

**IN THE MATTER OF THE PETITION OF ANTONIO INFANTE FOR THE
ISSUANCE OF A WRIT OF HABEAS CORPUS. ANTONIO INFANTE,
PETITIONER AND APPELLEE, VS. THE PROVINCIAL WARDEN OF
NEGROS OCCID...**

G.R. No. L-4164. December 12, 1952

Ponente: TUASON, J.

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TUASON, J.:

This was a petition for the writ of habeas corpus filed in the Court of First Instance of Negros Occidental by Antonio Infante, and the petition having been granted, the Provincial Fiscal has appealed to this Court.

It appears that the petitioner was convicted of murder and sentenced to 17 years, four months and one day of reclusion temporal, which he commenced to serve on June 21, 1927, and that on March 6, 1939, after serving 15 years, 7 months and 11 days, he was granted a conditional pardon and released from imprisonment, the condition being that "he shall not again violate any of the penal laws of the Philippines."

On April 25, 1949, Infante was found guilty by the Municipal Court of Bacolod City of driving a jeep without a license and sentenced to pay a fine of P10 with subsidiary imprisonment in case of insolvency. On July 13, 1950, "by virtue of the authority conferred upon his Excellency, the President, by section 64 (i) of the Revised Administrative Code," the Executive Secretary ordered Infante re-arrested and recommitted to the custody of the Director of Prisons, Muntinlupa, Rizal, for breach of the condition of the aforesaid pardon.

It was the main contention of the petitioner that section 64 (i) of the Revised Administrative Code upon which he was ordered reincarcerated, had been abrogated, and he was sustained by the court below.

Since this appeal was taken, this Court has handed down a decision (*Sales vs. Director of Prisons**) (48 Off. Gaz., 560) in which these rulings were laid down:

"The Revised Penal Code, which was approved on December 8, 1930, contains a repealing clause (article 367), which expressly repeals among other acts sections 102, 2670, 2671, and 2672 of the Administrative Code. It does not repeal section 64 (i) above quoted. On the contrary, Act No. 4103, the Indeterminate Sentence Law, which is subsequent to the Revised Penal Code, in its section 9 expressly preserves the authority conferred upon the President by section 64 (i) of the Revised Administrative Code.

"The legislative intent is clear, therefore, to preserve the power of the President to authorize the arrest and reincarceration of any person who violates the condition or conditions of his pardon notwithstanding the enactment of article 159 of the Revised Penal Code. In this connection, we observe that section 64 (i) of the Administrative Code and article 159 of the Revised Penal Code are but a reiteration of Acts Nos. 1524 and 1561, under which a violator of a conditional pardon was liable to suffer and to serve the unexpired portion of the original sentence.

"We are of the opinion that article 159 of the Revised Penal Code, which penalizes violation of a conditional

pardon as an offense, and the power vested in the President by section 64 (i) of the Revised Administrative Code to authorize the recommitment to prison of a violator of a conditional pardon to serve the unexpired portion of his original sentence, can stand together and that the proceeding under one provision does not necessarily preclude action under the other. * * * "

The second ground of the petition was that the remitted penalty for which the petitioner had been recommitted to jail—one year and 11 days—had prescribed. This contention was also sustained in the appealed decision. Said the Court:

"Segun el articulo 92 delCodigo Penal Revisado, la pena de un (1) ano y once (11) dias que corresponde a la pena de prision correccional, prescribe a los diez (10) años.

"Por manera que, habiendo transcurrido mas de diez (10) anos la respnsabilidad criminal del solicitante proviniente de la infraccion de su indulto bajo condicion, ha prescrito con exceso."

The contention is not well taken. According to article 93 of the Revised Penal Code the period of prescription of penalties commences to run from the date when the culprit should evade the service of his sentence. It is evident from this provision that evasion of the sentence is an essential element of prescription. There has been no such evasion in this case. Even if there had been one and prescription were to be applied, its basis would have to be the evasion of the unserved sentence, and computation could not have started earlier than the date of the order for the prisoner's rearrest.

We think, however, that the condition of the pardon which the prisoner was charged with having breached was no longer operative when he committed a violation of the Motor Vehicle Law.

Pardon is an act of grace, and there is general agreement that limitations upon its operation should be strictly construed (46 C. J. 1202); so that, where a conditional pardon is susceptible of more than one interpretation, it is to be construed most favorably to the grantee. (39 Am. Jur., 564.) Thus, in *Huff vs. Dyer*, 40 Ohio C. C. 595, 5. L R A , N S, Note 1064), it was held that the duration of the conditions subsequent, annexed to a pardon, would be limited to the period of the prisoner's sentence unless an intention to extend it beyond that time was manifest from the nature of the condition or the language in which it was imposed. In that case, the prisoner was discharged on habeas corpus because the term of the pardon in question did not, in the opinion of the court, imply that it was contemplated to have the condition operate beyond the term of his sentence. The herein petitioner's pardon, it will be noted, does not state the time within which the conditions thereof were to be performed or observed. In adopting, which we hereby do, the rule of strict construction, we take into account, besides the benevolent nature of the pardon, the fact that the general run of prisoners are unlettered or at least unfamiliar with the intricacies and legal implications of conditions subsequent imposed in a pardon.

There are courts which have gone so far as to hold, not without plausible argument, that no conditions can be attached to a pardon that are to extend after the expiration of the term for which the prisoner was sentenced, although this view is not shared by the weight of authority. (39 Am., Jur. 564, 567; 46 C. J. 1201.)

Unless the petitioner's pardon be construed as above suggested, the same, instead of an act of mercy, would become an act of oppression and injustice. We can not believe that in exchange for the remission of a small fraction of the prisoner's penalty it was in the Executive's mind to keep hanging over his (prisoner's) head during the rest of his life the threat of recommitment and/or prosecution for any slight misdemeanor such as that which gave rise to the order-under consideration.

There is another angle which militates in favor of a strict construction in the case at bar. Although the penalty remitted has not, in strict law, prescribed, reimprisonment of the petitioner for the remainder of his sentence, more

than ten years after he was pardoned, would be repugnant to the weight of reason and the spirit and genius of our penal laws. If a prisoner who has escaped and has given the authorities trouble and caused the State additional expense in the process of recapturing him is granted immunity from punishment after a period of hiding, there is at least as much justification for extending this liberality through strict construction of the pardon to one who, for the same period, has lived and comported as a peaceful and law-abiding citizen.

Not improper to consider in this connection is the circumstance that the prisoner's general conduct during his long confinement had been "excellent", which had merited his classification as a trustee or penal colonist, and that his release before the complete extinguishment of his sentence could have been intended as a reward for his past exemplary behavior with little or no thought of exacting any return from him in the form of restraint from law violations, for which, after all, there were independent and ample punishments.

The judgment of the lower court is affirmed, without costs.

Pablo, and Labrador, JJ., concur.

* 87 Phil., 492.

CONCURRING

PARAS, C. J.:

I concur in the result.

In so far, however, as the decision in the case of Sales vs. Director of Prisons (48 Off. Gaz., 576) is relied upon I wish to make reference to my dissent in said decision and to the dissenting opinion of Mr. Justice Feria in which I concurred. I may emphasize that section 64 (i) of the Revised Administrative Code and article 159 of the Revised Penal Code cannot stand and be enforced together, as the limit of imprisonment under section 64 (i) of the Revised Administrative Code and the penalty under Article 159 of the Revised Penal Code are not the same. Even if it be assumed that the enforcement of the two legal provisions may bring about the same result in some cases, the effect would be to penalize twice a single offense, namely, the violation of a conditional pardon, and this is repulsive to elementary rules of criminal law.

Feria, Jugo, and Bautista Angelo, JJ., concur in the result.

CONCURRING AND DISSENTING

MONTEMAYOR, J.:

Petitioner herein was sentenced to seventeen (17) years, four (4) months and one (1) day of reclusion temporal for murder. On March 6, 1939, after serving fifteen (15) years, seven (7) months and eleven (11) days of his sentence, he was granted a conditional pardon and released from imprisonment. The period of the sentence remaining to be served was one (1) year and eleven (11) days. The condition of his pardon was that "he shall not again violate any of the penal laws of the Philippines." On April 25, 1949, petitioner was convicted of a violation of the Revised Motor Vehicle Law for driving a jeep without a license and was sentenced to pay a fine of P10, with subsidiary imprisonment in case of insolvency. On July 13, 1950, the Executive Secretary ordered the re-arrest and recommitment of petitioner for violation of the conditions of his pardon. He was arrested and he sued out this writ

of habeas corpus.

I fully concur in the majority opinion insofar as it reaffirms the doctrine laid down in the case of *Sales vs. Director of Prisons*, (48 Off. Gaz., 576), which holds that section 64 (i) of the Revised Administrative Code is still in force, and that for any violation of a conditional pardon, the President is authorized to order the arrest and recommitment of said violator to serve the unexpired portion of his sentence. I also agree with the majority that the penalty herein has not prescribed for the reason that there has been no evasion of sentence upon which the principle of prescription of penalty is based. However, I cannot agree with the majority insofar as they hold that when petitioner committed a violation of the Revised Motor Vehicle Law, the condition of his pardon was no longer operative. It is the theory and opinion of the majority that the duration or life of the conditions imposed in the pardon is limited to the period of the prisoner's sentence, specially when the pardon does not designate the time for the observance of the condition. This is diametrically opposed to the great weight of authority that the conditions of a conditional pardon are to last and endure during the lifetime of the pardonee. When no limit is mentioned in the pardon it is to be presumed that it is indefinite and lasts until the prisoner pardoned dies.

"Limitations as to Time of Performance.—A pardon may, as one of its restrictions and limitations, designate the time for the observance of its conditions, but if it does not, it is generally held that the time of performance of conditions subsequent is limited only by the life of the convict." (39 Am. Jur., Pardon, etc., Sec. 71, p. 564; *italics mine*.)

SEC. 74. Suspension of Running of Sentence.—A sentence of imprisonment for a criminal act is satisfied only by the actual suffering of the imprisonment imposed, unless remitted by death or by some legal authority; if, from any cause, the time elapses without the imprisonment being endured, the sentence will still be a valid, subsisting, unexecuted one. In accordance with these principles, it is well settled that where a prisoner is conditionally pardoned, upon breach of the condition the time he was at liberty under the pardon is not to be considered as time served on the original sentence, and he may be compelled to serve out the term which remained unserved at the time the pardon was granted and accepted. By breach or nonperformance of the conditions the pardon becomes void and the status of the prisoner is the same as it was before the pardon was granted; or, as is sometimes said, the position of the prisoner on a violation of the conditions of his pardon is similar to that of an escaped convict. He cannot complain of the interruption of the execution of the sentence during the time he enjoyed his liberty, for it was secured by him by his acceptance of the conditional pardon.

"A condition in a pardon that the convict shall be required to serve out the unserved portion of the term of his original sentence if he violates the terms of the pardon does not terminate with the expiration of the original term, of sentence. Accordingly, the rule is laid down by many courts that a convict who has violated the conditions of a pardon may be compelled to serve out the unexpired term of his original sentence, even though the breach occurred after the date upon which his sentence as fixed by the court which sentenced him would have expired." (*Ibid*, pp. 566-567; *Italics mine*)

The principle enunciated in the above quotations has been cited with favor and followed by this court in the following cases:

In the case of *People vs. Sanares*, 62 Phil., 825, the defendant therein, convicted of theft and sentenced to six (6) years and one (1) day imprisonment, began serving his sentence on July 9, 1924. He was conditionally pardoned and released on March 1, 1927. The period of the penalty remitted was three (3) years, seven (7) months and eight (8) days. He committed estafa on February 5, 1935, that is to say, several years after the expiration of the original sentence or the period of the sentence not served by reason of the pardon. This court said that prosecution under article 159 of the Revised Penal Code was in order. That means that he had violated the condition of his pardon despite the expiration of the period of his sentence. In other words, the conditions of the pardon were still in effect despite said expiration of the period.

The case of *Tesoro vs. Director of Prisons*, 68 Phil., 154, is also applicable. The petitioner therein was convicted of falsification of a public document and sentenced to three (3) years, six (6) months and twenty-one (21) days, which sentence was to expire on October 28, 1937. On November 14, 1935, he was paroled by the then Governor General. One of the conditions imposed was that he will not commit any other crime. On December 3, 1937, he was accused of adultery. The petitioner contended that the alleged acts of adultery imputed to him were committed and took place not before but after the expiration of his original sentence and so he was no longer liable for violation of his pardon. This court held that even if the adultery were committed after said expiration, still he had violated his pardon, meaning to say, that the conditions of his pardon were still in effect and were operative even beyond and after the expiration of his original sentence.

The following are additional authorities:

"On forfeiture of a pardon by breach of the conditions, a convict becomes liable to serve that part which he has not already served of the term of imprisonment for which he was sentenced, although the original term has long since expired." (*State vs. Barnes*, 6 L. R. A., 743; 10 S. E., 611; *Italics mine.*)

"The expiration of the term for which a convict was sentenced does not make inoperative a provision in a conditional pardon, that, if he is subsequently convicted of crime, he shall serve the unexpired term in addition to that imposed by the new sentence; but he may be compelled to serve out such unexpired term, although his subsequent conviction does not occur until after the expiration of the term of the original sentence." (*Re Kelly*, 20 L. E. A. [N. S.] 337; 155 Cal., 39; 99 Pac, 368; *Italics mine.*)

"When a prisoner who has been at large on a conditional pardon is recommitted to serve the remainder of his term, the time he has been so at large is not to be treated as time served on his sentence. (*Ex parte McKenna*, 79 Vt., 34; 64 Atl., 77.) It follows that a defendant sentenced to two years imprisonment and pardoned, may six years later be recommended for the breach of the condition of his pardon." (*State vs. Barnes*, 32 S. C., 14; 10 S. E., 611; 6 L. R. A. 743; Vol. I, *Bishop's Criminal Law*, Sec. 915 [5], p. 660; *Italics mine.*)

But there is really no need for all these authorities above cited and quoted because the majority opinion itself admits that its view is opposed to the weight of authority. What is it then that impels the majority to brave and go against the current of the great weight of authority, and maintain that the conditions imposed in a conditional pardon that the pardonee will not again violate any penal laws of the Philippines, dies with the expiration of the period of the original sentence, or with the expiration of the period of his sentence which remain unserved which in the present case, was one year and eleven days? The only reason and the whole argument brought forth to sustain the opinion is that if we are to hold otherwise, the pardon "instead of an act of mercy, would then be an act of oppression and injustice" because in exchange for the remission of a small fraction of the prisoner's penalty, the Chief Executive would "keep hanging over his (prisoner's) head during the rest of his life the threat of recommitment and/or prosecution for any slight misdemeanor such as that which gave rise to the order under consideration." I emphatically dissent from this view.

To me, the concern of the majority about the threat of recommitment being used by the Chief Executive as the sword of Damocles hanging over petitioner's head for the rest of his life, is without foundation. The threat, if there be one, is not being utilized by a heartless and vindictive Chief Executive to harass and annoy a pardonee and make his existence miserable, but it is rather an alternative, undesirable and unpleasant and to be avoided, which tends to keep the pardoned convict on the straight and narrow path. The prospect of avoiding serving his remitted sentence and his enjoyment of continued liberty and freedom from prison is rather an incentive that serves to impel and lead a pardonee to live within the law like his fellowmen. But even if we regard recommitment to jail as a continuous threat hanging over the pardonee's head, are we not all, for that matter living under the continuous threat of prosecution for violation of law. To all of us from the age of criminal responsibility (9 to 15 years

depending on discernment) down to the grave, the threat of punishment or suffering for violation of the penal laws or the law of Nature, is like the sword of Damocles, ever hanging over our heads. Commit an offense whether deliberate or thru negligence, and the sword of prosecution descends upon you; disobey the laws of nature such as that of gravitation and you may have a fatal, bad or even fatal; defy the elements and you may perish in them. The threat and prospect in every case is real and ever present, and yet we never think of regarding that threat as oppressive or unjust. We take it as a matter of course, and as an inevitable part or element of human institutions and of the scheme of the universe.

When a convict accepts a pardon with conditions attached, he does so with his eyes open and he knows the consequences. As a rule, the benefits far outweigh the disadvantages. That is the reason conditional pardons are almost invariably accepted. Afterwards when the pardonee fails to live up to the conditions of the pardon, it ill becomes him to whimper and complain and say that the conditions were unjust and oppressive, just because the portion of his sentence remaining to be served is relatively short, and the offense committed by him in violation of his pardon is not serious.

I am afraid that the majority has allowed itself to be unduly impressed and influenced by what I regard a misplaced sympathy for the herein offender. But we should not interpret the law in accordance with the status of the parties and the effect of the operation of the law on them. Where the law makes no distinction we should not distinguish. I confess that I see no injustice, much less, oppression in construing the conditions of a pardon that the pardonee will not again violate any penal laws of the Philippines, as operative during his lifetime. If he commits such a violation, he is not penalized and punished for it from the standpoint of pardoning power. He is merely made to serve out the remaining period of his sentence and nothing more. In other words, having shown that contrary to his promise or undertaking, he could not be a law-abiding citizen, the law cancels his release and compels him to continue serving his sentence. It is not a penalty but rather a withdrawal or cancellation of the grant of freedom to him. In this connection, the majority has apparently overlooked the contractual phase of a conditional pardon.

"It has often been held that a conditional pardon is, in form and substance, a contract between the executive power of the state and the person to whom it is granted." (39 Am. Jur. 559.)

"A conditional pardon delivered and accepted has been said to constitute a contract between the sovereign power or the executive and the criminal that the former will release the latter upon compliance with the conditions." (46 C. J., 1202.)

The convict is given the pardon and is released from confinement and his sentence is suspended in return for a promise and an undertaking that he would behave properly and not commit any violation of law. If to him that condition is burdensome, if he believes that because of criminal tendencies and inclinations he cannot keep away from law violations, he need not accept the offer of pardon. There is no power on earth that can compel him to accept the pardon against his will. As Chief Justice Marshall years ago said in the case of *United States vs. George Wilson* 7 Peters, 150; 8 Law ed., 640, a "pardon may be rejected by the person to whom it is tendered; and if it be rejected, we have discovered no power in a court to force it on him."

The fact that a condition in a pardon may be burdensome or objectionable does not vitiate the pardon. Speaking of the condition in a pardon Chief Justice Marshall in the same case said that "a pardon may be conditional, and the condition may be more objectionable than the punishment inflicted by the judgment." But as already stated, if the prospective pardonee feels that the condition is objectionable or burdensome, he need not accept the pardon.

A condition that the pardonee will not violate any penal law of the Philippines during his lifetime is legal.

"Other conditions.—* * * It is a valid condition that the grantee shall not be convicted of a violation of any of

the criminal laws of the state, * * *." (39 Am. Jur., 563.)

"Again, a pardon may be granted upon the condition that the convict * * * shall be and remain a law-abiding citizen." (46 C. J., 1201.)

And as to being burdensome or oppressive, personally, I firmly believe that such a condition is not burdensome and, clearly, not oppressive. By far, the great majority of citizens go through life without committing any penal offense. Thousands upon thousands, even millions of our citizens, specially in the provinces and in rural communities, have never entered the portals of a court of justice to be arraigned and tried, much less, have been behind prison bars. For every citizen like petitioner herein who commits a violation of law and is prosecuted therefor, there are thousands of his fellow citizens who are law-abiding and do not commit such violation.

The only legal limitation to the condition that may be imposed in a conditional pardon is that it should not be illegal, immoral or impossible of performance. I do not believe that there is any illegality, immorality or impossibility of performance in the condition that the pardonee shall not violate any penal laws of the Philippines.

"Nature of condition.—The condition may be of any nature so long as it is not illegal, immoral, or impossible of performance." (46 C. J., 1200.)

"Time during which condition is to be performed.—* * *; and by the weight of authority a pardon is not illegal or impossible of performance because its conditions require observance for a period of time extending beyond that in which the sentence should have been served." (Ibid., p. 1201; Italics mine.)

"A condition of a pardon that requires reimprisonment for the remainder of the original sentence of imprisonment, after the expiration of the particular period of time fixed by the court within which the sentence imposed should be executed, is valid. It can not be said to be immoral, or impossible of performance during the life of the petitioner; nor can it be illegal, since the particular period of time within which the sentence is to be suffered by the convict as specified in the sentence is not a part of the legal sentence, except so far as it fixes the quantum of time that he must suffer such penalty, and the condition imposed is not forbidden and does not increase the punishment imposed by the court in its sentence." (39 Am. Jur., 564; Italics mine.)

Furthermore, the Chief Executive in issuing a conditional pardon and in imposing the conditions in it does so in the exercise of his constitutional powers. The Chief Executive is vested with this authority not only by law (Sec. 64 [i] Revised Administrative Code), but by the very Constitution (Art. VII, Sec. 10 [6], granting him the power to attach such conditions and such restrictions and limitations as he may deem proper to impose. In interpreting this constitutional power of the Chief Executive we should not without good ground or valid reason brush aside and hold invalid a condition imposed by the Chief Executive on a conditional pardon on the ground that it is oppressive and unjust, specially if to do so, we defy and ignore the weight of legal jurisprudence.

It is argued in the majority opinion that although the penalty remitted has not prescribed, his reimprisonment more than ten years after he was pardoned would be repugnant to and against the spirit and genius of our penal laws, and by a process which it terms "strict construction", it finally accords to him the benefits of prescription. That, to me, is perplexing. The majority in a solemn holding and declaration says that prescription of the penalty does not apply in the present case; then in the next breath it declares that it should apply and so actually applies it. Where do we or the majority stand? The law of prescription of penalties, either is applicable or is not applicable. There is no middle ground. If it is not applicable, we may not apply it. If the law of prescription of penalties should be amended so as to cover cases like the present under consideration, such amendment falls within the exclusive domain of the Legislature. We cannot and should not undertake to do it, otherwise we would be treading on the controversial and dubious ground of judicial legislation.

The reason given in the majority opinion for extending the benefits of prescription of penalties to the petitioner

although according to the same majority prescription is inapplicable, is contained in the following quotation of its opinion:

"If a prisoner who has escaped and has given the authorities trouble and caused the State additional expense in the process of recapturing him is granted immunity from punishment after a period of hiding, there is at least as much justification for extending this liberality through strict construction of the pardon to one who, for the same period, has lived and comported as a peaceful and law-abiding citizen."

This point of view fails to appreciate the theory and the reason behind the law of prescription of penalties. If a convict under confinement, at the risk of being killed succeeds in breaking jail and also succeeds in evading rearrest for a certain period of time which by no means is short, despite the efforts of all the instrumentalities of the Government including sometimes the setting of a prize or reward on his head, which thereby enlists the aid of the citizenry, the law calls off the search for him, and condones the penalty. But during that period of prescription the escaped convict lives a life of a hunted animal, hiding mostly in the mountains and forests in constant mortal fear of being caught. His life far from being happy, comfortable and peaceful, is reduced to a mere existence filled with fear, discomfort, loneliness and misery. As the distinguished penal law commentator Viada said, the convict who evades sentence is sometimes sufficiently punished by his voluntary and self-imposed banishment, and at times that voluntary exile is more grievous than the sentence he was trying to avoid. (Viada y Villaseca, *Codigo Penal*, Vol. III, p. 41, 5th ed.) And all the time he has to utilize every ingenuity and means to outwit the Government agencies bent on recapturing him. For all this, the Government extends to him a sort of condonation or amnesty.

But the case of a pardonee is widely different. He never risked life or limb to secure his freedom. He never escaped from prison. He was given his freedom as it were on a silver platter, and thereafter like his fellow citizens he lives in peace and comfort. He rejoins his family and engages in business and enjoys all that life has to offer. The only condition that the Chief Executive requires of him, which condition he has voluntarily accepted is that he conducts himself and behaves like his fellow citizens, live in peace and abide by the law. To me, there is absolutely no parity or comparison between him and an escaped convict. Naturally, the reasons for extending the benefits of prescription of the penalty to an escaped convict do not obtain in the case of petitioner.

Finally, to bolster the opinion of the majority it is claimed that while in jail, petitioner had observed good conduct and was classified as trustee or penal colonist, and that his release before extinguishing his sentence could have been intended as a reward for his exemplary conduct. I believe that it is hardly relevant to bring in a pardonee's good behavior while in jail in order to mitigate, even to condone his violation of the condition of his pardon. For good conduct while in prison, a prisoner is duly and amply rewarded with time allowance for good conduct, resulting in a substantial reduction of sentence, all according to law (Art. 97, Rev. Penal Code.)

If the conditional pardon issued to the petitioner were intended and meant only as a reward "with little or no thought of exacting any return from him in the form of restraint from law violations," as claimed in the majority opinion, then the pardon should have been made absolute and unconditional. But the fact is that it imposed a condition, which the Chief Executive expected to be complied with, as shown by the action of the Office of the Chief Executive in having him rearrested for violation of the pardon. Incidentally, our very Penal Code (Art. 95) provides that "any person who has been granted a conditional pardon shall incur the obligation of complying strictly with the conditions imposed, otherwise his non-compliance with any of the conditions specified shall result in the revocation of the pardon * * *." This idea of strict compliance with the obligation assumed by a pardonee, embodied in Article 95 is wholly at variance with the claim of the majority that a conditional pardon is a mere reward with no thought on the part of the Government of exacting fulfillment of the obligations imposed.

For the foregoing reasons, I dissent from the majority opinion insofar as it affirms the decision appealed from.

Bengzon, and Padilla, JJ., concur.

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