

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. SERAPIO POQUIS ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 5423. October 09, 1909

Ponente: MORELAND, J.

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MORELAND, J.:

The defendants were charged with the crime of abduction in that on or about the night of the 13th of January, 1909, in the municipality of Cuyapo, Province of Nueva Ecija, the said defendants took from the house of Felisardo de Vera, Felisa Evangelista, a young girl, 15 years of age, against her will and for immoral purposes.

The trial court found fully proved the following facts:

On or about the 13th day of January, 1909, Felisa Evangelista, Eulalia Alvarez, Felisardo de Vera, and Jacinta Canebat were living together in the province above referred to. On the night in question the defendants herein approached the said house and by means of force and intimidation entered the same. They were all armed with bolos and clubs. Francisco Roque, Serapio Poquis and Irineo Asuncion went into the house, while the others remained outside watching the door. The three who entered the house lit the lamp, bound Felisardo de Vera, carried him outside of the house, and, returning to the house, took therefrom the women above named, handling them roughly and beating them with their bolos. Francisco Roque took with him the young girl Felisa Evangelista, carried her to a neighboring district, somewhat sparsely settled, and there lived with her for several months, they cohabiting together as man and wife-all against the will and protests of the said Felisa Evangelista.

The court found all of the defendants guilty except Francisco Roque, to whom he gave his liberty in view of the fact that he and Felisa Evangelista were married subsequent to the commission of the crime. Upon the others the court imposed the penalty of seventeen years four months and one day of reclusion temporal and the corresponding accessories of the law, and to indemnify jointly and severally the said Felisa Evangelista in the sum of P500, and each to pay one-fifth of the costs. From this decision all of the defendants except Francisco Roque, appealed to this court. The only defense presented by the appellants is that they did not take Felisa Evangelista by force but that she went of her own accord.

Although the point was not raised by the defendants, we have found it incumbent upon us to consider the effect upon the other defendants of the marriage of the offended person with Francisco Roque, and, after careful consideration, we have reached the conclusion that such marriage, under the language of section 2 of Act No. 1773, is a bar to the prosecution of the other defendants for the crime charged and described in the complaint.

The judgment of the lower court is, therefore, reversed, with costs de oficio, the defendants acquitted of the crime charged, and their discharge from custody is ordered forth-with. Let judgment be entered in accordance herewith, and the case returned to the court whence it came for execution. So ordered.

Torres, Johnson, Carson, and Elliott, JJ., concur.

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