

THE UNITED STATES, PLAINTIFF AND APPELLEE VS. MANUEL SAMANIEGO AND JUANA BENEDICTO DE PEREZ, DEFENDANTS AND APPELLANTS.

G.R. No. 5115. November 29, 1909

Ponente: MORELAND, J.

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MORELAND, J.:

ADULTERY; PUBLIC SCANDAL. — From the Court of First Instance of Manila. Labingier, J.

Defendants were charged with adultery. The court below acquitted both defendants and directed the filing of another information charging the crime of public scandal, under article 441, Penal Code. Samaniego was sentenced, under this new charge, to the maximum degree of arresto mayor, and Juana Benedicto to confinement in an asylum for the insane until further order of the court. The acts complained of held not to fall within the purview of article 441, inasmuch as they did not constitute "grievous scandal or enormity." (U. S. vs. Catajay, 6 Phil. Rep., 398; supreme court of Spain, April 13, 1885, December 14, 1903, and January 27, 1908.) Judgment reversed and defendants acquitted.

Per Moreland, J.

For appellants: J. Rodriguez Serra.

For appellee: Solicitor-General Harvey.

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