

Title:

****The People of the Philippines vs. Florentino Abilong: A Case of Evasion of Service of Sentence Through Destierro****

Facts:

The case revolves around Florentino Abilong, who was initially sentenced by the Municipal Court of Manila on April 5, 1946, in criminal case No. B-4795 for attempted robbery. His sentence was two (2) years, four (4) months, and one (1) day of destierro, a penalty where the convicted is banned from entering a specified area, in this case, a 100-kilometer radius from the City of Manila.

On September 17, 1947, Abilong was charged with evasion of the service of his sentence by willfully entering the City of Manila, thereby violating the terms of his destierro and committing vagrancy. Upon arraignment, Abilong pleaded guilty and was subsequently sentenced by the Court of First Instance of Manila to two (2) years, four (4) months, and one (1) day of prisión correccional.

Abilong appealed the decision, arguing that the evasion of the service of a sentence of destierro should not fall under Article 157 of the Revised Penal Code, which pertains to the evasion of service of sentence by convicts who escape during the term of their imprisonment resulting from a final judgment.

Issues:

1. Whether evasion of the service of a sentence of destierro comes under Article 157 of the Revised Penal Code.
2. The relevance of the English versus the Spanish text of the Penal Code in interpreting the law.

Court's Decision:

The Supreme Court, analyzing both the English and the original Spanish texts of the Revised Penal Code, concluded that the Spanish text should be controlling in cases of doubt. According to the Court, "privación de libertad" in the Spanish text, which was inaccurately translated to "imprisonment" in English, includes not just physical imprisonment but any deprivation of liberty, including destierro. Thus, entering the prohibited area (the City of Manila, in this case) constituted evasion of the service of sentence under Article 157.

The Supreme Court affirmed the decision of the lower court, ruling against Abilong and maintaining his sentence of prisión correccional.

Doctrine:

The key doctrine established is the interpretation of “privación de libertad” to encompass all forms of deprivation of liberty, including partial restrictions such as destierro, under Article 157 of the Revised Penal Code (Spanish text). It signifies that evasion of service of a sentence includes entering a prohibited area as specified by a sentence of destierro.

Class Notes:

- Article 157 of the Revised Penal Code covers not only evasion from incarceration but also from any form of liberty deprivation, including destierro.
- The controlling language of the Philippine legal statutes, particularly the Penal Code, is the original Spanish text, especially in cases of discrepancy or interpretation doubts.
- The term “privación de libertad” translates to a broader concept of deprivation of liberty, not limited to physical imprisonment.

Historical Background:

This decision highlights the aftermath of the American occupation and the transitional nature of Philippine legal system, where both English and Spanish texts of laws were in use. It underscores the importance of understanding the original language of legislation to accurately interpret and apply the law. This case also brings attention to the penal concept of “destierro,” a unique form of sentence not commonly found in other jurisdictions, reflecting the distinct legal traditions and innovations within the Philippine legal system.