

**CRESENCIO RUBEN TOLENTINO, PETITIONER AND APPELLANT, V.
CESARIO CATOY, PROVINCIAL WARDEN, BATANGAS, BATANGAS,
RESPONDENT-APPELLEE.**

G.R. No. L-2503. December 10, 1948

Ponente: TUASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1e996884d0e9/>

TUASON, J.:

This is an appeal from a decision denying an application for the writ of habeas corpus.

Petitioner was a hukbalahap and was found by the Court of First Instance of Batangas guilty of the crime of illegal assembly held in furtherance of the Hukbalahap designs. The judgment was promulgated on May 11, 1948.

On June 21, the President issued Proclamation No. 76 granting amnesty under certain conditions to leaders and members of the Hukbalahap and the PKM organizations. On July 16, within the 20-day period for surrender imposed as a condition by the amnesty, the petitioner, already serving sentence, sent the President a petition for his release under the provisions of the proclamation. No action was taken on this petition and the petitioner came to court with the present application.

Judge Juan Enriquez, who heard and decided the petition in the court below, was of the opinion that "the petitioner is clearly covered by the amnesty proclamation" but refused to grant the writ because "he (petitioner) has failed to follow the procedure outlined by the implementing circulars (of the Secretary of Justice) so that he may avail of the benefits thereof. He called attention to the fact that circular No. 27-A "vests the release of such prisoners on the Committee on the Implementation of the Amnesty Proclamation No. 76 in Manila, instead of the President." He gives to understand that only this committee is authorized to order the discharge of convicted hukbalahaps under the proclamation.

If the petitioner is entitled to the benefits of this proclamation and he is unable to obtain his release through executive channels, it devolves on the courts to protect his right. This is a fundamental right which cannot be left to the decision of executive officers. This should be especially true where, as in this case, the implementation committee was not the creation of the proclamation nor was it even mentioned in this document. The committee was appointed by the Secretary of Justice as an instrumentality to facilitate, not to hinder or obstruct, the carrying out of the provisions of the amnesty.

Let it be said that the Solicitor General does not seem to agree with the lower court's theory, having passed it up. The Law Officer of the Government bases his opposition to the petition under consideration on a different ground—that the petitioner did not present any arm. He thus raises only question of fact, and this was the only question which the respondent argued at the hearings before this Court.

There is attached to the record of the Court of First Instance a certificate drawn in the form prescribed in the Secretary of Justice's circulars and signed by the Commanding Officer of the Constabulary in Batangas, stating that on July 10, petitioner presented himself with a Remington .45 caliber pistol and ammunition. The Provincial

Fiscal who appeared with Solicitor Bautista of the Solicitor General's office admitted the authenticity of the Constabulary Commanding Officer's and the petitioners signatures affixed to the certificate. In impugning this paper, he said it was not seen by him when the case was tried and submitted in the lower court. He also said that the firearm mentioned in the certificate belonged to another man and had been surrendered by the latter.

That the Fiscal did not see the certificate is no authority for the allegation that it was not there. It is to be kept in mind that no oral evidence was introduced, the case having been submitted for decision on the pleadings and their annexes. Judge Enriquez's opinion that the petitioner comes within the terms of the proclamation tends to suggest that the petitioner had fulfilled all its conditions, including the presentation of firearms and ammunition. His Honor's emphasis on the need of strict compliance with the Secretary of Justice's circular, taken in connection with his opinion, gives added ground for supposing that an arm and ammunition were turned in.

The Provincial Fiscal's insinuation that the gun was surrendered by another Hukbalahap has nothing to support it than jfhis belief. Belief, suspicion and conjectures can not overcome the presumption of regularity and legality which attaches to the certificate in question. But granting the truth of the Fiscal's statement, it nevertheless may be that the petitioner, who was an officer in the Hukbalahap organization, was the true and real owner of the weapon and not the man who previously surrendered it.

This is not saying that surrender of firearms was necessary requirement to stay the effects of the proclamation. It is not necessary to decide this question, and we do not attempt to do so.

Some members of the Court question the applicability of Amnesty Proclamation No. 76 to hukbalahaps already undergoing sentence upon the date of its promulgation. The Secretary of Justice's implementing circulars are predicated on the assumption that the proclamation is allr inclusive. As a contemporary construction, this opinion of the Secretary of Justice ought to carry much weight, considering that, as the department head who advised the Chief Executive and in whose department the proclamation was drawn, he is in a position to be informed of its scope and meaning.

Quite apart from this consideration, the majority of the Court believe that by its context and pervading spirit the proclamation extends to all members of the Hukbalahap and PKM organizations. It makes no exception when it announces that the amnesty is proclaimed "in favor of the leaders and members of the associations known as Hukbalahap and Pambansang Kaisahan Ng Magbubukid." No compelling reason is apparent for excluding hukbalahaps of any class or condition from its object, which is "to forgive, and forego the prosecution of the crimes of rebellion, sedition, etc," as a "just and wise measure of the Government." We are to suppose that the President and the Congress, knowing that a good number of Hukbalahap and PKM affiliates had been or were being prosecuted, would have, in clear terms, left them out if that had been the intention, instead of leaving their exclusion to inference.

As a matter of fact, we can discover neither advantage nor desirableness that could have induced the President and the Congress to adopt a policy of condoning the offense of hukbalahaps who persisted in their defiance of the Government and not the crime of those who hadj already tasted the pill of retribution for their transgression. That runs counter to the spirit of generosity and magnanimity which inspired Proclamation No. 76, It is not in keeping with the proclamation's concept that forgiveness is more expedient for the Government and the public welfare than punishment. If total punishment is foregone in favor of hukbalahaps who succeeded in evading arrest, it stands to reason that those who fell into the clutches of the law have better claim to clemency for the remaining portion of a punishment fixed for the same offense.

The avowed practical objective of the amnesty is to secure pledge of loyalty and obedience to the constituted authorities and encourage resumption of lawful pursuits and occupation. This objective can not be expected to

meet with full success without the goodwill and cooperation of the hukbalahaps who have become more embittered by their capture, prosecution and incarceration. It was known that those dissidents who had been arrested and prosecuted were not going to remain in jail forever, and that discrimination against them might in itself be a driving force for them and their sympathizers to take up arms again.

We pursue the above line of reasoning as a means of determining the grantor's intention, not as a means of enlarging the proclamation's meaning. We test an interpretation by its results.

Fundamentally and in their utmost effect, pardon and amnesty are synonymous. Mr. Justice Field in *Khote vs. United States*, 24 Law. ed. 442, 443, said that "the distinction between them is one rather of philological interest than of legal importance." It seems to be generally conceded in the United States that the word 'pardon' includes amnesty." (*State vs. Eby*, 71 S. W. 61.) This being so, the rules for interpreting pardon and amnesty ought not to vary. Now then, according to a well recognized doctrine, pardon is construed "most strictly against the state." "Where general words are used, their natural meaning is not to be restricted by other words unless the intention to do so is clear and manifest." (46 C. J. 1192.)

At best, the contention that the grace and beneficence of the amnesty are denied the hukbalahaps who were in prison rests on the idea that being restrained of liberty they can not surrender. Our answer is that surrender is required merely as a token of willingness to abide by the conditions of the grant. It is not intended as[^] and can not accomplish the purpose of, a security. As evidence of good faith, surrender by hukbalahaps from the field is no more effective than a prisoner's written and more solemn manifestation of his acceptance. If physical presence be deemed essential, prisoners not only present themselves but are under the custody of the authorities subject to their absolute control until released.

The writ will be granted and the petitioner discharged from confinement immediately without costs. It is so ordered.

Moran, C.J., Paras, Perfecto, and Briones, JJ., concur.

Feria, Bengzon, and Montemayor, JJ., concur in the result.

Writ granted.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.