Supreme Court E-Library

the foregoing criteria, the aggravating circumstance of uninhabited place may not be considered in this case.

The penalty imposed by the Trial Court is correct. Simple rape is punishable by *reclusion perpetua.*[22]

WHEREFORE, except as to the amount of indemnity to be paid to the offended party which is hereby raised to P20,000.00, the appealed judgment, with the deletion of the finding of aggravating circumstance of nocturnity and uninhabited place, is hereby affirmed in all other respects.

SO ORDERED.

Yap, Narvasa, Cruz, and *Paras, JJ.*, concur.

SECOND DIVISION

[G.R. No. 53196. July 31, 1986]

PACIFICO DE SAGUN, *petitioner, vs.* **THE PEOPLE OF THE PHILIPPINES and THE HON. INTERMEDIATE APPELLATE COURT (COURT OF APPEALS),** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; NOT AFFECTED BY MINOR INCONSISTENCIES.**— The matters referred to in the alleged contradictions and improbabilities in the testimony of principal witness Mariquita Andres are minor and inconsequential and do not impair the main points of her testimony. Whatever inconsistencies there are in Mariquita's testimony, the same deal purely with irrelevant and insignificant matters which do not at all explain how the victim Felisa fell down the stairs of the Sagun house that evening. Such

[22] *People vs. Resano*, 132 SCRA 711 (1984).

Supreme Court E-Library

contradictions cannot, independently, be the basis for doubting her firm observations on the incident. It must be noted that throughout her testimony, Mariquita persistently hang on to her declaration that during that fatal evening, appellant passed by the table in front of her while she was resting on a rocking chair on the ground floor of the Sagun house; that appellant followed the deceased upstairs, the latter having gone up after helping her wash the dishes in the kitchen; that momentarily or a short while thereafter, she heard the "kalabugan" and judging from the noise and cries of Felisa, she concluded that Felisa was being beaten by appellant after she had warded off appellant's lewd advances on her; that she (witness) stood up from the rocking chair to go upstairs but when she looked up, she saw appellant with extended hands holding Felisa and pushing her down the stairs, whereupon *Felisa* fell all the way down, her head hitting the cement pavement, and upon seeing Felisa fall, Mariquita rushed to the aid of the fallen girl.

2. **ID.; ID.; ID.; TESTIMONY OF SINGLE WITNESS; WHEN SUFFICIENT FOR CONVICTION.**— This Court has long ruled that the testimony of a single witness, even if uncorroborated, may be sufficient for conviction, if such evidence convinces the court beyond reasonable doubt that the defendant committed the crime charged. (*U.S. vs. Oracion*, 18 Phil. 430; *U.S. vs. Olais*, 36 Phil. 828) Thus, too, in a murder case, this Court held that the testimony of a single witness may be sufficient to produce conviction if it appears to be trustworthy and reliable (*Pp. vs. Zabala*, 86 Phil 251) especially when it is corroborated by the nature and positions of the wounds of the victim. (*People vs. Templonueva*, L-12280, January 30, 1960)

3. **ID.; ID.; ALIBI; REQUISITE FOR THE DEFENSE TO PROSPER.**— This Court does not find merit in appellant's claim that the trial court discredited his defense of alibi on the basis that the witnesses who corroborated in such defense are his relatives. For, as accurately stated by the said court, the primary reason in rejecting appellant's alibi is "because it does not clearly and convincingly establish the impossibility of Pacifico being present in the scene of the crime at the time it occurred. It is, therefore, more the intrinsic improbability of the declarations of said witnesses which made the lower court disregard the defense of alibi. Note the conflicting declarations of the defense witnesses as to where the accused slept that fateful evening and the number of anti-rabies injections administered on the appellant. Above all this is the fact

Supreme Court E-Library

that Mariquita had positively identified the appellant as the person who pushed Felisa from the top of the stairs. Again, in *People vs. Pielago* (L-42256, December 19, 1985; 140 SCRA 418), this Court reiterated that the defense of alibi is not credible for appellant's failure to present sufficient and tangible evidence that it was physically impossible for him to be at the place of the crime. Also, this Court held that alibi cannot prevail over the positive identification by the prosecution witnesses that the appellant was one of the participants in the crime. More importantly, it declared that it is not enough for the accused to prove that he was somewhere else when the crime was committed, but must demonstrate that it was physically impossible for him to be at the scene of the crime at the time it was committed.

4. **ID.; ID.; ID.; CANNOT PREVAIL OVER POSITIVE IDENTIFICATION.**— Thus, in *People vs. Canamo* (L-62043, August 13, 1985; 138 SCRA 141) this Court held that the positive identification of appellants by eyewitnesses as authors of the offense belies appellants' of denial and alibi. The presumption is that the witnesses were not actuated by improper motives and that their testimonies are entitled to full faith and credit.

DECISION

PARAS, *J.*:

This petition seeks the reversal of the decision of the Intermediate Appellate Court (then Court of Appeals) handed down on February 7, 1980 in CA-G.R. No. 08486-CR affirming with certain modifications the decision dated June 23, 1966 of the Court of First Instance (now Regional Trial Court), Branch III in Batangas City. The dispositive portion of the trial court decision reads:

"WHEREFORE, the Court finds Pacifico de Sagun guilty beyond reasonable doubt, not of attempted rape with homicide but only of simple homicide. There being no modifying circumstances to consider, and applying the Indeterminate Sentence Law, as amended, the accused Pacifico de Sagun is hereby sentenced to suffer an indeterminate penalty of from Eight (8) years and One (1) Day of *prision mayor* to Fourteen (14) years, Eight (8) months and One (1) Day of *reclusion temporal*, to indemnify the heirs of Felisa Malabanan in the sum of P5,000.00 without subsidiary imprisonment in case of insolvency and to pay 1/3 of the costs.

Supreme Court E-Library

"The accused Alfredo and Paulina de Sagun are hereby acquitted on the ground of insufficiency of evidence against them, with 2/3 costs *de oficio*." (pp. 6 and 7, rec.)

From the aforesaid decision of the lower court, petitioner-appellant appealed to the Intermediate Appellate Court. (pp. 7 and 55, rec.)

On September 22, 1973, appellant filed his brief with the Appellate Court. (p. 37, rec.)

The Solicitor General, for the appellee, filed his brief dated December 28, 1973. (p. 38, rec.)

On March 1, 1974, appellant filed his reply brief. (p. 39, rec.)

In his brief, appellant assigned these errors:

"I. THE LOWER COURT ERRED IN GIVING CREDIT TO THE TESTIMONY OF MARIQUITA ANDRES THAT IS NOT ONLY CONTRADICTORY BUT ALSO REPULSIVE TO, AND INCOMPATIBLE WITH, COMMON PRINCIPLES GOVERNING MAN'S CONDUCT AND, HAD BEEN IMPEACHED BY SURROUNDING CIRCUMSTANCES OBTAINING IN THIS CASE; and

"II. THE LOWER COURT ERRED IN GIVING NO MERIT TO THE ALIBI PUT UP BY THE APPELLANT JUST BECAUSE HIS CORROBORATING WITNESSES ARE HIS RELATIVES." (p. 31, Annex "B") [p. 37, rec.]

The Solicitor General, in his brief, submitted the following arguments by way of refuting appellant's assigned errors:

"1. Matters referred to in the alleged contradictions and improbabilities in the testimony of Mariquita Andres are minor and inconsequential and do not vitiate the main points of said testimony.

2. Actuations of Mariquita Andres under the circumstances were natural and compatible with human conduct.

3. Testimonies of the defense witnesses touched on mere incidents of the testimony of Mariquita Andres but not on the latter's main points of her observations of the incident in question.

4. The lower court did not disregard appellant's defense of alibi on the sole reason that it was corroborated by his relatives but on the more

Supreme Court E-Library

important reason: the intrinsic improbability of the declarations of said witnesses. (p. 38, rec.)

On February 7, 1980, the Intermediate Appellate Court rendered its decision on this appealed case. It ruled in its dispositive portion that:

"There being no conspiracy among the three accused herein, we find it unnecessary to disturb the decision of the trial court acquitting the spouses Alfredo de Sagun and Paulina de Sagun from the crime charged. We also affirm the trial court's decision acquitting appellant from the crime of attempted rape, the evidence introduced by the prosecution being insufficient. Finally, we affirm the lower court's finding that the evidence on record has not established beyond reasonable doubt appellant's crime of attempted rape so that the court correctly convicted him only of the crime of homicide, having proved it beyond reasonable doubt.

"The amount of indemnity payable to the heirs of the deceased is hereby increased from P5,000.00 to P12,000.00. In all other respects, the judgment of the trial court is *AFFIRMED*, with costs." (p. 35, rec.)

Appellant then moved for reconsideration of the appellant court's decision on February 21, 1980. (p. 13, rec.) Said motion was denied in a resolution dated March 4, 1980. (p. 13, rec.)

Hence, petitioner-appellant brought this case before this Court in a petition filed on March 28, 1980. (p. 6, rec.)

As backgrounder, the prefatory facts as found by the Intermediate Appellate Court are quoted hereunder:

"Felisa Malabanan, then barely 13 years old and a student of the Batangas West High School, stayed as a free boarder in the house of the spouses Alfredo and Paulina de Sagun in Lemery, Batangas. The Sagun children are Ernesta, Pacifico, Rona and Reynaldo. Staying in the same abode were Mariquita Andres, a maid, and her uncle Noblito Claud, a helper in the Sagun's gasoline station adjoining their two-storey house.

"After supper on October 18, 1957, Felisa washed the dishes with Mariquita Andres in the kitchen at the groundfloor. Then, Felisa went upstairs. While Mariquita was sitting at a rocking chair near the foot of the stairs, Pacifico passed by and followed Felisa upstairs. Moments later, Mariquita heard a commotion (kalabugan) upstairs, followed by a shout, "Siilin mo," of Alfredo de Sagun from the gasoline station office. Paulina, who was in the bedroom, shouted the same thing Subsequently, Mariquita

Supreme Court E-Library

heard Felisa crying, "Inay, Tatay, pinalo ako ni Pacifico. Bakit mo ako ginaganito?" Mariquita was about to go upstairs, but desisted upon seeing Felisa and Pacifico on top of the stairs. Felisa had her back towards the stairs while being held on the shoulders by Pacifico who pushed her down the stairs. Felisa fell head first on the cement pavement. Mariquita rushed in succor to Felisa. So did Alfredo, Paulina, Ernesta and Rona. Felisa was made to drink "Royal True Orange" by Alfredo who warned Mariquita to keep the incident from anybody otherwise she would be harmed. Paulina gave Mariquita the same warning. Then Mariquita, Ernesta and Rona helped Felisa go upstairs where she laid (sic) on the floor.

"Early the following morning of October 19, Mariquita noticed that Pacifico had a wound on the shoulders. Asked by Mariquita how he got the wound, Pacifico said it was a dog bite. Then he left for Agoncillo, Batangas. At breakfast time, Mariquita woke Felisa for some coffee but the girl refused because she was not feeling well. Mariquita noticed that Felisa's jaw at that time was swollen. Before noon of the same day, Felisa was visited by her aunt, Pilar Atienza who had been informed by Paulina in the market place of Lemery that Felisa had fallen from the stairs. Noting that Felisa could not rise as she was very weak, Pilar asked Felisa why she was like that and Felisa revealed, among other things, that Pacifico had placed himself on top of her and that (she) Felisa bit Pacifico on the shoulder and that Pacifico beat her up. Pilar noticed that the region below her right ear towards the right jaw was swollen and her right hand blackish. Pilar fetched a Dr. Leon who advised that Felisa be brought to Mandaluyong for treatment.

"At about 1:00 P.M. of the same day, the parents of Felisa arrived and brought their daughter to the Batangas Provincial Hospital where she died. When the clothes of Felisa were changed, Pilar noticed that the panty and skirt of the dead girl were torn. The ward attendant of the provincial hospital also noticed that Felisa's jeans were half-lowered on the thigh, the panty was torn lengthwise and that the panty garter was snapped.

"Pilar told Felisa's parents of what their daughter had told her. On November 9, 1957, the body of Felisa was exhumed and her remains were examined. The National Bureau of Investigation medico-legal officer found ante-mortem injuries stated in the examination report, the contents of which were ratified by the examining officer. Cause of death was attributed to meningeal secondary to severe external violence.

"On December 8, 1957, Mariquita had revealed to a certain woman in the market that she saw Pacifico push Felisa down the stairs. She had

Supreme Court E-Library

also told one Adelfa Gervacio the same thing. Thereafter, remembering that the spouses Alfredo and Paulina had warned her of physical harm should she reveal the incident to anybody, Mariquita Andres left the house of the Saguns without permission on the night of December 8, 1957. She went to the house of her former master at Rizal Avenue, Manila. There PC agents found her. Her statements were taken at Camp Crame." (pp. 30-32, rec.)

Thus, on February 16, 1959, the Provincial Fiscal of Batangas charged the spouses Alfredo de Sagun and Paulina de Sagun and their son Pacifico de Sagun with the crime of attempted rape with homicide. (p. 29, rec.)

Petitioner's appeal is anchored on these assigned alleged errors:

1. The respondent Intermediate Appellate Court erred when it found the contradictions, supported by evidence in this case, as trivial, inconsequential or irrelevant;

2. The respondent appellate court erred in not finding that the testimony of star witness Mariquita Andres was made to vary in order to precisely suit or dove-tail with the medical findings of Dr. Brion as shown by the differences in her version as given to the Fiscal's office, and in her version given before the trial court;

3. The respondent appellate court erred in not finding that there were no testimony of other prosecution witnesses that clearly show that the felonious act of the petitioner caused the death of Felisa Malabanan; and

4. The respondent appellate court erred in affirming the penalty imposed by the trial court with modification as to indemnity without, however, taking into consideration the uncontradicted and clear age of petitioner at the time the alleged crime supposedly happened.

The averments of the Solicitor General refuting the aforestated errors imputed by petitioner-appellant have already been enumerated hereinabove.

From the evidence presented by the prosecution and the defense, two vital issues surface which are decisive and determinative of the guilt of herein petitioner-appellant. These are:

1. The credibility of the sole alleged eyewitness for the prosecution, Mariquita Andres; and

Supreme Court E-Library

2. The sufficiency of evidence to support the finding of guilt of the petitioner-appellant.

This court cannot sustain petitioner's imputed errors in the light of the established evidence on record. This court, therefore, shares in the findings of the Solicitor General.

1. The matters referred to in the alleged contradictions and improbabilities in the testimony of principal witness Mariquita Andres are minor and inconsequential and do not impair the main points of her testimony.

Whatever inconsistencies there are in Mariquita's testimony, the same deal purely with irrelevant and insignificant matters which do not at all explain how the victim Felisa fell down the stairs of the Sagun house that evening. Such contradictions cannot, independently, be the basis for doubting her firm observations on the incident. It must be noted that throughout her testimony, Mariquita persistently hang on to her declaration that during that fatal evening, appellant passed by the table in front of her while she was resting on a rocking chair on the ground floor of the Sagun house; that appellant followed the deceased upstairs, the latter having gone up after helping her wash the dishes in the kitchen; that momentarily or a short while thereafter, she heard the "kalabugan" and judging from the noise and cries of Felisa, she concluded that Felisa was being beaten by appellant after she had warded off appellant's lewd advances on her; that she (witness) stood up from the rocking chair to go upstairs but when she looked up, she saw appellant with extended hands holding Felisa and pushing her down the stairs, whereupon *Felisa* fell all the way down, her head hitting the cement pavement, and upon seeing Felisa fall, Mariquita rushed to the aid of the fallen girl.

It should be noted that before the fiscal and the trial court, Mariquita consistently maintained that the victim was pushed by the appellant as her back was turned toward the stairs; that Felisa fell hitting the cement floor below; and that no part of her head or body hit any steps of the stairs in the course of her fall.

The head injuries suffered by the victim and which proved to be fatal confirmed the fact that she fell directly down the stairs

Supreme Court E-Library

with her head hitting the cement floor, and that no part of her body and head hit the stairs in the course of the fall. These are borne out by the medical findings of Dr. Brion showing the nature and intensity of the head injuries of the victim.

2. Significantly, the actuations of Mariquita under the circumstances were natural and realistic according to standard human behavior in view of the following:

a) When Mariquita heard the "kalabugan" that evening, she assumed that appellant and the victim were engaged in a quarrel, After she heard the spouses Alfredo and Paulina de Sagun shout to the appellant "siilin mo" which were strong words of encouragement, it became natural for Mariquita not to seek the intercession of the said couple who, she realized, were abetting their son's actions. She neither attempted to intervene in the ensuing quarrel since she knew her interference would have been futile considering that she was a mere helper in that household. Finally, Mariquita's failure to intercept the fall of Felisa was a normal reaction of a person who is momentarily shocked and immobilized at the sight of a tragic incident.

b) The threats made by appellant's parents on Mariquita evidently silenced and frightened her for sometime, but a certain point came when she had to unload her disturbed thoughts to somebody and to somehow ease her bothered conscience by revealing what she saw to two women. Then suddenly realizing that she committed disloyalty to her employers, she hastily left their house to avoid facing the wrath of the couple who threatened her not to talk of the incident.

Indubitably, appellant had sufficient motive to decide on killing the victim. He was in love with Felisa and his parents wanted him to marry her. When Felisa obviously turned him down, appellant acted to force the issue that evening, and he did force the issue by making lewd advances on her and when she repulsed these, he used violence on her, went after her and pushed her down the stairs. This display of force made appellant's parents shout "siilin mo" which meant "to insist on and pursue his intentions."

It has thus been establishing that even as the defense witnesses attempted to show that Mariquita vacillated in her testimony, such vacillation merely touched on insignificant and trivial things. For the same reasons already aforestated, the testimonies of the defense

Supreme Court E-Library

witnesses did not, in any degree, lessen the veracity of Mariquita's declarations on the vital points of the incident.

This Court has long ruled that the testimony of a single witness, even if uncorroborated, may be sufficient for conviction, if such evidence convinces the court beyond reasonable doubt that the defendant committed the crime charged. (*U.S. vs. Oracion*, 18 Phil. 430; *U.S. vs. Olais*, 36 Phil. 828) Thus, too, in a murder case, this Court held that the testimony of a single witness may be sufficient to produce conviction if it appears to be trustworthy and reliable (*Pp. vs. Zabala*, 86 Phil 251) especially when it is corroborated by the nature and positions of the wounds of the victim. (*People vs. Templonueva*, L-12280, January 30, 1960)

In the matter of alleged inconsistencies and contradictions in a principal witness's testimony, this Court has very recently enunciated thus:

"However, the variance, if any, is on a minor detail which would not destroy the effectiveness of their testimony. We cannot expect absolute uniformity in every detail because witnesses react differently to what they see and hear, depending upon their situation and state of mind. Complete uniformity in details is a badge of untruthfulness. The slight contradictions, on the other hand, strengthen the sincerity of the testimony of a witness; (*People vs. Agudo*, L-43796, July 15, 1985; 137 SCRA 516)

"That appellant claims, however, that the testimonies of the witnesses for the prosecution are unworthy of belief in view of certain errors, inconsistencies and improbabilities in their declarations. But, the discrepancies and inconsistencies pointed out by the appellant in the testimonies of the witnesses for the prosecution are not of a nature and magnitude that would impair the credibility of said witnesses. They refer to minor details which are naturally to be expected from uncoached witnesses." (*People vs. Arbois*, L-36936, August 5, 1985; 138 SCRA 24)

This Court does not find merit in appellant's claim that the trial court discredited his defense of alibi on the basis that the witnesses who corroborated in such defense are his relatives. For, as accurately stated by the said court, the primary reason in rejecting appellant's alibi is "because it does not clearly and convincingly establish the impossibility of Pacifico being present in the scene

Supreme Court E-Library

of the crime at the time it occurred. It is, therefore, more the intrinsic improbability of the declarations of said witnesses which made the lower court disregard the defense of alibi. Note the conflicting declarations of the defense witnesses as to where the accused slept that fateful evening and the number of anti-rabies injections administered on the appellant. Above all this is the fact that Mariquita had positively identified the appellant as the person who pushed Felisa from the top of the stairs.

Thus, in *People vs. Canamo* (L-62043, August 13, 1985; 138 SCRA 141) this Court held that the positive identification of appellants by eyewitnesses as authors of the offense belies appellants' of denial and alibi. The presumption is that the witnesses were not actuated by improper motives and that their testimonies are entitled to full faith and credit.

Again, in *People vs. Pielago* (L-42256, December 19, 1985; 140 SCRA 418), this Court reiterated that the defense of alibi is not credible for appellant's failure to present sufficient and tangible evidence that it was physically impossible for him to be at the place of the crime. Also, this Court held that alibi cannot prevail over the positive identification by the prosecution witnesses that the appellant was one of the participants in the crime. More importantly, it declared that it is not enough for the accused to prove that he was somewhere else when the crime was committed, but must demonstrate that it was physically impossible for him to be at the scene of the crime at the time it was committed.

In recapitulation, the conviction of the accused-appellant in this case relies heavily on the credibility of the principal witness and the sufficiency of her testimony and the other evidence on record. It has been competently and sufficiently established that sole eyewitness Mariquita positively testified on the commission of the felonious act as she actually saw it; that she had no reason whatsoever to impute so serious an offense on the appellant; that she was not and could not have been capable of fabricating her statements, she being a simple-minded and naive maid; that her testimony is well corroborated by the medical report of expert witness Dr. Brion; and finally, that appellant, a spurned suitor, had motive to commit the crime.

Supreme Court E-Library

This Court agrees with the finding and recommendation of the Solicitor General, counsel for appellee, on the imposition of the proper penalty in relation to appellant's age at the time he committed the offense. The Solicitor General explains as follows:

"Thus, whether petitioner was either 16 years old or over 17 years old but below 18 years at the time of the commission of the crime charged herein, he is entitled to the special mitigating circumstance of minority which allows the reduction of the imposable penalty provided by law to one degree lower upon a defendant or accused" over fifteen and under eighteen years of age" (par. 2, Art. 68 in relation to Art. 13, par. 2, Revised Penal Code). The penalty for the crime of homicide for which the petitioner was convicted of, is *reclusion temporal* (Art. 249, Revised Penal Code) and, appreciating in his favor the special mitigating circumstance of minority, petitioner is entitled to the reduction of the imposable penalty to one degree lower, which would be from six (6) years and one (1) day to twelve (12) years of *prision mayor* (*People vs. Fulgencio*, 92 Phil. 1069). Applying the Indeterminate Sentence Law, petitioner should suffer the indeterminate penalty within the range from six (6) months and one (1) day to six (6) years of *prision correccional*, as minimum, to six (6) years and one (1) day to twelve (12) years of *prision mayor*, as maximum. The indeterminate penalty imposed by the trial court which is from eight (8) years and one (1) day of *prision mayor* to fourteen (14) years, eight (8) months and one (1) day of *reclusion temporal* is, therefore, incorrect.

"Considering, however, the peculiar circumstances and the motive which led the petitioner to feloniously push the victim Felisa Malabanan down the six-flight stairs, as discussed above, which resulted in her death, undersigned counsel respectfully recommend that petitioner should be sentenced to suffer the indeterminate penalty of from four (4) years, two (2) months and one (1) day of *prision correccional* as minimum, to eight (8) years of *prision mayor*, as maximum, besides the other penalties as imposed by the trial court and modified by the Court of Appeals."

Finally, this Court agreed with the trial court's conclusion that the evidence presented by the prosecution is insufficient to sustain appellant's conviction for attempted rape; only homicide has been proved.

Considering the foregoing, the decision of the Court of Appeals (now Intermediate Appellate Court) should be, as it is hereby, AFFIRMED, with costs against the appellant, with the modification

Supreme Court E-Library

that he is hereby sentenced to suffer the indeterminate penalty of from four (4) years, two (2) months and one (1) day of *prision correccional*, as minimum, to eight (8) years of *prision mayor*, as maximum; and to pay a civil indemnity of P30,000.00 to the heirs of the deceased.

SO ORDERED.

Feria (Chairman), Fernan, Alampay, and *Gutierrez, Jr., JJ.*, concur.

EN BANC

[G.R. No. 58889. July 31, 1986]

NATHANIEL S. MANIPON, JR., *petitioner, vs.* **SANDIGANBAYAN, Second Division composed of HON. BERNARDO P. FERNANDEZ as Acting Presiding Justice and HON. BUENAVENTURA J. GUERRERO and HON. MOISES C. KALLOS, as Associate Justices,** *respondents.*

SYLLABUS

1. **CRIMINAL LAW; DIRECT BRIBERY; ELEMENTS.**— The crime of direct bribery as defined in Article 210 of the Revised Penal Code consists of the following elements: (1) that the accused is a public officer; (2) that he received directly or through another some gift or present, offer or promise; (3) that such gift, present or promise has been given in consideration of his commission of some crime, or any act not constituting a crime, or to refrain from doing something which it is his official duty to do, and (4) that the crime or act relates to the exercise of his functions as a public officer. The promise of a public officer to perform an act or to refrain from doing it may be express or implied.

2. **REMEDIAL LAW; CRIMINAL PROCEDURE; SEARCH AND SEIZURE; GENERALLY MUST BE SUPPORTED BY A VALID WARRANTS; EXCEPTIONS.**— The argument is