

[G.R. No. 2307. April 09, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. CHU CHANG, DEFENDANT
AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The evidence of record in this case fully sustains the findings of the trial court, and we find no error in the proceedings prejudicial to the rights of the accused. Counsel for the appellant contends that while the facts as found by the trial court might perhaps be sufficient to support a conviction as accomplice of the crime of rape they do not constitute the crime of corruption of minors of which the accused was convicted because, as he alleges, it does not appear that the accused acted with abuse of authority, or that the minor who is alleged to have been prostituted or corrupted had given her consent to the carnal relations into which she had entered with various Chinamen in the house of the accused.

Article 444 of the Penal Code is as follows:

“He who habitually or with abuse of authority or of confidential relations (*confianza*) promotes or facilitates the prostitution or corruption of minors for the purpose of satisfying the lust of another, will be punished with the penalty of *prision correccional* in its minimum and medium degree, and temporary absolute disqualification if he be a public official.”

It was proven at the trial that the relation of master and servant existed between the accused and the girl whom he is charged to have corrupted, and in accordance with the decision of the supreme court of Spain of December 17, 1883, the relation of master and servant is one of confidence (*confianza*), and therefore the accused, having taken advantage of his position as master to commit the offense, did so with abuse of confidence (*con abuso*

de confianza). It is not necessary to consider whether there was or was not abuse of authority.

The evidence conclusively proves that the minor was living in prostitution in the house of the accused, and while it appears that at first she entered this mode of life unwillingly, nevertheless there can be no doubt that she finally gave her consent and ceased to oppose her will to the wishes of her master.

The judgment and sentence appealed from should be affirmed, with the costs of this instance against the appellant. After the expiration of ten days from the date of final judgment let the cause be remanded to the court from whence it came for proper action. So ordered.

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