

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. JOSE CAMPOS RUEDA AND AURORA ARROYO, DEFENDANTS. JOSE CAMPOS RUEDA, DEFENDANT-APPELLANT.

G.R. No. 11549, October 12, 1916

Ponente: JOHNSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11549/>

JOHNSON, J.:

The important question presented by this appeal is whether or not the crime charged had been committed "con escandalo" (under scandalous circumstances).

From the record it appears that on the 25th of October, 1915, Luisa Goitia de la Camara presented a complaint in the Court of First Instance of the city of Manila, in which she charged the said defendants with the crime of "amancebamiento." The complaint alleged:

"That on or about and during the period comprised between the 1st of June, 1915, and the date of the filing of this complaint, the said accused, Jose Campos y Rueda, being united in lawful marriage to the complainant, Luisa Goitia y de la Camara, in the city of Manila, Philippine Islands, within the jurisdiction of this court, willfully, unlawfully, criminally and maliciously, and with scandal, did have, outside his conjugal home, a concubine named Aurora Arroyo, his coaccused, with whom the said accused lived in concubinage; an act committed in violation of law."

On that complaint the defendants were duly arrested, arraigned, pleaded not guilty, and were tried.

On the 4th of January, 1916, the Honorable Richard Campbell, judge, after hearing the evidence adduced during the trial of the cause, reached the conclusion that the defendant, Aurora Arroyo, was not guilty of the crime charged, for the reason that she was ignorant of the fact that her codefendant, at the time the alleged illicit relation took place, was a married man. He further found that the evidence was sufficient to show that the defendant Jose Campos Rueda was guilty of the crime charged and sentenced him to be imprisoned for a period of one year eight months and twenty-one days of prision correccional, to suffer the accessory penalties provided for by law, and to pay one-half the costs.

From that sentence the defendant Jose Campos Rueda appealed to this court and presented the following assignment of errors:

"1. The court erred in making the following findings of fact:

"First, (a) That the defendant had made certain proposals to his wife, and that, as she refused to accept them, he subjected her to such abuse that she found herself obliged to separate from him. (b) That the logical inference from this testimony is that the said proposals were against nature.

"Second. That, on several occasions, the accused slept in the same room with the codefendant, Aurora Arroyo, in the latter's house, where, besides herself, her mother and her two sisters also lived.

"Third. That the accused had carnal intercourse with the coaccused, Aurora Arroyo, in the parlor of the house of the said codefendant.

"Fourth. That, on several occasions, the accused was seen riding in a carriage in company with the codefendant, Aurora Arroyo.

"2. The court also erred in not taking into account the testimony of the witnesses for the defense.

"3. The court erred in holding that there had been scandal in the relations between the accused Jose Campos and his codefendant Aurora Arroyo, and in holding that this scandal was proven.

"4. The court erred in holding that the crime of concubinage, as defined in the Penal Code, was proven."

With reference to said assignments of error, we deem it advisable to discuss the third first.

Passing over, for a moment, the question whether or not the defendants had had illicit relations, but admitting that they had, only for the purpose of the argument, we proceed to an examination of the record for the purpose of ascertaining if such acts were committed *con escandalo*. If the record fails to show that the alleged criminal acts were committed *con escandalo*, then of course, in accordance with article 437 of the Penal Code, the sentence of the lower court should be revoked.

From an examination of the record it appears that the appellant was united in lawful wedlock with the prosecuting witness a few months before the commencement of the present action: that they had separated, and that the wife (the prosecuting witness) had returned to her mother's home to live. The record further shows that the appellant had visited the house of his co-defendant, where her mother and sisters lived, on several occasions; that the appellant and his co-defendant had been seen riding in a carriage together; that they had gone together to a certain theater; that certain questionable conduct had taken place between them in the house where the co-defendant lived with her mother and sisters. These facts were proved by witnesses who did not live in the vicinity or neighborhood where the appellant's co-defendant and her mother and sisters lived. The record shows that said witnesses had been employed, in one way or another, to watch the appellant and his co-defendant, and that they went to the home of the co-defendant of the appellant for that purpose. The prosecution presented some proof to show that the appellant had taken undue liberty with the person of his codefendant in the tienda of her mother and sisters. The co-defendant, her mother and sisters lived in a thickly populated district of the city of Manila. None of the alleged facts relating to the conduct of the appellant and his co-defendant were proved by any of the citizens of the vicinity where the mother of the appellant's co-defendant lived. Several of the neighbors were called as witnesses during the trial of the cause and none of them had seen any conduct on the part of the appellant and his co-defendant which aroused their suspicions or caused them to believe that the relations of the appellant and his co-defendant were not what they should be. If the appellant and his co-defendant had been associated together under scandalous circumstances, it would seem that at least some of the neighbors or persons living in that vicinity might have been found, who had observed such conduct. If the conduct of the appellant in relation with his co-defendant had been *con escandalo* in fact, it would seem to have been unnecessary for the prosecution to have gone into another part of the city to find witnesses to prove that fact. The mere fact that it was necessary to employ spies for the purpose of watching the conduct of the appellant, in relation with the fact that none of the people living in the vicinity had observed any suspicious conduct on his part in relation with his co-defendant, gives rise to a serious doubt that the acts were committed *con escandalo*.

In the case of *United States vs. Casipong and Hongoy* (20 Phil. Rep., 178) this court said, in a case very analogous to the present:

"Nothing would be easier than to adduce proofs of the criminal act, * * * for if they have lived publicly in

concubinage and in sight of everybody, various witnesses, residents not only of the place of residence of the offended wife and her husband but also of the barrio * * * to which the unfaithful husband removed in order to live with his paramour, could have testified."

In the present case there is no contention that the appellant lived in the house with his codefendant and her sisters. He only visited her house from time to time.

We do not now attempt to define the particular acts which constitute escandalo as that term is used in article 437. Each case must depend upon its own particular facts. It is sufficient for the present case to say that the acts and conduct of the appellant with his co-defendant were not such as to produce a scandal nor to set a bad example among the neighbors in the community where said alleged acts are said to have taken place. There seems to have been no publicity of the alleged immoral acts. We have arrived at this conclusion for the reasons stated in the case of *United States vs. Casipong and Hongoy* (20 Phil. Rep., 178) and the decisions of the supreme court of Spain of the 16th of June, 1888, and the 25th of February, 1896. Our conclusion, therefore, with reference to the third assignment of error is that the alleged relation between the appellant and his co-defendant did not exist con escandalo. In view of that conclusion, we deem it unnecessary to discuss the other assignments of error for the reason that the crime described in the complaint is not punishable under article 437 of the Penal Code, nor any other article of said Code unless the act complained of had been committed con escandalo.

Therefore, for the reason that the proof fails to show that the alleged crime had been committed in violation of article 437 of the Penal Code, or of any other provision of said Code, we are of the opinion that the judgment and sentence of the lower court must be reversed. Therefore, it is hereby ordered and decreed that a judgment be entered revoking the sentence of the lower court, dismissing the complaint and discharging the defendant from the custody of the law, and without any finding as to costs, it is so ordered.

Torres, Carson, Moreland, Trent, and Araullo, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.