

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JESUS NUEVAS, DEFENDANT AND APPELLANT.

G.R. No. L-154. March 18, 1946

Ponente: OZAETA, J.

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OZAETA, J.:

The defendant Jesus Nuevas was accused in and convicted by the Court of First Instance of Batangas of a violation of article 341 of the Revised Penal Code, which reads as follows:

"ART. 341. White slave trade.—The penalty of prisivn correctional in its medium and maximum periods shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of women for the purpose of prostitution."

It was proved during the trial of this case that about three or four months previous to September 22, 1945, the accused and appellant contracted the services of four women of ill repute whom he brought to and maintained in a certain house in the barrio of Alangilang, Batangas, Batangas, to engage in prostitution. He furnished them food and lodging and in return received one-half of their earnings from their illicit traffic with colored soldiers. On the afternoon of September 22, 1945, the bawdy-house maintained by the defendant was raided by the police and the four women, together with, the defendant, who was in that house, were brought to the police station for investigation, as a result of which the present case was filed against the accused. Two of the said women, Emilia de la Cruz and Juanita Fernandez, as well as the sergeant of the military police (Angelo Murano) who made the arrest, testified to the facts herein stated.

The defendant was the only witness who testified in his own defense. He claimed that he was a resident of Manila but that on September 22, 1945, he went to the house in question "to collect a debt from people who owes me money"; that the owner of the house was an old widow; that the lessee, whose name is Moises Santos and who at the time of the trial was probably in Manila, according to him, was the one who owed him P150.

The trial court did not believe the uncorroborated testimony of the accused but believed that of Sergeant Murano and the two women, Emilia de la Cruz and Juanita Fernandez. Sergeant Murano testified that his duties were to pick up girls of ill fame, vagrants, and prostitutes; that at about 2 p. m. on September 22, 1945, after receiving a tip that the house in question was a brothel, he and his companions raided it and found there thirteen colored soldiers, three of whom were in three different rooms, each with a girl; that in that same house he found the accused, who then and there, upon being questioned, declared that he was not the owner of the house but that the owner had left him in charge; that the women also then and there told him that they had been splitting their earnings with the accused; that the colored soldiers also told him that they paid the girls P10 for each intercourse. Emilia de la Cruz, twenty-one years of age, single, testified and pointed to the accused Jesus Nuevas as "our manager," with whom she split fifty-fifty her earnings as a prostitute. She affirmed that her charge was P10 a coition.

Juanita Fernandez, also twenty-one years of age, single, testified that she knew the accused Jesus Nuevas

"because, he is our manager"; that it was the accused who, four months before, contracted her to serve as a prostitute in a house located in the barrio of Alangilang which she said was rented by the accused from the owner, whom she did not know; that it was the accused who was paying for her meals in that house; that she received from her customers P10 for each coition and paid one-half of it to the accused.

The only assignment of error made by the appellant is that the trial court erred in convicting him on the evidence adduced by the prosecution. He argues that under article 341 of the Revised Penal Code the prosecution (a) must identify the alleged house of ill fame, (b) must prove it to be really a house of ill fame, and (c) must further prove that the accused is either the owner or the lessee of the house. We find such contention untenable. Article 341 penalizes three acts: (a) engaging in the business of prostitution, (b) profiting by prostitution, or (c) enlisting the services of women for the purpose of prostitution. Any person committing any one of these acts comes within the purview of said article. The proofs show beyond reasonable doubt that the appellant (a) enlisted the services of women for the purpose of prostitution and (b) profited thereby. Even if the appellant were not the lessee of any particular house, he could not escape the penalty imposed by the law for the immoral and illicit trade in which he engaged. As a matter of law, once it was proved that the accused had enlisted the services of women for the purpose of prostitution, he was criminally liable even "if there were no proof that he had shared in the profit." And even if there were no proof that he had enlisted the services of women for the purpose of prostitution, he would still be criminally liable because there is indubitable proof in this case that he shared in the income of the prostitutes.

Finding the appellant guilty of the offense charged beyond reasonable doubt, we affirm the sentence appealed from with the sole modification that the maximum of the penalty imposed shall be three (3) years, six (6) months, and twenty-one (21) days of prision correctional, with costs against the appellant.

De Joya, Perfecto, Hilado, and Bengzon, JJ., concur.

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