

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ELISEO REYES, DEFENDANT AND APPELLANT.*G.R. No. 9745. November 07, 1914*

Ponente: ARAULLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-9745/>**ARAULLO, J.:**

Eliseo Reyes was charged, in the information presented for the purpose, with having, on or about the 10th day of October, 1913, in the city of Manila, abducted willfully, unlawfully, and feloniously and with unchaste designs, with her own consent, Apolonia Enriquez, a virgin 17 years of age. After a trial of the case in all its proceedings, judgment was rendered by the Court of First Instance of this city, on December 6, 1913, whereby the defendant was found guilty of the said crime and sentenced to the penalty of one year eight months and twenty-one days of prison correccional, to endow the offended party in the sum of P250, to maintain the offspring, should there be any, to suffer in case of insolvency the corresponding subsidiary imprisonment, and to pay the costs. The defendant appealed from this judgment.

The sole question raised in this court by defendant's counsel, through the appeal submitted and by means of the assignments of error set forth in the two briefs presented by him, is whether Apolonia Enriquez was seduced or induced by the defendant to leave the house of her parents and join the defendant—an indispensable requisite, as defendant's counsel himself correctly says, for the existence of the crime of abduction with consent, provided for and punished by article 446 of the Penal Code.

The defense, in raising this question, admits the existence of the other two requisites which must concur in order that the said crime may be held to have been committed, to wit, that the said girl was under 18 years of age and a virgin when the crime under prosecution was committed.

It was proven that Apolonia Enriquez left the house of her parents, with whom she was living in Calle Singalong, on the morning of October 10, 1913, and went to another house on the same street; that the same day the defendant joined her and they afterwards went together to another house in Calle Sandejas, where they stayed several days; and that they then removed to another house in Calle Alvarez, Sampaloc, in which they remained five days, until the girl was found by her godfather, Nestorio Medel. It was also proved, by the explicit statements of the defendant and of the girl herself, that during all the time they were living together in the houses above mentioned they repeatedly had carnal intercourse. The evidence likewise discloses that for six months prior to October 10, 1913, the defendant maintained amorous relations with Apolonia Enriquez, although he was a married man—a fact of which she was not aware—and that those relations were so intimate and the girl's inclination toward the defendant was such that he had complete control over her will, as clearly appears from the letters which the defense endeavored at the trial to utilize in his behalf and which turned out to be the best and most convincing proof that the girl was subjugated and dominated by the passion which the defendant awakened in her and to such an extent that she left the house of her parents on the day aforementioned in obedience to an agreement previously made between them. In spite of the defendant's denial, it is clearly concluded from one of the letters presented at the trial by the defense that on the day preceding the abduction he had an interview with

the girl outside of her house, and what occurred the next day was nothing more than the result of that meeting.

Furthermore, even admitting it to be true that the girl called up the defendant by telephone from the house where she was in Singalong, as he testified that she did, and informed him that she was now outside her house and waiting for him there, this could not constitute proof that there had previously been no inducement or seduction on the part of the defendant to make her leave the house of her parents on the morning referred to. But that fact does plainly show that there was a previous agreement between them to go from there to another house, as in fact they did, and consummate the act which constituted the crime of abduction prosecuted in this case; and this is perfectly plain and obvious, for, if after the defendant had had that interview with the girl it had not been his intention to take her away from her parents' home for the purpose of satisfying his carnal appetite upon her, but only to come, as he said, in answer to her summons by telephone, he could have refrained from taking her with him and living with her two days in one house and afterwards five days in another distant from that of her parents, for it is situated in the district of Sampaloc in an opposite part of the city from Malate, where Calle Singalong is, and he could have refrained, during all that time in both of these houses and before the girl had been found by her godmother's husband, Nestorio Medel, from carrying out the unchaste designs which it is evident he entertained toward her, as it is also evident that his relations with the girl were for no other purpose from the beginning than to seduce her and deceive her in order to accomplish those designs, inasmuch as, being a married man, he knew that he could not marry her.

The defense, however, tried to prove by the document marked Exhibit 1,-that the girl left the house of her parents voluntarily, through fear of being maltreated by them, and was not taken away from her home by anybody; and also that although she knew the defendant was married she went to live with him in order that he might take care of her. Even though it be considered to have been proved, as it is not sufficiently, that she did make the statements contained in that document, since it is dated the 10th of October, the same day, as is seen, that the defendant took possession of the person of the offended party and materially made her his own, when the girl, conquered by passion, could not refuse to accede to any request of his, evidently it can have no value for the purposes intended by the defense and only serves to prove that the defendant, convinced of the responsibility he had incurred by his acts, endeavored thereby to see whether he might free himself therefrom, should he be prosecuted, as has occurred in this case. That document, moreover, in connection with the other two, Exhibits B and C, which were presented by the prosecution and bear date of the following day, October 11, and in which the defendant himself declares that he will be faithful to Apolonia Enriquez all the time that they shall live together and authorizes her, in case he fails to keep his promise or abandons her, to do with him whatever she may please or to prosecute him, shows that the defendant, recognizing his fault, endeavored to avoid prosecution by the offended party or by her family, by making her believe, as she testified at the trial that she did, that by presenting document Exhibit B in court he could get married to her, and by assuring Nestorio Medel, when this latter went to see him in order to find out the whereabouts of the offended party, that that document, which the girl had in her possession, was the certificate of his marriage to her. All these facts demonstrate that the defendant was deceiving the girl during the whole time he had her in his company and until the last moment, by making her believe that he was not married—an error which she perceived only when in the office of the prosecuting attorney of this city the accused was asked by the fiscal whether he wished to marry the girl and he replied that this was impossible as he was married.

As this Supreme Court has already held in the case of the United States vs. Reyes (20 Phil. Rep., 510), in order that the crime of abduction, with the consent of the abducted, which is punished by article 446 of the Penal Code, exist, it is not necessary that the abducted woman should have been materially removed from the house of her parents or from that of persons charged with her keeping or custody; it is sufficient that she should have left it and withdrawn herself from their control and vigilance, yielding to the cajolery and promises of her seducer, because, according to the principle laid down by the supreme court of Spain in its decision of November 30, 1875, the law

provides punishment, in respect to this crime, not for the violence done, to the person abducted, since it is assumed that she gave her consent, but for the disgrace to her family and the alarm caused therein by the disappearance of one of its members who, from her age and sex, is susceptible to cajolery and deceit. The place where the abduction is committed is immaterial, for the law takes no account of it. The same principle is laid down in the decisions of the same court, of October 29, 1895, and March 31, 1896.

The defendant did not, in fact, materially remove Apolonia Enriquez, a maiden 17 years of age, from the house of her parents, but he did induce her to leave it. In spite of his being married, he maintained amorous relations with her for six months prior to the 10th of October, 1913, gaining her consent during all that time and seducing her; and after the girl by agreement with him had left the paternal roof on the day aforementioned and withdrawn herself from her parents' control and vigilance, he took her away with him and derived carnal enjoyment from her during the time that he had her in his company. Those facts evidently constitute the crime of abduction, provided for and punished by the said article 446 of the Penal Code, as amended by Act No. 2298 of the Philippine Legislature, and, the defendant being criminally liable for the said crime, as the principal thereof by direct participation, its commission being unattended by any circumstance that mitigates his responsibility, the penalty specified in the said article should be imposed upon Mm in the medium degree, as was done in the judgment appealed from, together with that of civil liability and the others mentioned in the said judgment, which is in accordance with the law, though the defendant should also have been sentenced to suspension of the right to hold public office and the right of suffrage during the term of the sentence, which penalties are accessory to the principal one imposed, as provided by article 61 of the Penal Code.

Therefore, with this addition, we affirm the judgment appealed from, with the costs against the appellant.

Arellano, C. J., Torres, 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.