

5 Phil. 444

[G.R. No. 2075. December 20, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. VICTOR QUIAMSON,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The accused in this case was convicted of the crime of brigandage, as denned and penalized in section 4 of Act No. 518 of the Philippine Commission.

Evidence was introduced by the prosecution which tended to show that between the months of August, 1902, and April, 1903, the accused was in communication with the bandits who at that time infested the Province of Cavite, aiding them by furnishing supplies and information; and that in the month of April, 1903, the accused sent such information to the band of brigands under the command of Montalan that they were enabled to enter and sack the town of Silang on an occasion when the detachment of Constabulary usually stationed there was temporarily absent; and that on this occasion the accused joined the bandits in person and aided and assisted them in looting the town.

The defense introduced evidence to prove that at the time when the accused is charged with giving aid and assistance to the bandits, he was in fact acting as local commander of the volunteers of the town of Silang, who were organized under the direction and control of the provincial governor for the purpose of combating and suppressing the brigand and *ladrone* movement in the Province of Cavite, and testimony was introduced which, if it be accepted as true, would prove that on the occasion of the said attack on the town of Silang the

accused was absent visiting friends in the town of Imus.

If we could implicitly rely upon the testimony of the witnesses for the prosecution there would be no doubt of the guilt of the accused, aggravated by his betrayal of the confidence and trust imposed, upon him by his acceptance of the obligation resulting from his appointment as chief of the volunteers of Silang. It appears, however, that all the important witnesses for the Government were either officers and soldiers or secret-service men in the pay of the Constabulary, and that the complaining witness, who instituted these proceedings, was one Estrella, a lieutenant of Constabulary, between whom and the accused there existed a state of deadly enmity, the accused, prior to the filing of this charge, having been instrumental in the institution of criminal proceedings against Estrella on the charge of the assassination of a prisoner. Furthermore, the evidence as to the more essential allegations which tend to prove the guilt of the accused rests almost exclusively on the testimony of informers, themselves prisoners in the hands of the Constabulary and charged with the very crime of which the accused was convicted, so that if full faith and credit be not given to their testimony there is nothing in the record which would prove that the accused had had any relations with the brigands which might not readily be explained by the faithful and conscientious performance of his duties as chief of volunteers.

In view of the deadly hatred which existed between the complaining witness and the accused, and in view of the character of the witnesses for the prosecution and of their defendant relation to the accuser, we do not think that their testimony should be accepted without conclusive corroborative evidence in support of their statements. We do not find such corroborative evidence in the record, and, on the contrary, evidence was introduced by the defense which tends to prove that the accused was not in the town of Silang at the time of the alleged attack, and that at the time when he was charged with aiding and assisting the brigands he was actually engaged in an effort to capture and suppress them, under the order and direction of the provincial governor.

The evidence in the record is not sufficient to sustain a finding of the guilt of the accused, and the judgment and sentence appealed from should be reversed, and the accused acquitted of the crime with which he is charged, and the bond for his appearance canceled, with the costs of both instances *de officio*. Judgment will be entered in accordance herewith and the record returned forthwith to the trial court. So ordered.

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

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