

****Title:** Misolas v. Panga (260 Phil. 702, 1988)****

****Facts:****

On August 8, 1987, elements of the Philippine Constabulary (PC) raided a suspected 'underground house' in Foster Village, Del Carmen, Pili, Camarines Sur based on information from an unidentified informant that members of the New People's Army (NPA) were resting there. During the early morning raid, the petitioner Arnel P. Misolas and two women known by the aliases "Ka Donna" and "Ka Menchie" were in the house. The women managed to escape, but Misolas was arrested after a .20 gauge Remington shotgun and four live rounds of ammunition were found in a red bag under a pillow purportedly used by him. Misolas was brought to the PC headquarters.

On September 4, 1987, an information was filed by the provincial fiscal charging Misolas with illegal possession of firearms and ammunition under Presidential Decree No. 1866. The information stated that the firearm and ammunition were used in furtherance of subversion, thus qualifying the offense under the third paragraph of Section 1, P.D. No. 1866 which prescribed the death penalty for such a violation.

Upon arraignment, Misolas pleaded "not guilty". Soon after, with the assistance of counsel, he filed a motion to withdraw his plea to file a motion to quash the information. The respondent judge allowed him to file the motion to quash which he did on grounds that (1) the facts charged did not constitute an offense because illegal possession of firearms should be absorbed in subversion or rebellion, and (2) the trial court had no jurisdiction over his person because his constitutional rights were violated by illegal arrest and seizure.

The respondent judge denied the motion to quash and the subsequent motion for reconsideration. Misolas then filed a petition for certiorari before the Supreme Court, challenging the denial of the motions and the constitutionality of the third paragraph of Section 1 of P.D. No. 1866.

****Issues:****

1. Whether the third paragraph of Section 1 of P.D. No. 1866, which imposes the death penalty for illegal possession of firearms and ammunition in furtherance of subversion, is unconstitutional.
2. Whether the trial court acquired jurisdiction over Misolas given the alleged violations of his constitutional rights during arrest and seizure.

****Court's Decision:****

1. ****Constitutionality of P.D. No. 1866:****

- The Supreme Court found no merit in the claim that the third paragraph of Section 1 of P.D. No. 1866 is unconstitutional. The petitioner's argument that the provision violated substantive due process and contradicted the doctrine of absorption of common crimes in political offenses was rejected.
- The Court distinguished this case from previous rulings in Hernandez, Geronimo, and Rodriguez, clarifying that Misolas was charged with a qualified offense of illegal possession of firearms and not a complex crime of subversion or rebellion with illegal possession of firearms.
- The Court upheld the legislature's authority to define offenses and prescribe penalties, including distinguishing between illegal possession of firearms qualified by subversion and the crime of subversion qualified by the taking up of arms.
- The justices emphasized the principle of separation of powers, indicating the judiciary's limited role in questioning the wisdom or justice of legislative acts unless there is a clear breach of the Constitution.

2. ****Jurisdiction and Constitutional Violations:****

- Initially, the petition challenged the legality of Misolas' arrest and the subsequent search and seizure. However, Misolas later manifested that he posted bail and acknowledged that posting bail waives any objections to the arrest's legality.
- Consequently, the Court did not find it necessary to resolve the issue of possible violations of his constitutional rights during the arrest and seizure since it was effectively abandoned by the petitioner.

****Doctrine:****

- The Court reiterated that the legislature has the power to create separate and distinct offenses and to provide for penalties and qualifying circumstances. The judiciary's role is to ensure the laws' constitutionality without substituting its discretion for that of the legislature.
- The presumption of constitutionality attaches to legislative acts unless a clear violation of the Constitution is shown.
- The issue of whether a law leads to double jeopardy can be raised as a defense in subsequent prosecutions, but it does not per se render the law unconstitutional.

****Class Notes:****

- ****Separation of Powers:**** The case reaffirms the principle that courts do not question the wisdom of legislation, only its constitutionality.
- ****Legislative Presumption of Constitutionality:**** Before striking down a statute, there must be a clear and unequivocal breach of the Constitution.
- ****Doctrine of Absorption:**** Common crimes committed in furtherance of a political offense like subversion or rebellion are absorbed by the principal offense.
- ****Double Jeopardy:**** The right against double jeopardy is a defense that an accused can raise, but it does not automatically invalidate a law.

****Historical Background:****

This case took place in the volatile period following President Ferdinand Marcos' regime, during which numerous decrees, including P.D. No. 1866, were enacted. These regulations were initially used as tools for political control and repression, particularly against the communist insurgency represented by groups like the New People's Army. The case highlights the ongoing tension between security measures and civil rights, and judicial challenges to laws enacted during a period of significant political upheaval in the Philippines.