

**ROMANA QUILATAN AND SIMON SANTIAGO, PETITIONERS, VS.
EMILIANO CARUNCHO, PROVINCIAL JAILER OF RIZAL,
RESPONDENT.***G. R. No. 7516. February 01, 1912*

Ponente: TRENT, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-7516-2/>**TRENT, J.:**

Some time prior to the month of February, 1911, there was presented in the justice of the peace court of the municipality of Las Piñas, Province of Rizal, a criminal complaint charging Romana Quilatan and Simon Santiago with the crime of adultery. The justice of the peace held a preliminary investigation as required by law, and after considering the testimony presented, dismissed the complaint and released the two accused. Subsequently thereto and on the 18th of February, 1911, the provincial fiscal examined the record made in that preliminary investigation by the justice of the peace and reached the conclusion that there was sufficient proof to bring the accused parties to trial. Whereupon he filed an information in the Court of First Instance, signed by himself as prosecuting officer, charging the said Romana Quilatan and Simon Santiago with the crime of adultery. Upon the filing of this information, the judge of the Court of First Instance issued an order for the arrest of the accused parties on the 21st of February. Pursuant to the order thus issued, the parties were arrested on October 4, 1911, and confined in the provincial jail of that province. These accused parties, believing their confinement to be illegal, caused to be filed in this court on the 27th of November, 1911, an application for a writ of habeas corpus for the purpose of determining the legality of their confinement.

The record fails to disclose whether or not Silvino Vitales, husband of the petitioner Romana Quilatan, is now or was at any time a public official or employee.

The question whether or not the Court of First Instance had jurisdiction to order the arrest and confinement of the petitioners upon the information of the fiscal is squarely before us. If it had no such jurisdiction, the petitioners are illegally deprived of their liberty and are entitled to be released upon habeas corpus.

The first section of Act No. 1773 provides:

"SECTION 1. Hereafter the crimes of adulterio, estupro, rapto, violation, calumnia, and injuria, as defined by the Penal Code of the Philippine Islands, shall be deemed to be public crimes and shall be prosecuted in the same manner as are all other crimes defined by said Penal Code or by the Acts of the Philippine Commission: Provided, however, That no prosecution for the crimes of adulterio, estupro, or injuria committed against persons other than public officials or employees shall be instituted except upon the complaint of the aggrieved person or of the parents, grandparents, or guardian of such person."

It can not be determined from the word "committed," as used in the above section, whether it is singular or plural, as it is spelled the same in both forms. This past participle might refer to all three of the crimes or just the latter only. Grammatically speaking, this can not be definitively and with certainty determined. In the Spanish text, it is used in the plural form (cometidos).

To determine the question whether or not the crimes of adultery and seduction, when committed against public officers and employees can be instituted and carried forward to a final determination upon the information of the provincial fiscal alone, we must look to the intent of the Legislature.

Prior to the passage of Act No. 1773 the crimes of adultery and seduction were purely private offenses and could not be prosecuted except, for the first crime, upon the complaint of the offended husband, and for the second, upon the complaint of the offended party or her parents, grandparents, or guardian. The prosecuting officer had no authority to institute the proceedings in either one of these cases, while, on the other hand, it was not necessary in every instance that there should be a complaint filed by the injured party before a person could be prosecuted for the crime of injuria. In other words, there were two classes of insults. Those directed against private parties which could not be prosecuted de officio or on the initiative and through the public prosecutor, and those against the authorities, public officials, or agents of the authorities which were real public crimes and which could be prosecuted by the prosecuting officer the same as other public offenses.

There existed sound reasons of public policy which forbade the prosecution of persons charged with the crimes of adultery and seduction except upon the complaint of the aggrieved person or of the parents, grandparents, or guardian of such person. There also existed the same reason which prohibited the institution of criminal proceedings against a person charged with insults except upon the complaint of the aggrieved person when such person was not one of the excepted classes. The Philippine Commission intended that these underlying principles of the Penal Code should remain in force. By Act No. 1773 these offenses were made public crimes and the control of the prosecution of the same was taken out of the hands of the offended parties when the proceedings were once instituted. The Commission realized that when public officials or employees were attacked, the Government was, to some extent, interested, and found it necessary to authorize its prosecuting officers to go forward upon their own initiative in cases of injuria without being compelled to await the filing of a complaint by the offended party. And again, if a public official or employee is insulted when he is in the performance of his duty and he fails to come forward with the proper complaint, it might be necessary, in certain cases, to have the whole affair judicially investigated for the benefit of the service. In order to do this, it was thought advisable to confer authority upon the prosecuting officer to institute criminal proceedings. This is not true, however, in reference to the crimes of adultery and seduction, even though the offended parties be public officials or employees. The nature and character of the crimes are distinctly different. In the first class (adultery and seduction) the Government has no special interest, while in the second (injuria), the Government is interested to the extent that one of its officials or employees is involved. So it is clear that criminal proceedings can not be instituted against persons charged with the crimes of adultery and seduction, although the offended parties may be public officials or employees, except upon the complaint of the offended party or (in the case of seduction) her parents, grandparents, or guardian. While, on the other hand, the prosecuting officer can institute, upon his own initiative, a criminal action against a person charged with insults when the offended party is a public official or employee and in the performance of his duty when such insults were uttered.

The word "committed" as used in the first section of Act No. 1773 is singular in form, and the same word in the Spanish text should be changed accordingly.

In the case at bar the criminal proceedings were instituted against the petitioner in the court of the justice of the peace upon a complaint of the offended husband. He had a perfect right to commence that action. In fact, he was the only one who could do so. The justice of the peace, after making a preliminary investigation, found that there did not exist reasonable cause to believe that an offense had been committed, and that the accused parties were guilty thereof. He thereupon dismissed the complaint and discharged the defendants. This definitively and finally terminated that case. The offended party could have presented another complaint for the same offense, charging

the defendants with the same crime, if he had so desired. He having failed to do this, the case, as we have said, was terminated as far as the whole world was concerned. The fiscal was without authority to institute in the Court of First Instance a new proceeding by filing an information. The filing of this information gave the court no jurisdiction whatever over the persons of the petitioners and the subject matter of the action. In order to give the court jurisdiction over the persons of the petitioners and the subject matter of the action, it was necessary that the complaint defined by section 4 of General Orders, No. 58, be made and executed in writing by the offended party personally; such jurisdiction could be acquired in no other way. (U. S. vs. Gomez, 12 Phil. Rep., 279; U. S. vs. Narvas, 14 Phil. Rep., 410; U. S. vs. De la Cruz, 17 Phil. Rep., 139; U. S. vs. Castafiares, 18 Phil. Rep., 210; U. S. vs. Salazar, 19 Phil. Rep., 233.)

For the foregoing reasons, we are of the opinion that the petitioners are illegally deprived of their liberty, and it is therefore ordered that they be released from confinement forthwith.

Costs de oficio.

Arellano, C. J., Torres, Mapa, Johnson, Carson, and Moreland, 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.