

5 Phil. 339

[G.R. No. 1647. November 21, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ADAUCTO OCAMPO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

This is a motion for a rehearing on the ground that the accused in this case was convicted on the testimony of confederates, self-confessed accomplices in the commission of the crime with which he was charged. The question of the admissibility and competency of the evidence of accomplices was maturely considered at the original hearing on appeal, and the court held as follows :

“While the evidence of accomplices or confederates is always subject to grave suspicion, ‘coming, as it does, from a polluted source,’ and should be received with great caution and closely and doubtingly examined, we are of opinion, nevertheless, that it is admissible and competent, and may be taken into consideration under the provisions of section 55 of General Orders, No. 58, series of 1900.”

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The rule allowing the admission of accomplices or confederates in the crime to testify is supported by public policy and necessity, since it is scarcely possible to detect conspiracies and many worse offenses without the information of those who are implicated in the crime.’ (Am. and Eng. Ency. of Law, second edition, vol. 1, p. 397.)”

Under the provisions of General Orders, No. 58, the American system

of procedure in criminal cases has been substantially adopted in these Islands, and the above ruling is in accordance with the American and English doctrine, except in those jurisdictions where a different rule is expressly prescribed by statute.

The reasons upon which this doctrine is founded are as potent under the new system of criminal procedure in the Philippines as in the United States or England and the danger of error resulting therefrom is certainly no greater where questions of fact are determined by the court than where such questions are submitted to a jury, for the judge is presumed to be a man learned in the law, skilled in the art of sifting and weighing evidence, and keenly alive to the tainted character of the evidence of accomplices, and to the need for the exercise of the greatest jealousy and caution in its acceptance.

It is contended, however, that the evidence in this case rests on the uncorroborated testimony of accomplices, and this court is requested to lay down a rule that a finding of guilt can not be sustained upon such evidence. We are of opinion, however, that the lack of corroboration merely affects the credibility of the witness and in no wise affects his competence, and that if his testimony satisfies the court as to the guilt of the accused, beyond a reasonable doubt, it is sufficient.

This is no new doctrine as will appear from an examination of the American and English cases and text writers, some of whom we quote at length, in view of the doubt and uncertainty which seems to have arisen on this point :

“The degree of credit which ought to be given to the testimony of an accomplice is a matter exclusively within the province of the jury. It has sometimes been said that they ought not to believe him, unless his testimony is corroborated by other evidence; and, without doubt, great caution in weighing such testimony is dictated by prudence and good reason. But there is no such rule of law; it being expressly conceded that the jury may, if they please, act

upon the evidence of the accomplice, without any confirmation of his statement. But, on the other hand, judges, in their discretion, will advise a jury not to convict of felony upon the testimony of an accomplice alone and without corroboration; and it is now so generally the practice to give them such advice, that its omission would be regarded as an omission of duty on the part of the judge." (Greenleaf on Evidence, vol. 1, par. 380.)

"Under the common law, the mere uncorroborated testimony of an accomplice will, if beyond a reasonable doubt it satisfies the jury, who are the sole judges of the evidence, sustain a verdict of guilty." (Bishop's New Criminal Procedure, vol. 1, par. 1169.)

"Since accomplices are competent witnesses, it appears to follow, as a necessary consequence, that if their testimony is believed by the jury, a prisoner may be legally convicted upon it, though it be unconfirmed by any other evidence. It is the peculiar province of the jury to determine upon the degree of credit to be attached to any competent evidence submitted to their consideration; and it has accordingly been laid down in many cases as a settled rule that a conviction obtained upon the unsupported testimony of an accomplice is strictly legal." (Phillips on Evidence, vol. 1, p. 110, fourth American edition.)

"Since the testimony of accomplices is competent, and since the jury are to judge of the credibility of witnesses, it logically follows *that a defendant may be convicted upon the unsupported evidence of an accomplice*. If the jury so act upon such testimony, the verdict will not be set aside." (Jones's Law of Evidence, vol. 3, par. 787.)

"Although it has often been said by judges and elementary writers that no person should be convicted on the testimony of an accomplice unless corroborated by other evidence, still, there is no such inflexible rule of law. It is a question for the jury, who are to pass upon the

credibility of an accomplice, as they must upon that of every other witness. His statements are to be received with great caution, and the court should always so advise; but, after all, if this testimony carries conviction of its truth, they should give the same effect to such testimony as should be allowed to that of an unimpeached witness, who is in no respect implicated in the offense. Such testimony will authorize a conviction in any case. The court certainly will advise great caution on the part of the jury where the testimony depends upon the uncorroborated evidence of an accomplice; but they are not to be instructed, as a matter of law, that the prisoner in such case must be acquitted." (People vs. Costello, 1 Denio, 83.)

The motion for a rehearing should be denied, and it is so ordered.

Arellano C.J., Torres, Mapa, and Johnson, JJ., concur.
