

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. VALENTIN GINER CRUZ, DEFENDANT AND APPELLANT.*G.R. No. 13288. September 25, 1918*

Ponente: MALCOLM, J.

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Section 733 of the Revised Ordinances of the city of Manila enumerates eleven classes of individuals who shall be deemed to be vagrants. The section includes any person who "acts as pimp or procurer." The words "pimp" and "procurer," practically synonymous in signification, are terms of opprobrium. The commonly accepted definition of the word "pimp" (alcahuete) is "one who provides gratification for the lust of others; a procurer; a panderer." (6 Words and Phrases, 5379.) The clause in question standing alone within semicolons, it is not essential, in order to convict one of vagrancy because a pimp or procurer, that this person have no visible means of support, or be an agent for a keeper of a house of prostitution, etc.

A comparison of section 733 of the Revised Ordinances of the city of Manila of 1917 with the corresponding section of the preceding Revised Ordinances discloses that the phrase "or acts as pimp or procurer" was not found in the old ordinances. Since the legislative body of the city of Manila has taken the pains to include these words in the new ordinances, it must have done so for a purpose, which plainly is to put a stop to vile traffic in human flesh. Such a laudable object on the part of the Municipal Board of the city of Manila should now be effectuated by judicial enforcement.

The defendant, a cochero, having solicited an American soldier to go with him in his rig to find a woman of loose morals and having secured a Deliah for the soldier, is "a pimp or procurer," guilty of the offense punished by section 733 of the Revised Ordinances of the city of Manila. Although this fact was only shown by the testimony of one witness, yet this is sufficient especially when corroborated, to support a judgment of conviction if, as in this instance, it satisfies beyond a reasonable doubt. (U. S. vs. Olais [1917], 36 Phil., 828.)

For this offense, the defendant was sentenced in the Municipal Court and again in the Court of First Instance of the city of Manila to three months' imprisonment and the costs. Although both of these judges apparently took into consideration in fixing the penalty that the defendant was a recidivist, and although we are unable to find any demonstration of this fact in the record, nevertheless, as the penalty is within the limitations permitted by the Ordinances, and as the offense of the defendant merits no judicial sympathy, it results that the judgment appealed from should be affirmed with costs against the appellant. So ordered.

Torres, Araullo, Street, Avanceña, and Fisher, JJ., concur.

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