

3 Phil. 515

[ G.R. No. 1660. March 28, 1904 ]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. GREGORIA HERRERA ET AL., DEFENDANTS AND APPELLANTS.**

**D E C I S I O N**

**WILLARD, J.:**

The defendants were convicted in the court below of the crime of *detencion ilegal*, committed on the person of a girl 17 years old named Marcelina Aralar.

There is no doubt that the girl frequently went out of the house in question, No. 49 Calle Arranque, Manila, both in company of the defendant Gregoria and alone, between July 7 and 18, the period of her alleged detention. She was not, therefore, during that time deprived of her liberty within the meaning of article 481 of the Penal Code.

This case can not be distinguished from cases heretofore decided by this court. (United States vs. Quevengco, No. 1208, August 6, 1903;<sup>[1]</sup> United States vs. Chu Cheng, No. 1112, April 2, 1903.<sup>[2]</sup>)

The judgment is reversed and the defendants acquitted, with costs of both instances *de oficio*,

and without prejudice to the presentation of a complaint against the defendant Gregoria for corruption of minors and a complaint against the defendant Arsenio for *estupro*.

*Arellano, C. J., Torres, Cooper, Mapa, McDonough, and Johnson, JJ., concur.*

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<sup>[1]</sup> 2 Phil. Rep., 412

<sup>[2]</sup> Not published.

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