

7 Phil. 399

[G.R. No. 2953. January 30, 1907]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MOISES PADUA,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

The accused in this case was charged with *rapto* (abduction), as defined and penalized in article 446 of the Penal Code. No evidence was taken at the trial, but the following agreed statement of facts was submitted to the court below:

“On or about the 20th of October, 1904, in the town of Candon, Province of Ilocos Sur, Moises Padua abducted, with her own consent, Juana Gallato, a damsel 16 years of age, and of good character.

“He immediately took the said Juana Gallato from the town of Candon to the town of San Ildefonso, Santo Domingo, Ilocos Sur, and upon arrival there took her to the convent to beg the parish priest to marry them.

“During the journey from the town of Candon to San Ildefonso, Santo Domingo, the accused, Moises Padua, respected the virtue of Juana Gallato, and on no occasion had carnal relations with her, this latter fact having been proven by the statement, under oath, of the said Juana Gallato.”

On this statement of facts the accused was convicted of the crime with which he was charged and sentenced to one year eight months and twenty-one days' imprisonment (*prision correccional*) and to the payment of the costs of the proceedings.

This court has frequently held that it is an essential element of the crime of *rapto*, as defined in article 446 of the Penal Code, that it be executed *con miras deshonestas* (for

immoral purposes), and that the burden is upon the prosecution to establish this fact. (United States vs. Enrique Rodriguez, 1 Phil. Rep., 107; United States vs. Domingo Ysip,^[1] 5 Off. Gaz., 38; and United States vs. Calixto Galves,^[2] August 30, 1906, 5 Off. Gaz., 93.)

The agreed statement of facts submitted in the trial court does not sustain an allegation that the defendant committed the act for immoral purposes, and, indeed, we are of opinion that the contrary affirmatively appears, because the abduction was evidently had solely for the purpose of marrying the abducted damsel with her own consent.

The judgment and sentence of the trial court should be reversed with the costs of both instances *de officio*, and the bail bond of the defendant canceled. After expiration of ten days let judgment be entered in accordance herewith and ten days thereafter the record remanded to the court from whence it came for proper action. So ordered.

Arellano, C. J., Torres, Mapa, Willard, and Tracey, JJ., concur.

^[1] 6 Phil. Rep., 26.

^[2] Not reported.
