

### Title:

Salvacion A. Monsanto vs. Fulgencio S. Factoran, Jr.: Reinstatement and Rights Following an Absolute Pardon

### Facts:

Salvacion A. Monsanto, previously serving as the assistant treasurer of Calbayog City, and three others were convicted by the Sandiganbayan on March 25, 1983, for the complex crime of estafa through falsification of public documents. The court sentenced them to imprisonment and payment of fines and indemnity to the government.

Monsanto appealed the conviction to the Supreme Court, which affirmed the Sandiganbayan's decision. Pending her motion for reconsideration, she received an absolute pardon from President Marcos on December 17, 1984, which she accepted. Based on this pardon, Monsanto requested reinstatement to her former position, arguing that the pardon erased her crime, implying uninterrupted government service.

Her request went through several administrative reviews, eventually reaching the Ministry of Finance, which supported her reinstatement conditionally but without backpay. Dissatisfied, Monsanto sought complete reinstatement with backpay and exemption from financial liabilities through further governmental inquiry, ending at the Office of the President. The Deputy Executive Secretary Factoran decided against her, stating that an absolute pardon does not entitle automatic reinstatement or exemption from civil liabilities, following the *Mirando v. Imperial* and *People v. Lising* precedents.

Monsanto's subsequent motion was denied, leading to this petition to the Supreme Court.

### Issues:

1. Does an absolute pardon entitle the public officer to automatic reinstatement without a new appointment?
2. Does an absolute pardon erase all the consequences of the convict's actions, including civil indemnities and the stigma of conviction?

### Court's Decision:

The Supreme Court upheld Deputy Executive Secretary Factoran's decision. The Court clarified that an absolute pardon does not equate to a finding of innocence nor does it erase the factual existence of the crime. While it removes the principal penalties, accessory penalties and civil indemnities subsist unless specifically remitted. An absolute pardon restores eligibility for public office but doesn't guarantee automatic reinstatement or

backpay, nor does it exempt the pardoned individual from civil liabilities imposed by the sentence.

### ### Doctrine:

The ruling reaffirmed that an absolute pardon:

1. Does not automatically entitle the pardoned individual to reinstatement in public office;
2. Does not remove the necessity for a new appointment;
3. Does not erase the moral and legal consequences of the crime, including civil liabilities and disqualifications not expressly remitted by the pardon.

### ### Class Notes:

- **\*\*Pardon vs. Reinstatement\*\***: An absolute pardon restores a person's eligibility for public service but does not confer automatic reinstatement or immunity from civil liabilities unless explicitly stated.
- **\*\*Legal Effects of Pardon\*\***: A pardon does not negate the fact of the commission of the crime nor its legal consequences, particularly civil liabilities, unless these are expressly remitted.
- **\*\*Public Office Eligibility\*\***: Post-pardon, an individual must reapply and be reassessed for suitability and trustworthiness for public office.
- **\*\*Moral and Social Implications\*\***: Acceptance of a pardon implies acknowledgement of guilt; it grants forgiveness but does not obliterate the crime's existence or its societal perceptions.

### ### Historical Background:

This case is a significant analysis of the scope and limitations of executive clemency in relation to public trust and responsibility within the Philippine legal system. The decision underscores the balance between compassion (mercy) and the integrity of public service, emphasizing the enduring consequences of criminal acts despite executive pardons.