

THE UNITED STATES AND ROMANA NALLES, PLAINTIFFS AND APPELLEES, VS. FELIX ARLANTE, DEFENDANT AND APPELLANT.

G.R.No. 3859. January 15, 1908

Ponente: ARELLANO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-3859/>

ARELLANO, C.J.:

Upon the appeal of the accused from, the final judgment whereby he has been sentenced to one year eight months and twenty-one days of prison correccional, with the accessory penalties, to indemnify the injured woman in the sum of 500, to maintain the offspring by the payment of 8 monthly to the mother until further orders from the court, and to pay the costs, it appears:

That the accused had carnally abused two orphan girls, relatives of his wife, who were sheltered in his house; that they respectively gave birth to a boy and a girl, one of them on the 5th of November, 1905, this being the one who now files the complaint for seduction, and the other on the 15th of October of the same year, the latter appearing in the case as a witness for the prosecution.

No error whatever, either of fact or of law, can be assigned with respect to the consideration given to the proofs when convicting the accused herein, for even by the evidence produced by the defense, such as the declaration of the wife of the accused, the facts are corroborated and further confirmed.

The crime punished in the cause is the one included in paragraph 1 of article 443 of the Penal Code, which is essentially different from that referred to in paragraph 3 of the same article, the difference being that in this latter kind of seduction fraud or deceit is required, while in the other the act would not be punished were it not for the character of the person committing the same, on account of the excess of power or abuse of confidence of which the offender availed himself.

When the offender is a public officer, a priest or minister, a servant, domestic, tutor, teacher, or under any title is in charge of the education or keeping of the offended person, as in the present case, the act is punishable although fraud or deceit may not have been used.

And even though the accused were not, as a matter of fact, in charge of the keeping of the offended girl, it is beyond doubt that, as she was a domestic, the crime is included within paragraph 1 of said article. "Upon the word domestic being employed in said legal provision segregating it from that of servant, the term is applied to persons usually living under the same roof, pertaining to the same house, and constituting, in this sense, a part thereof, distinguishing it from the term servant whereby a person serving another on a salary is designated; in this manner, it has been properly used." (Decision in cassation dated November 11, 1881.)

For the foregoing reasons, and as the judgment appealed from is in accordance with law, the same is hereby affirmed with the costs of this instance against the appellant, and it is so ordered.

Torres, Mapa, Johnson, Carson, Willard, and Tracey, 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.