

HILARIO CAMINO MONCADO, RECURRENTE, CONTRA EL TRIBUNAL DEL PUEBLO Y JUAN M. LADAW, COMO PROCURADOR ESPECIAL, RECURRIDOS.

G.R. No. L-824. January 14, 1948

Ponente: PABLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4058f1d8d3fb/>

PABLO, J.:

En una solicitud original de certiorari. el recurrente, acusado del delito de traición en la causa Criminal No. 3522 del Tribunal del Pueblo, alega que en 4 de Abril de 1945 a eso de las 6 de la tarde, fué arrestado por los miembros del CIC del Ejército de los Estados Unidos en su residencia en la Calle San Rafael, No. 199—A, Manila, sin mandamiento de arresto y fué llevado a las prisiones de Muntinglupa, Rizal; que una semana después su esposa, que se había trasladado a su casa-residencia en la Calle Rosario, No. 3, Ciudad de Quezon, fué invitada por varios miembros del CIC bajo el mando de Teniente Olves para presenciar el registro de su casa en la Calle San Rafael; que rehusó seguirles porque no llevaban un mandamiento de registro; pero como aseguraron que aún sin su presencia tenían que hacer de todos modos el registro, ella les acompañó; que a su llegada en la casa, vió que varios efectos estaban desparramados en el suelo entre los cuales varios documentos; que el Teniente Olves informó a ella que llevaba consigo algunos documentos para probar la culpabilidad de su esposo; que el 27 de Junio de 1946 el recurrente presentó una moción ante el Tribunal del Pueblo pidiendo la devolución de tales documentos alegando como razón que han sido obtenidos de su residencia sin mandamiento de registro, y dicho tribunal, con grave abuso de discreción o exceso de jurisdicción y siguiendo la doctrina sentada en el asunto de Alvero contra Dizon (76 Phil., 637) la denegó; que a menos que este Tribunal ordene al Procurador Especial que los devuelva al recurrente, sus derechos constitucionales garantizados por la Constitución quedarían violados. Y porque no tiene otro remedio sencillo, rápido y adecuado en el curso ordinario de la ley, pide que este Tribunal (a) anule la orden del Tribunal del Pueblo de 9 de Julio de 1946; (b) que dicho Tribunal sea requerido a ordenar la devolución al recurrente de tales documentos; (c) que se dicte una orden de interdicto prohibiendo al Procurador Especial a presentarlos como prueba contra el recurrente en el asunto de traición. Estas peticiones demuestran que los documentos son pruebas relevantes, además de admisibles porque no hay regla que lo impide (Model Code of Evidence, 87).

Esta bien fundada la contención del recurrente de que la decision en la causa de Alvero contra Dizon 76 Phil., 637) no es aplicable al caso particular. Los documentos en el asunto de Alvero han sido decomisados por los miembros del CIC cuando el gobierno militar ejercía en todo su apogeo sus funciones de ejército de ocupación. En cambio, cuando se apoderaron en 11 de Abril de 1945, de los documentos que son objeto de esta causa, el General MacArthur en nombre del Gobierno de los Estados Unidos, ya habia restablecido en 27 de Febrero del mismo año, el Commonwealth con todos sus poderes y prerrogativas (41 Off. Gaz. 86). El gobierno del Commonwealth estaba ya ejerciendo todos sus poderes eonstitucionales y legales sin limitación alguna en la Ciudad de Manila. El Presidente ho habla suspendido las garantías constitucionales.

Es doctrina bien establecida en Filipinas, Estados Unidos, Inglaterra y Canada que la admisibilidad de los pruebas

no queda afectada por la ilegalidad de los medios de que la parte se ha valido para obtenerlas.[1] Es doctrina seguida por muchos años "hasta que surgió — dijo este Tribunal en Pueblo contra Carlos, 47 Jur. Fil., 660 — la funesta opinión de la mayoría en la causa de Boyd vs. U. S. en 1885, que ha ejercido perniciosa influencia en muchos Estados sobre opiniones judiciales subsiguientes."

"El desarrollo de esta doctrina del asunto de Boyd vs. U. S. fué como sigue. (a) La causa de Boyd continuó sin ponerse en tela de juicio en su mismo tribunal durante veinte años; mientras tanto recibía frecuente desaprobación en los tribunales de Estado (ante, párrafo 2183). (b) Entonces en el asunto de Adams vs. New York, en 1904, fué implícitamente desechada. en el Tribunal Supremo Federal, y los precedentes ortodoxos registrados en los tribunales de Estado (ante, párrafo 2183) fueron expresamente aprobados. (c) Luego, después de otros veinte años, en 1914, en la causa de Weeks vs. U. S., el Tribunal Supremo Federal movido en esta época no por historia errónea, sino por un sentimentalismo extraviado — retrocedió a la doctrina original de la causa de Boyd, pero con una condición. a saber, que la ilegalidad del registro y decomiso debería primero haber sido directamente litigada y establecida mediante una moción, hecha antes del juicio, para la devolución de las cosas decomisadas; de modo que, después de dicha moción y sólo entonces, la ilegalidad podría advertirse en el juicio principal y las pruebas así obtenidas debería excluirse. * * *." Bajo la autoridad de esta doctrina de Weeks vs. U. S., y otras decisiones de la misma escuela el recurrente ejercita el presente recurso, pidiendo la devolución de los documentos ilegalmente sacados por los miembros del CIC.

Concurrimos con la reclamación del recurrente de que, bajo estas garantías constitucionales, tenía derecho a que su casa fuese respetada, sus documentos no debían ser decomisados por ninguna autoridad o agente de autoridad, sin un mandamiento de registro debidamente expedido.

Estas limitaciones constitucionales, sin embargo, no, llegan hasta el extremo de excluir como pruebas competentes los documentos obtenidos ilegal o indebidamente de él. El Reglamento de los Tribunales, Regla 123, determina cuáles son las pruebas que deben ser excluidas, cuáles son las admisibles y competentes y no clasifica como pruebas incompetentes las obtenidas ilegalmente. La ley fundamental señala los límites hasta dónde pueden llegar los poderes ejecutivo, legislativo y judicial en el ejercicio de sus funciones. El ejecutivo no debe abusar de su poder, violando el domicilio del ciudadano o incautándose indebidamente de sus bienes y documentos; el legislador no debe aprobar leyes que hacen ilusorio lo sagrado del hogar y los tribunales deben castigar a los infractores de la Constitución, sin tener en cuenta si son funcionarios públicos o no. Como dijo el Presidente Lumpkin en Williams vs. State, 28 S. E., 624:

"As we understand it, the main, if not the sole, purpose of our constitutional inhibitions against unreasonable searches and seizures, was to place a salutary restriction upon the powers of government. That is to say, we believe the framers of the constitutions of the United States and of this and other states merely sought to provide against any attempt, by legislation or otherwise, to authorize, justify, or declare lawful, any unreasonable search or seizure. This wise restriction was intended to operate upon legislative bodies, so as to render ineffectual any effort to legalize by statute what the people expressly stipulated could in no event be made lawful; upon executives, so that no law violative of this constitutional inhibition should ever be enforced; and upon the judiciary, so as to render it the duty of the courts to denounce as unlawful every unreasonable search and seizure, whether confessedly without any color of authority, or sought to be justified under the guise of legislative sanction. For the misconduct of private persons, acting upon their individual responsibility and of their own volition, surely none of the three divisions of government is responsible. If an official, or a mere petty agent of the state, exceeds or abuses the authority with which he is clothed, he is to be deemed as acting, not for the state, but for himself only; and therefore he alone, and not the state, should be held accountable for his acts. If the constitutional rights of a citizen are invaded by a mere individual, the most that any branch of government can do is to afford the citizen such redress as is possible, and bring the wrongdoer to account for his unlawful conduct. * * *."

Creemos que los autores de la constitución filipina nunca han tenido la más ligera idea de conceder inmunidad penal al que viola la santidad del hogar, ni a cualquier infractor de la ley criminal por el solo hecho de que las pruebas contra él hayan sido obtenidas ilegalmente. El procedimiento sano, justo y ordenado es que se castigue de acuerdo con el artículo 128 del Código Penal Revisado al individuo que, como funcionario público, sin mandamiento de registro, indebidamente profana el domicilio de un ciudadano y se apodera de sus papeles y que se castigue también a ese ciudadano si es culpable de un delito, no importando si la prueba de su culpabilidad ha sido obtenida ilegalmente. El medio empleado en la adquisición del documento no altera su valor probatorio. Así en *Stevison vs. Earnest*, 80, 111. 513, se dijo; "It is contemplated, and such ought ever to be the fact, that the records of Courts remain permanently in the places assigned by the law for their custody. It does not logically follow, however, that the records, being obtained, cannot be used as instruments of evidence; for the mere fact of (illegally) obtaining them does not change that which is written in them * * *. Suppose the presence of a witness to have been procured by fraud or violence, while the party thus procuring the attendance of the witness would be liable to severe punishment, surely that could not be urged against the competency of the witness. If he could not, why shall a record, although illegally taken from its proper place of custody and brought before the Court, but otherwise free from suspicion, be held incompetent?"

En *Com. vs. Dana*, 2 Metc., 329, el Tribunal dijo: "Admitting that the lottery tickets and materials were illegally seized, still this is no legal objection to the admission of them in evidence. If the search warrant were illegal, or if the officer serving the warrant exceeded his authority, the party on whose complaint the warrant issued, or the officer, would be responsible for the wrong done. But this is no good reason for excluding the papers seized, as evidence, if they were pertinent to the issue, as they unquestionably were. When papers are offered in evidence the Court can take no notice how they were obtained, — whether lawfully or unlawfully, — nor would they form a collateral issue to determine that question."

El recurrente cita el caso de *Burdeau vs. McDowell* en los siguientes términos:

"Ciertos libros, papeles, memoranda, etc., de la propiedad privada de McDowell fueron robados por ciertas personas que estaban interesadas en la investigación que iba a practicar el Grand Jury contra McDowell por cierta ofensa que se decía había cometido éste, relativa al uso fraudulento del correo. Estos documentos y libros fueron después entregados a Burdeau por las personas que los habían robado. Burdeau era el ayudante especial del Attorney-General de los Estados Unidos, que iba a tener la dirección y control de la prosecución ante el Grand Jury. McDowell trató de impedir que Burdeau utilizara dichos libros y documentos mediante una moción que había presentado en tal sentido. Burdeau se opuso a la moción, alegando que tenía derecho de usar dichos papeles. La Corte Suprema de los Estados Unidos sostuvo la contención de Burdeau, diciendo;

"We knew of no constitutional principle which requires the government to surrender the papers under such circumstances.

"The papers having come into possession of the government without a violation of petitioner's rights by governmental authority, we see no reason why the fact that individuals unconnected with the government may have wrongfully taken them, should prevent them from being held for use in prosecuting an offense where the documents are of incriminatory character." (*Burdeau vs. McDowell*.)

"Adoptará nuestra Corte Suprema la doctrina que se anuncia en esta decisión? Sometemos que esta es una mala regla de derecho, y a nuestro humilde parecer, no debe adoptarla nuestra Corte."

El recurrente cita después decisiones de algunos Tribunales Supremos de Estado que no han adoptado esta doctrina del Tribunal Supremo Federal. No es extraño. Cada tribunal adopta su propio criterio. Pero de los 45 Estados de la Unión Americana — según el Magistrado Cardozo en su decisión dictada en 1926, en *People vs. Defore*, 150 N. E., 585 — catorce adoptaron la doctrina heterodoxa de *Weeks* y 31 la rechazaron, y según

Wigmore, en 1940, catorce años después, seis Estados más, 37 en total, incluyendo Hawaii y Puerto Rico la rechazaron, manteniendo la doctrina ortodoxa. (8 Wigmore on Evidence, 3.^a Ed., páginas. 5-11) Y después de considerar las varias decisiones de las dos escuelas, Cardozo hizo estas atinadas observaciones sobre la doctrina de Weeks:

"We are confirmed in this conclusion when we reflect how far-reaching in its effect upon society the new consequences would be. The pettiest peace officer would have it in his power, through overzeal or indiscretion, to confer immunity upon an offender for crimes the most flagitious. A room is searched against the law, and the body of a murdered man is found. If the place of discovery may not be proved, the other circumstances may be insufficient to connect the defendant with the crime. The privacy of the home has been infringed, and the murderer goes free. Another search, once more against the law, discloses counterfeit money or the implements of forgery. The absence of a warrant means the freedom of the forger. Like instances can be multiplied."

Concretémonos al caso presente. Si los documentos cuya devolución pide el recurrente, prueban su culpabilidad del delito de traición, ¿por qué el Estado tiene que devolverlos y librarle de la acusación? ¿No es esto consentir y convalidar el crimen? ¿No constituye una aprobación judicial de la comisión de dos delitos, el de violación del domicilio del acusado cometido por los miembros del CIC y el de traición cometido por el recurrente? Semejante práctica fomentaría el crimen en vez de impedir su comisión. Además, la obtención de los documentos no altera su valor probatorio. Si hubiera mediado un mandamiento de registro, los documentos serían pruebas admisibles. No hay ninguna disposición constitucional, ni legal que libere al acusado de toda responsabilidad criminal porque no hubo mandamiento de registro. La vindicta pública exige que los infractores de la ley penal sean castigados. Poner en libertad al culpable por el simple hecho de que la prueba contra él no ha sido obtenida legalmente es sancionar judicialmente el crimen.

Consideremos un caso: Juan que presencia un asesinato, consigue arrebatar del asesino el puñal, y con el cual le ordena que se dé por arrestado y le conduce a la presidencia del pueblo. En el camino se encuentra con Pedro que intercede por el asesino; Juan, por un sentimentalismo mal comprendido, devuelve el puñal y ayuda al acusado a hacer desaparecer todo vestigio del crimen para no ser descubierto. Juan y Pedro, no solamente cometen actos indignos de buena ciudadanía, sino que deben ser castigados por encubridores (art. 19, Cód. Pen. Rev.). El público nunca llegará a comprender por qué estos dos individuos deben ser castigados y, en cambio, un juzgado, bajo la doctrina de Weeks, puede ordenar la devolución del documento robado que prueba la culpabilidad de un acusado y dejar libre a éste y al que robó el documento.

Otro caso. Por su sospechosa catadura, un tal José es arrestado por dos policías al dirigirse a la tribuna en donde están reunidos los altos funcionarios del poder ejecutivo, legislativo y judicial Juntamente con los representantes diplomáticos de las naciones amigas para presenciar la parada del aniversario de la independencia; en su bolsillo encuentran una bomba que es capaz de volar toda la tribuna. Otros dos policías, después de enterarse del arresto, requisan la casa de José y encuentran documentos que revelan que él ha recibido órdenes de una organización extranjera para pulverizar a todo el alto personal del gobierno en la primera oportunidad. Los policías no tienen mandamiento de arresto, ni mandamiento de registro. Es justo que a moción de José en la causa criminal seguida contra él, se ordene por el juzgado la devolución de los documentos que prueban su crimen? ¿No se daría aliciente al anarquismo con semejante practica? El juzgado desempeñaría el triste papel de ayudar a los que desean socavar las bases de nuestras instituciones. En U. S. vs. Snyder, 278 Fed., 650, el Tribunal dijo: "To hold that no criminal can, in any case, be arrested and searched for the evidence and tokens of his crime without a warrant, would be to leave society, to a large extent, at the mercy of the shrewdest, the most expert, and the most depraved of criminals, facilitating their escape in many instances." Y en People vs. Mayen, 205 Pac., 435 se dijo: "Upon what theory can it be held that such proceeding (for the return of the articles) is an incident of the trial, in

such a sense that the ruling thereon goes up on appeal as part of the record and subject to review by the appellate court? It seems to us rather an independent proceeding to enforce a civil right in no way involved in the criminal case. The right of the defendant is not to exclude the incriminating documents from evidence, but to recover the possession of articles which were wrongfully taken from him. That right exists entirely apart from any proposed use of the property by the State or its agents. * * * The fallacy of the doctrine contended for by appellant is in assuming that the constitutional rights of the defendant are violated by using his private papers as evidence against him, whereas it was the invasion of his premises and the taking of his goods that constituted the offense irrespective of what was taken or what use was made of it; and the law having declared that the articles taken are competent and admissible evidence, notwithstanding the unlawful search and seizure, how can the circumstance that the court erred in an independent proceeding for the return of the property on defendant's demand add anything to or detract from the violation of the defendant's constitutional rights in the unlawful search and seizure?

"The Constitution and the laws of the land are not solicitous to aid persons charged with crime in their efforts to conceal or sequester evidence of their iniquity." (8 Wig., 37)

La teoría de Weeks vs. U.S. que subvierte las reglas de prueba no es aceptable en esta jurisdicción; es contraria al sentido de justicia y a la ordenada y sana administración de justicia. La doctrina ortodoxa se impone por su consistencia probada a través de muchísimos años. No hay que abandonarla si se desea que los derechos constitucionales sean respetados y no profanados. Los culpables deben recibir su condigno castigo, aunque las pruebas contra ellos hayan sido obtenidas ilegalmente.[2] Y los que con infracción de la ley y de la Constitución se

apoderan indebidamente de tales pruebas deben también ser castigados. Así es cómo la ley impera, majestuosa e incólume.

Se deniega la solicitud con costas.

Moran, Pres., Feria, y Padilla MM., están conformes.

Tuazon J., concur in the result.

[1] Véanse las decisiones de Inglaterra, Canada, los Estados de Alabama, Arkansas, California, Connecticut, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wyoming, Hawaii y Puerto Rico citadas por el autor en 8 Wigmore on Evidence, 3.^a Ed., páginas. 5-11. La Constitución garantiza la inviolabilidad de los derechos individuales en los siguientes términos "No se violará el derecho del pueblo a la seguridad de sus personas, moradas, papeles y efectos contra registros y secuestros irrazonables, ni se expedirán mandamientos de registro o arresto, a no ser por causa probable que se determinará por el Juez después de examinar bajo juramento o afirmación al denunciante y a los testigos que presentare, y con descripción detallada del sitio que se ha de registrar y de las personas que se han de aprehender o de las cosas que han de ser incautadas." (Título III, artículo 1.º, párrafo 3.º.) [2] Barton contra Leyte Asphalt & Mineral Oil Co., 46 Jur. Fil., 973.

CONCURRING

HILADO, J.:

I concur, but I would further support the conclusion arrived at by the following additional considerations:

In April, 1945, when the CIC Detachment of the United States Army made the search at petitioner's house and effected the seizure of his papers and effects mentioned in the majority decision, as is of general knowledge and within the judicial notice of this Court, fighting continued in Luzon; in fact, as late as June, 1945, the cannonades and shellings could still be clearly heard in this City of Manila, and there were still units of the Japanese Army resisting the liberation forces. Under such circumstances, the war was continuing not only technically but actually in the island of Luzon; and the military security and safety of the liberation forces demanded such measures as were adopted by the CIC Detachment of the United States Army in making said search and effecting said seizure to the end that the activities of pro-Japanese elements and their chances of effectively aiding the Japanese forces which thus still continued to resist might be brought down to a minimum and, if possible, entirely foiled. The difference between this case and the case in L-342, *Alvero vs. Dizon*, 43 Off. Gaz., 429), is, to my mind, merely one of degree—the principle involved is identical in both cases.

DISSENTING

PERFECTO, J.:

Petitioner stands accused of treason before the People's Court, the information against him having been filed by Prosecutor Juan M. Ladaw on February 28, 1946.

Almost a year before, on April 4, 1945, at about 6:00 p.m., petitioner was arrested by members of the Counter Intelligence Corps of the United States army at his residence at 199-A San Rafael St., Manila, without any warrant of arrest, and taken to the Bilibid Prison at Muntinlupa, where he was detained.

On April 11, 1945, petitioner's wife, who transferred to their house at 3 Rosario Drive, Quezon City, was approached by several CIC officers, headed by Lt. Olves, and ordered to accompany them to the house at San Rafael to witness the taking of documents and things belonging to petitioner. Upon hearing from the officers that they did not have any search warrant for the purpose, she refused to go with them, but after the officers told her that with or without her presence they would search the house at San Rafael, Mrs. Moncado decided to accompany them.

Upon arrival at the house, Mrs. Moncado noticed that their belongings had been ransacked by American officers and that the trunks which she had kept in the attic and in the garage when she left the house, had been ripped open and their contents scattered on the floor. Lt. Olves informed Mrs. Moncado that they were going to take a bundle of documents and things, which were separated from the rest of the scattered things, because they proved the guilt of her husband. Mrs. Moncado protested in vain. No receipt was issued to her. Subsequently, after making an inventory of their belongings at San Rafael, Mrs. Moncado found the following things missing:

"(a) Passes issued by Japanese friends for the personal safety and conduct of the petitioner;

"(b) Correspondences of the petitioner as president of the Neighborhood Association in Quezon City during the Japanese occupation;

"(c) Correspondence of the petitioner with certain Japanese officers;

- "(d) The personal file and the love letters of Mrs. Moncado to Dr. Moncado and vice versa;
 - "(e) Marriage certificate of Dr. Moncado with Mrs. Moncado issued at Reno, Nevada;
 - "(f) Private correspondence and letters of Dr. Moncado to and from his Filipino Federation of America in Hawaii and United States;
 - "(g) Several law books by Guevara, Albert, Francisco, Harvard Classics (complete set), books on diplomacy, international law;
 - "(h) A complete collection of the 'Tribuna' compilation of the same during occupation until the last day of its Issuance;
 - "(i) Complete collection of American magazines, from 1940 to 1941 — Los Angeles Examiner, San Francisco Chronicle, Los Angeles Evening Herald and newspapers edited and owned by Dr. Moncado and published in the United States; and National Geographic Society;
 - "(j) Personal letters of Dr. Moncado with several members of the United States Senate and Congress of the United States including a picture of President Hoover dedicated to Dr. Moncado;
 - "(k) Pictures with personal dedication and autograph to Dr. and Mrs. Moncado by actors and actresses from Hollywood, including Mary Astor, Binnie Barnes, Robert Montgomery, Clark Gable, Gary Cooper, Boris Karloff, Wallace Beery, William and Dick Powell, Myrna Loy, Bette Davis and Ceasar Romero;
 - "(l) Certificate as first flighter in the Pan-American Airways and even several stickers Issued by Pan American Airways for passengers' baggage;
 - "(m) A promissory note of Dr. Moncado for Fifty Thousand Pesos (P50,000) in favor of Architect Mr. Igmidio A. Marquez of Quezon City;
 - "(n) Three (3) volumes of modern ballroom dancing by Arthur MacMurray of New York, pamphlets of dancing obtained by Dr. Moncado while he was studying dancing at Waldorf-Astoria, New York;
 - "(o) Two (2) volumes of rhumba, zamba and tango obtained from Mexico and Argentina by Dr. Moncado."
- (Pages 3 and 4, Petition for Certiorari and Injunction.)

On June 27, 1946, petitioner filed with the People's Court a motion praying that the return of said documents and things be ordered. The petition was denied on July 9, 1946.

Thereupon, petitioner filed with this Supreme Court on August 10, 1946, a petition praying that the lower court's order of July 9, 1946, be set aside, that said court be required to order the return of the documents and things in question to petitioner, and that the prosecutor be restrained from using and presenting them as evidence at the trial of the criminal case for treason.

Before proceeding to consider the questions of law raised in this case, we should not ignore three questions of fact raised in the answers of respondents: as to the identity of the documents and things, as to whether they were taken from the house at San Rafael or from the house at Rosario Heights, and as to whether they were taken at the time of petitioner's arrest or later.

The fact that the return of the documents and things were opposed to in the lower court by the prosecutor, without disputing their identity, and that in the present proceeding the prosecutor admits to have them in his possession, without disputing their identity or correcting any error of description made by petitioner, convinced us that in petitioner's and respondent's minds there is no disagreement on the identity in question. There should not be any doubt that the papers and things described and claimed by petitioner are the ones in the prosecutor's possession,

otherwise, instead of objecting to the return on legal grounds, he would have alleged that such things are not in his possession, or he does not know where they are, or that they did not exist at all. Whether the things were taken at San Rafael or at Rosario Heights is completely immaterial. The fact is that the reality and existence of things and petitioner's ownership thereof, are undisputed, and that they were taken from a house of petitioner.

That they were taken not at the time of petitioner's arrest but much later, is indisputably proved by petitioner's and his wife's depositions not contradicted by any other evidence.

This case offers a conclusive evidence that fundamental ideas, rules and principles are in constant need of restatement if they are not to lose their vitality. So that they may continue radiating the sparks of their truth and virtue, they need the repeated pounding of intense discussion, as the metal hammered on the anvil. To make them glow with all their force, purity and splendor, they need the continuous smelting analysis and synthesis as the molten iron in a Bessemer furnace. Otherwise, they become rusty, decayed or relegated as useless scraps in the dumping ground of oblivion. What is worse, they are frequently replaced by their antitheses, which pose with the deceitful dazzle of false gods, clothed in tinsel and cellophane. The risk, always lurking at every turn of human life, exacts continuous vigilance. Human minds must always be kept well tempered and sharpened as damask swords, ready to decapitate the hydra of error and overthrow the gilded idols from the muddy pedestals of pretense and imposture.

May the government profit from an illegality, an unconstitutional act, or even a crime to serve its aims, including the loftiest? May justice be administered by making use of the fruits of a lawless action? If a private individual, when profiting from the fruits of a criminal offense, is punished by law as an accessory after the fact, why should the government or an official system of justice be allowed to ignore and mock the moral principle which condemns the individual? Is there a moral standard for the government different from the one by which private conduct is measured? While a private citizen is not allowed to violate any rule of decency and fair play, may the government follow a procedure which shocks the common sense of decency and fair play? If a person cannot enrich himself with stolen property, why should a government be allowed to profit and make use of property tainted by theft or robbery or smeared with the blood of crime?

The above are among the elemental questions that must be answered in this case, if we are not lacking the moral courage to face all the issues raised by the parties. Other questions concern personal liberty as affected by illegal detention, personal security against illegal searches and seizures, judicial emancipation from colonial mental attitude.

Respondents urge us to follow the decision in *Alvero vs. Dizon* (L-342) which, besides having been rendered by a second Supreme Court, whose existence is violative of the Constitution, cannot claim better merit than a servile adherence to a wrong legal doctrine, decorated by the halo of authority of courts of a former metropolis. There are minds that forget that duty of thinking by ourselves and of not sticking to the teachings of foreign mentors has become more imperative since July 4, 1946.

The seizure of the papers and effects in question, having been made without any search warrant, was and is illegal, and was effected in open violation of the following provisions of the Constitution:

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the Judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized." (Article III, section 1 [3] of the Constitution.)

"The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or

when public safety and order require otherwise." (Article III, section 1 [5] of the Constitution.)

The seizure was also in open violation of sections 3, 10, and 11 of Rule 122, which are as follows:

"SEC. 3. Requisites for issuing search warrant.—A search warrant shall not issue but upon probable cause to be determined by the judge or justice of the peace after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized."

"SEC. 10. Receipt for the property seized.—The officer seizing property under the warrant must give a detailed receipt for the same to the person on whom or in whose possession it was found, or in the absence of any person, must, in the presence of at least two witnesses, leave a receipt in the place in which he found the seized property."

"SEC. 11. Delivery of property and inventory thereof to court.— The officer must forthwith deliver the property to the justice of the peace or judge of the municipal court or of the Court of First Instance which issued the warrant, together with a true inventory thereof duly verified by oath."

Even more, the illegality and unconstitutionality amounted to two criminal offenses, one of them heavily punished with prison correccional. The offenses are punished by articles 128 and 130 of the Revised Penal Code, which read:

"ART. 128. Violation of domicile.—The penalty of prison correccional in its minimum period shall be imposed upon any public officer or employee who, not being authorized by judicial order, shall enter any dwelling against the will of the owner thereof, search papers or other effects found therein without the previous consent of such owner, or, having surreptitiously entered said dwelling, and being required to leave the premises, shall refuse to do so.

"If the offense be committed in the nighttime, or if any papers or effects not constituting evidence of a crime be not returned immediately after the search made by the offender, the penalty shall be prison correccional in its medium and maximum periods."

"ART. 130. Searching domicile without witnesses.—The penalty of arresto mayor in its medium and maximum periods shall be imposed upon a public officer or employee who, in cases where a search is proper, shall search the domicile, papers or other belongings of any person, in the absence of the latter, any member of his family, or in their default, without the presence of two witnesses residing in the same locality."

The main authority upon which respondents rely is the decision of the Supreme Court of the United States in *Bordeau vs. MacDowell* (256 U.S., 465), the same followed in the decision in *Alvero vs. Dizon*, L-342. In the *Bordeau* case, certain documents were stolen from MacDowell. Upon finding that the documents contained evidence of the fraudulent use of the mails by MacDowell, the robbers delivered them to *Bordeau*, in charge of the prosecution against MacDowell. The latter filed a motion to prevent *Bordeau* from using the documents as evidence against him. The federal Supreme Court denied the motion on the ground that there is no law or constitutional principle requiring the government to surrender papers which may have come into its possession where the government has not violated the constitutional rights of the petitioner. Two of the greatest American Justices, Justices Holmes and Brandeis, whose dissenting opinions, written twenty years ago, are now the guiding beacons of the Supreme Court of the United States, dissented, the latter sayings:

"At the foundation of our civil liberty lies the principle which denies to government officials exceptional position before the law, and which subjects them to the same rules of conduct that commands to the citizen. And in the development of our liberty insistence upon procedural regularity has been a large factor. Respect for law will not be advanced by resort, in its enforcement, to means which shock the common man's sense of decency and fair play."

Taking aside the great intellectual, moral and judicial prestige of the two dissenters, the poignant logic and rockbottom sense of truth expressed by Justice Brandeis is enough to completely discredit the majority doctrine in the *Bordeau* case, a doctrine that in principle and by its evil effects appears to be irretrievably immoral.

To merit respect and obedience, a government must be just. Justice cannot exist where the good is not distinguished from the wicked. To be just, the government must be good. To be good it must stick to the principles of decency and fair play as they are understood by a common man's sense, by universal conscience. Good ends do not justify foul means. No one should profit from crime. Principles are not to be sacrificed for any purpose. What is bad per se cannot be good because it is done to attain a good object. No wrong is atoned by good intention. These are some of the maxims through which the common sense of decency and fair play is manifested.

Reason is a fundamental characteristic of man. There is no greater miracle than when its first sparks scintillated in the mind of a child. What before had only the vegetative life of a plant or the animal life of a mollusk or frog, suddenly begins to wield the prodigious power of understanding and of intelligent grasping of the meanings and relations of the things with which he is in direct or remote contact through his senses. The power of understanding brings forth freedom of choice. This freedom develops the faculty of discrimination between good and evil. That discrimination is further developed into a sense of justice.

While the advent of the astounding miracle of reason has so much kindled the pride of man, to the extent of symbolizing it with the fire stolen by Prometheus from the heavens, and of proclaiming himself as the king of the creation, man had taken millennia of struggles in order to develop the basic ideas which will insure his survival and allow him to enjoy the greatest measure of well-being and happiness. He soon discovered that society is an indispensable condition to attain his ends. As a consequence, he fought against all anti-social ideas and conduct and had to discover or invent and then develop the principles and qualities of sociability. The struggle has been long and it will have to continue until the end of the centuries. It is the same eternal struggle between truth and error, between right and wrong.

While man, in the multifarious ensemble of the universe, seems to be the lone and exclusive holder of the divine fire of reason, he has so far failed to find the key to always correct thinking. The solution to the failures of reason is a riddle yet to be unlocked. Man is easily deceived into committing blunders or led into the most absurd aberrations. The mysterious genes which keep uninterrupted the chain of heredity, while permitting the transmission of the best qualities and characteristics, seems to lack the power of checking and staying off the tendencies of atavism. In the moral etiology, either kind of characteristics and qualities may be originated and developed. The inconsistency of respondents is thus explainable. While they would raise their brows at the mere insinuation that a private individual may justifiably profit by the results or fruits of a criminal offense, they would not measure the government with the same moral standard. That the inconsistency may be explained by its genesis is no ground why we should surrender to it. To set two moral standards, a strict one for private individuals and another vitiated with laxity for the government, is to throw society into the abyss of legal ataxia. Anarchy and chaos will become inevitable. Such a double standard will necessarily be nomoclonous.

The idea of double moral standard is incompatible with the temper and idiosyncrasy of social order established by our Constitution, and is repugnant to its provisions. All government authority emanates from the people in whom sovereignty resides. The Filipino people ordained and promulgated the Constitution "in order to establish a government that shall embody their ideals." Among these ideals are justice, democracy, the promotion of social justice, equal protection of the laws to everybody. Such ideals are trampled down by the adoption of the double moral standard which can only take its place in the ideology of the supporters of absolute monarchies. There is the maxim that "the king can do no wrong." The iniquities and misery hatched by such maxim would need hundreds or thousands of volumes to record them. The infamy of Japanese occupation gave our people the bitter

taste of the operation of the double moral standard. It is the antithesis of the golden rule. It would place government in a category wholly apart from humanity, notwithstanding its being a human institution,—an unredeemable absurdity.

From "Brandeis, A Free Man's Life" by Alpheus Thomas Mason (pp. 568 and 569), we quote an analogous legal situation:

"In the famous wire-tapping case Chief Justice Taft, delivering the opinion, overruled the defendants' claim that the evidence obtained when government agents tapped their telephone wires violated either unreasonable searches and seizures or the constitutional protection against self-incrimination. No tapped wires entered their homes and offices, Taft reasoned, so there was neither search nor seizure,

"For Justice Brandeis such a narrow construction degraded our great charter of freedom to the level of a municipal ordinance. Quoting Chief Justice Marshall's famous admonition—'We must never forget that it is a Constitution we are expounding'—he pointed out that just as the power of Congress had by judicial interpretation been kept abreast of scientific progress, and extended the Fundamental Law to objects of which the Founding Fathers never dreamed, so also must the judges in construing limitations on the powers of Congress be evermindful of changes brought about by discovery and invention. To have a living Constitution, limitations on power no less than grants of power must be construed broadly, 'Subtler and more far-reaching means of invading privacy have become available to the government,' Brandeis observed, * * * The progress of science in furnishing the government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. * * *

" 'Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by example, crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means — to declare that the government may commit crimes in order to secure the conviction of a private criminal — would bring terrible retribution. * * *

" 'The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness,' he emphasized. "They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations, They conferred, as against the government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men. * * *

" 'Experience should teach, us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.'" (Olmstead vs. U.S., 277 [U.S.] 438 [1928], pp. 473-474, 478, 479, 485.)

The argument that goods and personal properties illegally taken, stolen, or snatched from the owner or possessor without a duly issued search warrant can be retained by the prosecution for use as evidence in a criminal case instituted is initiated by an original and basic flaw. The argument rests on the assumed existence or commission of a crime as its minor premise. But, under the orderly processes of law, the assumption has yet to be proved, and it is impossible to be proved before it can be of any use to support and clinch the argument. The prosecution is called upon to make the assumption that the goods and properties in question are evidence of a crime. To be valid, the assumption has to presuppose the commission or existence of the crime. That presupposition, in order to be valid, must in turn stand on an authoritative pronouncement which can only be made in a final and executory

decision rendered by a court of justice. The prosecution cannot make a conclusive pronouncement, as to the existence or commission of a crime, the basic fact which, under the argument, will entitle the prosecution to retain and use the goods and properties in question. the argument assumes a fact the existence of which still remains to be proved and continues to be enveloped in the mists of the realm of uncertainties, which fact may lead to the disputed right of the prosecution to retain the goods and properties illegally seized as essential evidence of the crime. The line of reasoning that build up the argument can be restated in more abstract terms as follows: Justify the means by their necessity to attain an end by starting from the premise that the end was accomplished, such a reasoning process is fundamentally subversive to logic and is incompatible with the natural workings of the human mind.

The rules governing the phenomena of diffusion and osmosis, of permeability and isotonic equilibrium, of assimilation and waste dislodgment, of development and reproduction, like all laws of life, are uniform and universal, Whether in the nuclear chromatin or the cytosome of a single protoplasmic cell of amoeba or in the sinews of the heaviest marsupial, whether in the formation of the smallest bud or in the display of color and aroma by the most beautiful flower, whether in the development of a frog or in the attainment of the perfect curves and velvety skin of a lovely girl, the uniformity and universality of biological laws are manifested unrelentlessly. Any disregard of them is fatal, and will lead to irretrievable disaster and destruction. Moral standards are the laws of social life. In a different plane and order, they are but biological laws, governing the vital processes and functions of social organism. They are and should be uniform and universal and no single unit or organ of human society can disregard them or any one of them without alluring catastrophic consequences.

Our decision is to grant all the prayers of the petition, and it was so ever since February 24, 1947, when this Court took the vote for the disposal of this case. In stating this fact we do not want to put any blame on the distinguished member who penned the decision now to be promulgated. In justice to him, we may record that the drafting of the majority decision was transferred and entrusted to him many months after a final vote had been taken on the case. and it did not take him more than a month to have majority opinion. In exposing the fact we mean only to emphasize the crying need of changing a situation or a system of procedure that permits the promulgation of our decisions one year or more after a case has been submitted to us for final action. It is only part of the crusade to curtail judicial delay which we felt our duty to engage in since it had been our privilege to sit in the supreme Court, whose vantage in the legal field imposes upon the members thereof the role of leadership in legal thought and practice for the most effective administration of justice.

DISSENTING

BENGZON, J.:

Sanctity of the home is a by-word anywhere, anytime. The house of man was the first house of God.

In Rome the citizen's dwelling was a safe asylum. Invasion thereof was anathema. Down through the centuries respect for men's abodes has remained a heritage of civilization.

In England, the poorest man could in his cottage, defy all the forces of the Crown. "It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his forces dare not cross the threshold of the ruined tenement." His home was indeed his castle.

And in the United States: "The right of the citizen to occupy and enjoy his home, however mean or humble, free from arbitrary invasion and search, has for centuries been protected with the most solicitous care. * * * "The mere fact that a man is an officer, whether of high or low degree, gives him no more right than is possessed by the

ordinary private citizen to break in upon the privacy of a home and subject its occupants to the indignity of a search for the evidence of crime, without a legal warrant procured for that purpose. No amount of incriminating evidence, whatever its source, will supply the place of such warrant. At the closed door of the home, be it palace or hovel, even bloodhounds must wait till the law, by authoritative process, bids it open. * * * (McLurg vs. Brenton, 123 Iowa 368, quoted in 20 Phil. 473.)

Logical culmination and practical application of the above principles, embodied in our Organic Laws, is the ruling we announced in *Alvarez vs. Court of First Instance of Tayabas*, 64 Phil. 33, that documents unlawfully seized in a man's home must be returned — irrespective of their evidentiary value — provided reasonable motions are submitted. We followed the Federal rule in *Boyd vs. U. S.* 116 U.S., 616 and many others. We had said before that "it is better oftentimes that crimes should go unpunished than that the citizen should be liable to have his premises invaded, his desks broken open, his private books, letters, and papers exposed to prying curiosity, * * * under the direction of a mere ministerial officer" * * * insensitive perhaps to the rights and feelings of others. (*U.S. vs. De los Reyes and Esguerra*, 20 Phil. 472, citing *Cooley*, Constitutional Limitations.)

In the *Alvarez* decision we reflected that "of all rights of a citizen few are of greater importance or more essential to his peace and happiness than the right of personal security, and that involves the exemption of his private affairs, books, and papers from the inspection and scrutiny of others", and while the power to search and seize is necessary to public welfare, still it must be exercised without transgressing the constitutional rights of citizens, because the enforcement of statutes is never sufficiently important to justify violation of the basic principles of government. It is agreed that the fundamental rights of the individual guaranteed by the Constitution, must be given such a liberal construction or strict construction as will be in his favor, to prevent gradual encroachment or stealthy depreciation of such fundamental rights. (*State vs. Custer County*, 198 Pac., 362; *State vs. McDaniel* 231 Pac., 965; 237 Pac. 373.)

Our Constitution in its Bill of Rights decrees that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized". (Constitution, article III, section 1 [3].)

This is an improvement over the provisions of the Jones Law regarding warrants and seizures. It was designed to make our Constitution "conform entirely" to the Fourth Amendment of the U.S. Constitution. (Aruego, *Framing of the Philippine Constitution*, Vol. II, p. 1043.)

The split between several State Supreme Courts on one side and the Federal Supreme Court on the other, about the admissibility of evidence obtained through illegal searches and seizures, was familiar to this Court (*People vs. Carlos*, 47 Phil. 626, 630) before it voted to adopt the Federal doctrine in *Alvarez vs. Court of First Instance of Tayabas*, *supra*.

This last doctrine, applied in several subsequent cases (*People vs. Sy Juco*, 64 Phil. 667; *Rodriguez vs. Villamil*, 37 Off. Gaz., 2416) was probably known to the Constitutional Convention that, in addition, made the constitutional mandate on the point more complete and explicit, copying exactly the wording of the Federal Constitution, a circumstance which, coupled with the citation of *Boyd vs. U.S.*, showed adherence to the Federal doctrine that debars evidence obtained by illegal search or unlawful seizure.

It is significant that the Convention readily adopted the recommendation of the Committee on Bill of Rights after its Chairman had spoken, explaining the meaning and extent of the provision on searches and seizures and specifically invoking the United States decisions of *Boyd vs. U. S.* 116 U. S. 616 and *Gould vs. U.S.* 225 U.S.

298, which the majority of this Court would now discard and overrule. (Aruego op. cit. Vol I, p. 160; Vol. II, pp. 1043, 1044.)

Therefore, it is submitted, with all due respect, that we are not at liberty now to select between two conflicting theories. The selection has been made by the Constitutional Convention when it impliedly chose to abide by the Federal decisions, upholding to the limit the inviolability of man's domicil. Home! The tie that binds, the affection that gives life, the pause that soothes, all nestle there in an atmosphere of security. Remove that security and you destroy the home.

Under this new ruling the "King's forces" may now "cross the threshold of the ruined tenement" seize the skeleton from the family closet and rattle it in public, in court, to the vexation or shame of the unhappy occupants. That those forces may be jailed for trespass, is little consolation. That those forces may be pardoned by the King, their master, suggests fearful possibilities. The sanctuary, the castle, are gone with the wind.

An opinion of Mr. Justice Cardozo in the Court of Appeals of New York is cited as authority for the majority view (People vs. Defore 150 N. E., 585). Yet it is markworthy that, in New York, protection against unreasonable searches and seizures is not promised by the Constitution of the State but by a mere statute. (Civil Rights of Law) (See the same case, and 56 C. J., p. 1156.) New York is the only state that denies this privilege the status of a constitutional prerogative, (supra). Hence the precedent is obviously inconclusive.

Moreover, admitting, for purposes of argument only, that the Alvarez decision is legally erroneous, I maintain that the new doctrine should apply to future cases — not to herein petitioner who has relied on it. In Santiago and Flores vs. Valenzuela, No. L-670, April 30, 1947 (44 Off. Gaz., 3291, 3296) I argued for that proposition as follows:

"* * * the reserved right to upset previous decisions is likewise qualified by the proposition that such upsetting shall have prospective — not retroactive — effect.

"In *Douglass vs. Pike County*, 101 U.S. 677 at p. 667, it was declared, 'The true rule (of stare decisis) is to give a change of judicial construction * * * the same effect in its operation' * * * as to 'a legislative amendment, i.e., make it prospective but not retroactive.'

"And in *Great Northern R. Co. vs. Sunburst Oil & Ref. Co.*, 287 U.S. 358, the Supreme Court, through Mr. Justice Cardozo, said:

" 'A state in defining the limits of adherence to precedent may make a choice for itself between the principle of forward operation and that of relation backward. It may say that decisions of its highest court, though later overruled, are law none the less for intermediate transactions. Indeed there are cases intimating, too broadly (cf. *Tidal Oil Co. vs. Flanagan*. 263 U. S. 444; 68 Law. ed., 382, 44 S. Ct. 197, supra), that it must give them that effect; but never has doubt been expressed that it may so treat them if it pleases, whenever injustice or hardship will thereby be averted. *Gelpcke vs. Dubuque*, 1 Wall ., 175; 17 Law . ed., 250; *Douglass vs. Pike County*, 101 U. S. 677, 687; 25 Law. ed., 968, 971; *Loeb vs. Columbia Twp.*, 179 U. S; 472, 492, 45 Law. ed., 280, 290, 21 S. Ct., 174, etc.'"

"This view is not unanimous, I know. However, inasmuch as one of the principal arguments of the opposing school of thought is that it makes the overruling decision a mere 'declaratory judgment', and since that objection is untenable in this jurisdiction where declaratory relief is permitted (Rule 66), the view herein advocated — future operation only — should all the more be acceptable to our system of jurisprudence. More about this in the future, if I should happen to agree to an overruling of previous decisions and the question should hinge on its backward or forward application. For the present, enough to note some of the abundant literature on the point. [1]"

[1] Moschzisker, Stare Decisis in Courts of Last Resort, 39 Harvard Law Review 409; Freeman, Retroactive Operation of Decisions, 18 Col. Law Review 230; Kocourek Retrospective Decisions and Stare Decisis, 17 A. B. A. Journal 180; Effect of Overruled and Overruling Decisions on Intervening Decisions, 47 Harvard Law Review 1403; Retroactive Effect of an Overruling Decision, 42 Yale L. J. 779; Retrospective Operation of Overruling Decisions, 35 Ill. Law Review 121; Precedent in Legal Systems, Mich. Law Review, Vol. 44 p. 955 et seq.

DISIDENTE

BRIONES, M.:

Disiento de la ponencia. Estimo que debe concederse la solicitud presentada por el recurrente. Creo que en esta jurisdicción debemos adherirnos a la jurisprudencia sentada en el asunto de Weeks vs. U. S. que se cita en la decisión de la mayoría.

Si en una democracia como la norteamericana — ya madura y bien solidificada, fortalecida por una tradición de siglos de respeto a las libertades individuales y ciudadanas y por el temperamento ecuaníme y sereno de una raza tan admirable como la anglosajona — se ha considerado necesario garantizar los fueros del ciudadano bajo la coraza de semejante doctrina, con mayor razón debemos tener y asegurar esas garantías en una democracia como la nuestra, joven, que apenas está haciendo los pinitos iniciales en el camino de la independencia política, y donde la demagogia y la anarquía y las tendencias peligrosas al establecimiento de un régimen de fuerza podrían frustrar las bendiciones de la libertad a tanta costa ganada.

PARAS, M., conforme.

Se deniega la solicitud.

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.