

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. FABIANA LEGASPI AND PAULINO PULONGBARET, DEFENDANTS AND APPELLANTS.

G.R. No. 5110. August 19, 1909

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-5110/>

CARSON, J.:

The appellants were charged with the crime of adultery in an information couched in the following language:

"The undersigned accuses Fabiana Legaspi and Paulino Pulongbaret with the crime of adultery committed as follows;

"That on or about the 23d day of March, 1908, in the city of Manila, P. I., the accused Fabiana Legaspi was at the said time and place a married woman in that she was united in wedlock to a certain Sotero Cruz; that the accused Paulino Pulongbaret, at the said time and place, had knowledge that the said Fabiana Legaspi was legally married to the said Sotero Cruz; that the said accused Paulino Pulongbaret and Fabiana Legaspi did willfully, unlawfully, and feloniously lie together and have sexual intercourse. All contrary to law."

Counsel for appellants contends that the information is insufficient, and does not charge the defendants or either of them with any crime; and further that the evidence of record does not establish beyond a reasonable doubt the existence of illicit relations or carnal access between the defendants, and fails to sustain a finding of their guilt of any crime.

It will be seen from an examination of the above set out information that it clearly and succinctly sets out: First, the names of the defendants; second, the designation of the crime charged; third, the acts complained of as constituting the crime, in ordinary and concise language, and in such form as to enable a person of common understanding to know what is intended and the court to pronounce judgment according to right; fourth, that the offense was committed within the jurisdiction of the court; and fifth, the name of the offended party. It is, therefore, under the provisions of section 6 of General Orders, No. 58, a sufficient information.

The husband, who was the complaining witness, testified that at about 10 o'clock on the evening of the day set out in the complaint, he found that his wife had left his house; that his suspicions of her fidelity having been previously aroused he went in search of her; that he found her in the house of her aunt, and without entering watched the house until the shutters of the window through which he could see her from the street were closed; that he then crept up to the window and was able to observe what went on inside through a crack in the shutter; that he there and then discovered the two accused flagrante delicto; that he then without giving them any warning called upon the policeman upon duty in that neighborhood to arrest them; that the policeman at first refused to take any action, and only did so when the witness procured a written order from the sergeant at the local police station; that the policeman then joined the witness, and creeping up to the shutter through which the witness had previously observed the movements of the accused, discovered them in bed together, and forthwith arrested them.

The testimony of the husband is satisfactory corroborated by the testimony of the policeman, who appears to have

been a wholly disinterested witness, and to have been called upon for assistance by the complaining witness for the sole reason that he happened to be on duty on his beat at the time when and near the place where the crime was committed.

The defendant, Fabiana Legaspi, did not testify in her own behalf, but her codefendant admitted that at the time when the arrest was made he was alone in the room with his codefendant; he also admitted that she was at that time in bed, but he denied that he was in bed with her, or had any criminal relations with her.

We do not think that the statement of this accused is sufficient to raise a reasonable doubt as to the truth of the testimony of the witnesses for the prosecution, which fully establishes the guilt of both the accused as charged in the complaint; and, as pointed out by the trial judge, the admissions of this accused would in themselves appear to be sufficient to establish the commission of the crime; for the unexplained fact that a man is found at a late hour of the night, alone in a room with another man's wife, she being in bed, and absent from her husband's home without his consent, and as far as she knew without his knowledge, would seem to be sufficient to sustain a conviction of the crime of adultery. Proof of the commission of the crime of adultery, like proof of the commission of most other crimes, may safely be rested on circumstantial evidence when that evidence is such that it leaves no room for reasonable doubt of the guilt of the accused, and, indeed, contrary to the contention of counsel for appellants, convictions for this crime have frequently been had without direct evidence as to the specific acts constituting the offense, as will appear from the following citations from decisions of the Tribunal Supremo de España:

"The finding in the possession of a married woman of several love letters signed by her paramour; their having been seen together in different places, and finally, the fact that they were surprised in a well-known assignation house which the accused woman admitted having visited six times in company with the former, are data and indications sufficient to convict them both of the crime of adultery; because, as the supreme court of Spain says, it shows without doubt not only their illicit relations but also such acts as constitute adultery and are the consequence of said relations." (Decision of the 23d of June, 1874.)

"First. It having reached the knowledge of * * * that his wife was living in intimacy with * * * known by the name of * * * instead of remaining in the house of * * * where she was placed, he asked for and obtained from the court a warrant to enter and search the residence of the keeper * * *, at any time of the night and when this was done by the proper authorities, on the morning of January 5, last, they found * * * and * * * in the only bedroom that there was in the house, and in which there was but one bed, partially disrobed, the bed with evident signs of having been used, while the clothes of both were mixed together."

The trial court, in imposing the penalty, gave the accused the benefit of the provisions of article 11 of the Penal Code, and sentenced them to two years, four months, and one day of prision correccional, that being the minimum penalty prescribed for the crime of adultery: there is nothing in the record which discloses that the defendants are members of uncivilized or semicivilized tribes or persons of notably low order of intelligence, nor does it appear that the commission of the crime of adultery, of which they were convicted, was marked by such exceptional circumstances as to suggest a holding that they are entitled to the benefit of the provisions of this article, and this court has in general declined to affirm the extension of the benefits of its provisions to persons convicted of the crime of adultery. (U. S. vs. Borjal et al., 9 Phil. Rep., 140; U. S. vs. Mercado et al., [1] decided August 3, 1909.)

We therefore reverse so much of the sentence of the trial court as imposes upon the defendants the penalty of two years, four months, and one day of prision correccional, and instead thereof we impose upon them and each of them the penalty of three years, six months, and twenty-one days of prisdn correctional, and thus modified the sentence of the trial court is affirmed, with the costs of this instance against the appellants.

Arellano C. J., Torres, Johnson, and Moreland, JJ., concur.

[1] 13 Phil. Rep., 624

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.