

[G.R. No. 11157. March 25, 1916]

POLICARPIO RAMIREZ, PETITIONER, VS. FRANCISCO DE OROZCO, WARDEN OF THE PROVINCIAL PRISON OF PANGASINAN, RESPONDENT.

D E C I S I O N

JOHNSON, J.:

This is an original petition for the writ of habeas corpus presented in this court. The plaintiff alleges that he is being unlawfully imprisoned and restrained of his liberty by the respondent Francisco de Orozco, warden of the provincial prison of the Province of Pangasinan, at said provincial prison in the Municipality of Lingayen, Province of Pangasinan, Philippine Islands; that said imprisonment and restraint are illegal; and that the illegality thereof consists in this, to wit, that the petitioner was charged with a violation of section 1 of Act No. 2098 of the Philippine Legislature, tried, convicted, and sentenced for such violation in criminal cause No. 645 of the court of the justice of the peace of the municipality of San Jacinto, Province of Pangasinan; that the imprisonment of your petitioner as aforesaid is for debt, in contravention of that part of section 5 of the Act of Congress of July 1, 1902, which provides that no person shall be imprisoned for debt in the Philippine Islands.

Attached to the petition there appears the complaint and sentence of the said justice of the peace. Said complaint alleges—

“The undersigned accuses Policarpio Ramirez of having infringed section 1 of the Act of the Philippine Legislature governing the hiring of personal services as follows: That on or about the 6th of November, 1914, in the municipality of San Jacinto, Province of Pangasinan, P. I., with the purpose of defrauding and deceiving the injured person Alejandro Santos, he asked the said Santos to pay into the municipal treasury of the same pueblo the sum of ₱16, Philippine currency, as cedula tax owing but not paid by accused, the accused undertaking

to give his personal services in exchange therefor that, in view of this promise, the injured person did pay ₱16, Philippine currency, into the municipal treasury of this town, handing over to the accused said cedulas; that once in possession of said cedulas the accused did not fulfill his above-mentioned promise, failed to give his personal services to the above-mentioned injured person, and damaged the same to the aforesaid amount of ₱16, Philippine currency, equivalent to 80 pesetas. Act performed in violation of the Act above mentioned.”

Said complaint was duly sworn to before the said justice of the peace.

Upon the presentation of said complaint, and it appearing to said justice of the peace that a crime had been committed, he issued a warrant for the arrest of the defendant upon the 12th of February, 1915.

On the 2d of June, 1915, the defendant was brought before the said justice of the peace and arraigned. Upon said arraignment the justice of the peace made the following memorandum:

“In the justice of the peace court of San Jacinto, Province of Pangasinan, P. I., June 2, 1915, in compliance with a judicial order, the accused Policarpio Ramirez y Narcisa appeared before me, Juan Lagera, justice of the peace, but without counsel in spite of having been advised of his right, and heard read the charge lodged against him by Alejandro Santos; after having heard the charge he voluntarily and spontaneously pleaded guilty in the presence of Geminiano Reyes and Ambrosio de la Cruz.

“I, the justice of the peace, in view of this plea of the accused, advised him of his right to amend the same and to substitute one of not guilty therefor, but on hearing this he replied he insisted and that he could not change it.

“Thus he set forth and, as he said he could not write, he placed his thumb mark between his baptismal and his surname, after my signature. The undersigned justice of the peace who certifies (Signed.) Juan Lagera, Justice of the Peace.”

Later the said justice of the peace rendered the following sentence:

“In the complaint filed in this case it is alleged that on or about the 16th of November, 1914, in the municipality of San Jacinto, Province of Pangasinan, P. I., Policarpio Ramirez, with the object of defrauding and deceiving the complainant Alejandro Sanchez, asked the latter to pay into the municipal treasury of San Jacinto, Pangasinan, P. I., the sum of P16, Philippine currency that being the amount owing by the accused for his unpaid cedulas, under the promise to render personal services to the offended party in return therefor; that in view of this promise the offended party paid the P16, Philippine currency, into the municipal treasury of San Jacinto, Pangasinan, and delivered to the accused the said cedulas; that once in possession of the said cedulas the accused, without proper cause and without returning the money, failed to comply with his said promise, refused to render personal services to the said offended person and failed to render the said services, thereby injuring said offended person in the said sum of P16, Philippine currency, an act committed within the jurisdiction of this court in violation of the above-mentioned law.

“The accused, on being informed of the charge by having it read and interpreted to him in the dialect of the locality, freely and voluntarily pleaded guilty to the charge as alleged in the complaint, there being present Messrs. Geminiano Reyes and Ambrosio de la Cruz.

“In view of this confession of the accused, the court finds him guilty of the infraction charged, wherefore.

“By these presents the court sentences Policarpio Ramirez y Narcisa to suffer the penalty of four months’ imprisonment in accordance with section 1 of Act No. 2098 of the Philippine Legislature, to return to the offended person the sum of P16, Philippine currency, and to pay the costs. So ordered.”

Upon the presentation of the petition and the exhibits above referred to an order was issued requiring the respondent to show cause why the defendant should not be given his liberty.

On the 6th of September, 1915, the Attorney-General, representing the respondent, answered said petition, admitted some of the facts alleged in the complaint and denied others. He alleged that he could not present the body of the petitioner, for the reason that he was enjoying his liberty under a cash bond presented by his attorney and denied “that the complainant had been imprisoned for debt, contrary to the provisions of section 5 of the

Act of Congress of July 1, 1902, inasmuch as he was sentenced for an infraction of section 1 of Act No. 2098 of the Philippine Legislature; he denied that said section of Act No. 2098 was void or unconstitutional, inasmuch as it neither imposed imprisonment for nonpayment of debt nor established slavery or involuntary servitude, but merely punished a certain special kind of estafa; that consequently the Philippine Legislature had the power to enact the same, with the costs against the petitioners.”

The only question presented by the petition, its exhibits and the answer is one relating to the constitutionality of Act No. 2098 of the Philippine Legislature. After a very careful examination into that question, we have arrived at the conclusion that said Act is constitutional; that the Philippine Legislature had full power and authority to adopt it. Therefore, without prejudice to the writing of a decision in which the constitutional question presented shall be more fully discussed, the petition for the writ of habeas corpus is hereby denied, with costs. So ordered.

Arellano, C. J., Torres, Trent, and Araullo, JJ., concur.

Moreland, J., see concurring opinion.

CONCURRING OPINION

MORELAND, J.:

The only basis of this proceeding being the alleged unconstitutionality of the law in question, I am in favor of denying the application for the writ.
