

THE PEOPLE OP THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. JUAN NAVARRO AND ANACLETO ATIENZA, DEFENDANTS AND APPELLEES.

G.R. Nos. L-1-2. December 04, 1945

Ponente: BENGZON, J.

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BENGZON, J.:

On April 27, 1945, Juan Navarro and Anacleto Atienza, acting provincial governor and provincial warden, respectively, of the Province of Mindoro, were charged with the arbitrary detention of Esteban P. Beloncio (in criminal case No. 32) and of Juan G. Beloncio II (in criminal case No. 33). Typical was the first information alleging:

"That from January 27, 1945, and for several days thereafter, In the municipality of Calapan, Province of Mindoro, Commonwealth of the Philippines, and within the jurisdiction of this Honorable Court, the said defendants Juan Navarro and Anacleto Atienza, Acting: Provincial Governor and Provincial Warden, respectively, both being public officials to whom the custody and responsibility of prisoners were entrusted for proper action, without any lawful or justifiable cause and without legal grounds therefor, did then and there wilfully, unlawfully and feloniously detain Esteban V. Beloncio in the Provincial Jail of Mindoro which continued for more than fifteen days but less than six months."

On April 28, 1945, the Judge of the Court of First Instance called the cases for trial. The record is not completely clear as to what transpired therein. It is apparent that a pre-trial was held, the Judge asking the parties or their attorneys some questions, which the latter answered, with the result that admissions were made to the effect that Esteban P. Beloncio and Juan G. Beloncio II had been detained for several days after January 27, 1945, in the provincial jail of Mindoro by order of the Commanding General, Western Visayan Task Force, United States Army. Whereupon, defendants' counsel lost no time in filing a motion to quash, upon the ground that the facts charged did not constitute a criminal offense. Ruling upon the motion, the Honorable M. L. de la Rosa, Judge, dismissed the two cases, explaining in part:

"* * * Argumentando ambas partes, la defensa en favor de su morion de sobreseimiento, de esta fecha, y la acusacdn, oponiendose a la misma, convienen en que los referidos Esteban P. Beloncio y Juan G. Beloncio II fueron detenidos y puestos en la carcel, conio presos, por las autoridades militares de las fuerzas Americanas, despues de la reconquista de esta parte norte de Mindoro, que tuvo lugar hacia la segunda mitad de enero ultimo, las cuales autoridades fueron tambien quienes mas tarde nombraron a Juan Navarro, corno Gobernador Provincial de esta provincia, puesto que hasta ahora lo ocupa, porque aun no se ha nombrado, por los funciortarios del Commonwealth de Pilipinas, su sucesor, y fue instruido a continuar ejerciendo su cargo."

The provincial fiscal appealed.

The Solicitor General argues that "if the informations must be quashed on the ground 'that the facts charged do not constitute an offense' elementary logic dictates that the facts charged 'in the informations1' must be the one examined and analyzed to determine the sufficiency of the allegations." He also maintains that it was error for the

court to make findings of fact and decide the criminal cases on the merits, before issue had been joined, and before any evidence had been properly presented.

The defense thoroughly answered these points.

The office of the Solicitor General does not deny that the

Beloncios had been committed to jail by order of competent authorities of the American forces of liberation. The record fails to show any motion for reconsideration by the provincial fiscal disputing the admissions attributed to him in the court's decision. Hence we are justified, in assuming, that such representations had been made. Consequently when the defense urged that the facts charged did not constitute an offense, invoking not only the allegations of the information but also the admissions made by the fiscal, the trial judge rightly sustained the motion. Because the Beloncios had been placed by competent authority of the United States military forces in the official custody of defendants, who were public officials entrusted with the detention of prisoners, they could not very well be turned loose without a countermand. The fiscal should have mentioned other subsequent circumstances, if any, establishing defendants' duty (which they failed to fulfill) to release the Beloncios.

It must be noted that the section of the rule (sec. 2 [a], Rule 113) permitting a motion to quash on the ground that "the facts charged do not constitute an offense" omits reference to the facts detailed "in the information." Other sections of the same rule would imply that the issue is restricted to those alleged in the information (see secs. 9 and 10, Rule 113). Prima facie, the "facts charged" are those described in the complaint, but they may be amplified or qualified by others appearing to be additional circumstances, upon admissions made by the people's representative, which admissions could anyway be submitted by him as amendments to the same information. It would seem to be pure technicality to hold that in the consideration of the motion the parties and the judge were precluded from considering facts which the fiscal admitted to be true, simply because they were not described in the complaint. Of course, it may be added that upon similar motions the court and the fiscal are not required to go beyond the averments of the information, nor is the latter to be inveigled into a premature and risky revelation of his evidence. But we see no reason to prohibit the fiscal from making, in all candor, admissions of undeniable facts, because the principle can never be sufficiently reiterated that such official's role is to see that justice is done: not that all accused are convicted, but that the guilty are justly punished. Less reason can there be to prohibit the court from considering those admissions, and deciding accordingly, in the interest of a speedy administration of justice.

The Beloncios were thus deprived of their liberty by order of the military authorities, a few days after the liberation of Mindoro. Judicial notice may be taken of the fact, that upon military occupation and before the establishment of the normal processes of civil government the liberties and rights of citizens are likely to suffer temporary restrictions¹, what with the exigencies of military strategy, or the confusion usually resulting from the situation. While the infringement of constitutional precepts and privileges is not to be tolerated, war necessities and consequences cannot be overlooked. At any rate, no reasons are shown why the irregularity, if any, committed by others, should be visited upon defendants-appellees. The acts imputed to them, as herein recorded, do not, of themselves, constitute a punishable offense. The appealed decision is affirmed. So ordered.

Moran, C. J., Ozaeta, Paras, Jaranilla, Feria, De Joya, Pablo, Hilado, and Briones, JJ., concur.

CONCURRING**PERFECTO, J.,**

We concur. To attain the substantial ends of justice, procedural technicalities must be dispensed with, and the court rules must be interpreted so as to give them the resiliency demanded by the circumstances of the case. Court rules must give way to judicial liberalism and legal progress. The law embodied in them must grow and develop. Even the calcareous shells of the large phylum of mollusks, notwithstanding their rocky hardness and apparent fixity; grow in answer to the evolutionary requirements of biological laws.

Prosecution's statements belong to a class of evidence of the highest order in behalf of the accused. It is based, on the same principle upon which estoppel is established, and from which the ad hominem argument in logic derives its force.

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