

The appealed order of the Public Service Commission is affirmed. (*Luzon Stevedoring Co., Inc., et al. vs. Public Service Commission, G. R. No. G-5458, prom. Sept. 16, 1953.*)

REMEDIAL LAW

EVIDENCE; "FALSUS IN UNO, FALSUS IN OMNIBUS", SCOPE OF.

FACTS: At about midnight in the evening of December 23, 1949, while Norberto Ramil and his wife, Jacinta Galasinao, were sleeping in their house situated not far away from the municipal building of Antatet (now Luna), Province of Isabela, they were awakened by the barking of dogs and the grunting of pigs. As Ramil got up and walked towards the window to see what the matter was, he was met by two persons who levelled their guns at him, demanding that he produce his pistol. Norberto answered that he had none and the men fired at him, resulting in the death of the latter. As the wife and the two children cried for help, the intruders cowed them to silence, threatening them with death should they shout. The intruders then went inside the bedroom and ransacked the contents of the trunk which contained their valuables. Cash worth ₱10 and jewels worth ₱180 were taken away.

The intruders were later identified to be Balbino Gabuni, Juanito Dasig, Marcelino Dayao, and Sergio Eduardo. Prosecuted for the crime, the accused were convicted on the testimony principally of Mallillin, corroborated by that of Andres Bumanglag, and that of the wife of the deceased.

The accused appealed, contending that the testimony of Mallillin, who they alleged was one of the members of the group, and whose confession of the occurrence was obtained by a promise by Constabulary Lieutenant Panis that he would be excluded from the information and would be made a state witness should he tell the whole truth, is not admissible and neither should it be made admissible against the appellants. The appellants further claim that Mallillin was an accomplice in the crime and his testimony contains flaws in many particulars, so that the maxim "falsus in uno falsus in omnibus" should be applied to the whole of his testimony, so that the judgment of conviction would then have no leg to stand on.

HELD: We take advantage of this opportunity to explain the true scope of this much invoked and abused rule of *falsus in uno, falsus in omnibus*. Professor Wigmore states that this rule ceased to be the rule in the 18th century. He criticizes the broad rule as unsound because it is not true to human nature; that because a person tells a single lie, he is lying throughout his whole testimony, or that there is strong possibility that he is so lying. The reason for it is that once a person knowingly and deliberately states a falsehood in one material aspect, he must have done so as to the rest. But it is also clear that the rule has its limitations, for when the mistaken statement is consistent with good faith and is not conclusively indicative of a deliberate perversion, the believable portion of the testimony should be admitted. Because though a person may err in memory or in observation in one or more respects, he may have told the truth as to others. (*III Wigmore, Secs. 1009-1015, pp. 674-683.*) There are, therefore, these requirements for the application of the rule, i.e., that the false testimony is as to a material point, and that there should be a conscious and deliberate intention to falsify. (*Lyric Film Exchange, Inc. vs. Cowper, 1937, 36 O. G. 1642.*)

With the above limitations of the rule in mind, it is clear that the maxim should not apply in the case at bar, for three reasons. First, there is sufficient corroboration on many grounds of the testimony. Second, the mistakes are not on the very material points. Third, the errors do not arise from an apparent desire to pervert the truth, but from innocent mistakes and the desire of the witness to exculpate himself though not completely.

Having found that sufficient admissible evidence worthy of credit proves beyond reasonable doubt the guilt of the appellants, the decision appealed from is affirmed. (*People vs. Juanito Dasig, et al., G. R. No. L-5273, prom. Aug. 25, 1953.*)

IN PETITIONS FOR DISSOLUTION OF CORPORATIONS, COURT OF FIRST INSTANCE HAS JURISDICTION TO ISSUE APPOINTMENT OF RECEIVER.

FACTS: Asuncion Lopez Vda. de Lizares, Encarnacion Lizares