

2 Phil. 412

[G.R. No. 1208. August 06, 1903]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. JOSE QUEVENGCO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

WILLARD, J.:

Sotera Jico was in the house of the defendant for three days. During that time she was employed as a servant therein, had the freedom of the house, and left it at times to visit her mother, who lived upon the same estate. At those times she was accompanied only by a small child. These facts do not show the commission of the crime of *detencion ilegal*.

She was, by the servants of the defendant and a soldier of the Constabulary, compelled, against her will, to leave her house and go with them, in company with her aunt, to the defendant's house. These facts prove the commission of the crime of *coaccion*, punished by article 497 of the Penal Code.

The offense charged in the complaint is *detencion ilegal*. That crime can not be committed without committing that form of *coaccion* which consists in compelling one to do what he does not wish to do. The latter is therefore necessarily included in the former, and under this complaint for *detencion ilegal* the defendant can be convicted of this form of *coaccion*. (G. O., No. 58, sec. 29.)

The aggravating circumstance of sex, mentioned in No. 20 of article 10 of the Penal Code, should be taken into consideration.

The judgment below is reversed and the defendant is found guilty of the crime of *coaccion*, and is sentenced to six months of *arresto mayor*, to a fine of 325 pesetas, and the payment of 25 pesos as indemnity to said Sotera Jico, and to the payment of costs.

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

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