

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. URBANA NACION, DEFENDANT AND APPELLANT.

G. R. No. 3496. July 31, 1907

Ponente: ARELLANO, C.J.

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ARELLANO, C.J.:

According to the conclusions contained in the judgment of the lower court, Liberate, Sasis, a girl 14 years of age; was taken away from the house of her master, Ambrosio Napay, and conducted by the accused to a place called Sagpon, in the town of Daraga, with no other purpose than to place her at the disposal of Thomas Brown, an Afro-American, for immoral purposes. It was also proved that on two former occasions the accused also tried, with the assistance of her sister Sabina Nacion, to hold in her possession, and with the same intent, the minors Fabiana Leona and Agripina Mesina, both of whom were witnesses for the prosecution in this case.

It is only alleged in this instance that in conformity with the decision of the supreme court of Spain of December 17, 1883, it is necessary that the minor should remain at the disposal of the seducer.

This court declares, however, that such condition is not essential, nor does the decision cited justify such a contention, except as it relates to the punishment of the person furnishing the house for the commission of the crime.

According to the decision of the supreme court of Spain of October 18, 1894, the act for which punishment is prescribed by article 459 of the Penal Code (444 of the Code of the Philippine Islands), is not that of prostituting or corrupting minors, but that of promoting or facilitating their corruption or prostitution, which is the crime committed by the accused in this case.

Therefore the judgment appealed from, by which the accused was sentenced to one year eight months and twenty one days of prision correccional, to the accessories thereof, and to pay the costs, is in conformity with the law, and is hereby affirmed with the costs of this instance. So ordered.

Torres, Johnson, Willard, and Tracey JJ., concur.

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