed the crime charged, each material independent fact or circumstance necessary to complete the chain or series of independent facts tending to establish a

presumption of guilt should be established to the same degree of certainty as the main fact. (People vs. Ah Chung, 54 Cal., 398; State vs. Messemer, 75 N. C, 385; Harrison vs. State, 6 Tex. App., 42; IT. S. vs. Vanranst, Fed. Oases, 16608.)

Several witnesses testified that the dagger found near the scene of the crime resembled a dagger which they had previously seen in the possession of the accused, in size, shape, and color, and that both were ornamented with a copper coin set in at the tip of the handle, but some of these witnesses declared that the dagger they had seen in the possession of the accused had two edges, while the evidence shows that the dagger found after the crime had but one, and this conflict would seem sufficient to raise some doubt as to the identity of the daggers, one with the other, especially as the dagger found after the crime was committed was not produced in evidence. The evidence that the accused was seen wearing a similar dagger shortly before the commission of the crime rests on the testimony of a single witness, who alleges that at 9 o'clock of the night when the crime was committed he saw the accused pass on the street with a dagger in its sheath strapped at his side. The witness describes the weapon as being about the same size as the dagger found near the place where the crime was committed and dark in color, but was unable to give any further details in regard to it. In view of the advanced hour of the night, the place, the relative positions of the witness and the accused, and in view, further, of the unsatisfactory character of his testimony upon cross-examination, we are disposed to doubt whether he ever saw the weapon which he attempted to describe. It would take much better testimony than that of this witness to convince us that the accused went to the place of ambush with the dagger strapped to his waist in full view of every passer-by.

But even though we could accept all the findings of the trial court, we think that they are not sufficient to establish the guilt of the accused beyond a reasonable doubt.

Before a conviction can be had upon circumstantial evidence, the circumstances proven should constitute an unbroken chain which leads to but one fair and reasonable conclusion, which points to the defendant to the exclusion of all others as the guilty person. [Commonwealth vs. Kirkpatrick, 15 Leg. Int., 208 (Pa.), 1858.] The failure to find the dagger for some days after the crime, although it appears that a number of people visited the place where the body was found on the following day, suggests the possibility that it might have been placed there by some enemy of the accused or by the real murderer to divert suspicion from himself; and this hypothesis, which is consistent with the innocence of the accused, is not inconsistent with any of the remaining facts found by the trial court and adduced in evidence, nor is it inherently improbable or contrary to common experience in such cases.

The connection of the accused with the crime with which he is charged is not sustained by the evidence beyond a reasonable doubt, and he should be and is hereby acquitted, with the costs of both instances *de officio*, and he will be set at liberty forthwith.

After the expiration of ten days from the date of final judgment let the case be remanded to the court below for proper action. So ordered.

Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.

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