

[G.R. No. 126. December 26, 1901]

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. DOROTEO RAMOS ET AL., DEFENDANTS AND APPELLANTS.

D E C I S I O N

WILLARD, J.:

At the former hearing of this cause before the old Supreme Court certain objections were made concerning the sufficiency of the complaint filed, which objections are in some respects the same which the attorney for the defense now presents. This court annulled the judgment of conviction dictated in the cause, remanding the same to the lower court for a new trial. The court must have deemed the said complaint sufficient, since it would otherwise have ordered the filing of a new complaint. This decision of the question is therefore *res adjudicata*.

Since the order dictated by this court vacated only the proceedings held by the trial court commencing with the introduction of the evidence, the formal arraignment remained in full force, and therefore in holding the new trial there was no necessity for requiring the appearance anew of the accused to plead guilty or not guilty.

The accused were not compelled but merely permitted to testify before the taking of the evidence offered on the part of the Government. This was an irregularity but did not prejudice the essential rights of the accused, and therefore, in view of the provisions of article 10 of General Orders, No. 58, is not sufficient to warrant the annulling of the sentence.

The three elements which are necessary in order that there may be a conviction of the crime of rape, according to the attorney for the defense, are all included in this one word. When a woman testifies that she has been raped she says, in effect, that all that is necessary to constitute the commission of this crime has been committed. It is merely a question then, whether or not this court accepts her statement. It can not be said that the proofs are

lacking of the existence of the elements which together constitute the crime. In the present case we are convinced that the woman stated the truth, and we believe Ramos to be guilty of the crime with which he is charged.

With respect to Torre we have arrived at the conclusion that he should be acquitted. He did not rape the woman. When the two unknown persons presented themselves he ran away. It is true that the witnesses for the prosecution stated that he arrived at the house with Ramos, but there is no proof that he had knowledge of any intention then entertained by Ramos to rape the woman nor can we see how Torre in any manner has lent his aid knowingly to the commission of the crime.

The judgment of the lower court is affirmed in all its parts in so far as affects the defendant Ramos and reversed as to defendant Torre. The latter is acquitted of the crime of which he is accused.

Affirming that portion of the sentence consulted which is in conformity with this decision and reversing the remaining portion, with one-half of the costs incurred in this action taxed against the defendant Ramos and the remaining one-half taxed *de officio*, the case is remanded to the trial court for further proceedings in accordance with law.

Arellano, C. J., Torres, Cooper, and Mapa, JJ., concur.
Ladd, J., did not sit in this case.