

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CELEDONIO DE LA CRUZ, DEFENDANT AND APPELLANT.

G.R. No. 24507. December 28, 1925

Ponente: VILLA-REAL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-24507/>

VILLA-REAL, J.:

This is an appeal taken by Celedonio de la Cruz from a judgment of the Court of First Instance of Iloilo, finding him guilty, as principal, of the crime of abduction with rape, for having taken direct part in the commission thereof, and sentencing him to suffer seventeen years, four months and one day, reclusion temporal, and to acknowledge and support the offspring, if any, with the accessory penalties of the law, and the costs of the action.

The appellant assigns three errors to the judgment of the lower court, which will be discussed hereinafter.

There is no question that the offended party, Toribia Minaos, a maiden 14 years old, when she went out in the evening to buy bread, spent the time chatting with the chauffeurs of the automobiles for hire that stopped at Gay Square in Iloilo. On the evening in question, the defendant Celedonio de la Cruz took her in his car, together with other passengers, the municipality of San Miguel. After said other passengers had alighted, the defendant had a ride with the offended party in his car. At about 7 o'clock in the evening, the defendant stopped his automobile in an uninhabited place, and had sexual intercourse with her there. After the penetration of the act, the defendant returned with her to Iloilo and took her to the Eagle Cinematograph Theatre where he left her. Upon coming out, she was seen by the policeman Pedro Mallo, who was looking for her, and taken to the police station to which her absence had been reported.

The only question of fact to be decided in this appeal is whether the complainant was taken away through force and raped by the defendant, or he merely had a ride with her in his automobile wherein sexual intercourse took place with the consent of the girl. The testimony of the supposed abducted girl upon the first point is unworthy of belief. Gay Square is a public place, and it was impossible for the defendant to place her by force in his automobile without attracting the attention of the passerby and without the passengers of the car intervening, it not appearing that the latter were in connivance with the defendant. On the other hand, we find more credible the testimony of the defendant that there was an agreement between him and the complainant to ride in the car, as they did, thereafter getting back to Iloilo and entering the cinematograph theatre where they separated. As to the supposed rape, with the exception of the testimony of the offended party, there is nothing in the record to show that she did not consent to the carnal act, and taking into account all the circumstances of the case her uncorroborated testimony alone is not sufficient to convince the mind that she was raped. Our conclusion, therefore, is that the defendant and the offended party having agreed to ride in his automobile, the defendant took her, together with other passengers, to the municipality of San Miguel, where they had been riding around and had sexual intercourse, after which they returned to Iloilo and entered the Eagle Cinematograph Theatre where they separated.

This conclusion of fact being established, we proceed to determine the conclusion of law arising therefrom. Of course it is idle to inquire if the facts, as above found by us, may in law constitute the crime of abduction through force, with rape. Now then, may said facts constitute the crime of abduction with consent, defined and punished in article 446 of the Penal Code? "By abduction is meant," says Viada, "the taking away of a woman from her house, or the place where she may be found, to another, for the purpose of marrying, or corrupting her (libidinis causa)." The essential elements of the crime of abduction with consent are three: (1) The taking away of a maiden over 12 and below 18 years of age; (2) that the girl shall have consented to being taken away; and (3) that the act shall have committed with lewd designs. In order that the taking away should constitute abduction with consent, it is necessary that the girl over 12 and below 18 years be taken away with her consent from the possession of the person having her under his authority and custody, in order to conceal her whereabouts for an appreciable period of time with lewd designs. The fact of the accused having taken Toribia Minaos in his automobile with her consent, and with intention to return her, after riding, the place where she had taken her, does not show any intention to take her away from the authority of her master and substitute himself in lieu of the latter at least for a short period of time. The legislator well knows the frailty of the flesh and the ease with which a man, whose sense of dignity, honor and morality is not well cultivated, falls into temptation when alone with one of the fair sex toward whom he feels himself attracted. An occasion is so inducive to sin or crime that the saying "A fair booty makes many a thief" or "An open door may tempt a saint" has become general. Moralists constantly advise to avoid occasion to sin; and crimino-sociologists consider it as one of the causes of crime. Offenses of this nature may, and in fact do, constitute a sin against morality, whether religious or social, but not a crime under the sanction of criminal law. A mere riding in an automobile with a girl over 12 and below 18 years without intent to take her away from the authority of those who have her under their control and custody, nor to conceal her whereabouts, is not sufficient to constitute the crime of abduction with consent, whatever its consequences in morals may be. Criminal law does not punish mere amorous appointments, and in interpreting the laws, we cannot extend their effect beyond the limits fixed by their letter and spirit.

For the foregoing reasons, we find that the facts proven at the trial are not sufficient to constitute the crime of abduction with consent, and the judgment appealed from is hereby reversed, and the defendant acquitted with the costs de oficio. So ordered.

Avanceña, C. J., Street, Malcolm, Ostrand, Johns, and Romualdez, 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.