

JUSTO CAMAT, PETITIONER, VS. THE DIRECTOR OF PRISON, RESPONDENT.

G.R. No. L-2092. April 06, 1948

Ponente: PERFECTO, J.

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PERFECTO, J.:

Petitioner Camat was committed to the new Bilibid Prisons on June 30, 1944, to suffer six years' imprisonment, to pay a fine of P1 ,000 or suffer one year's subsidiary imprisonment, imposed upon him by the Court of Special and Exclusive Criminal Jurisdiction, for illegal possession of firearms. Petitioner alleges that he was sentenced as a guerrilla. On February 5, 1945, he was released from confinement by virtue of a mass conditional pardon issued by the Japanese detachment commander for the new Bilibid Prisons. On February 20, 1947, he was arrested, charged with robbery, and committed as a detention prisoner to the new Bilibid Prisons on February 25, 1947.

A year later, on February 25, 1948, upon the theory that the pardon granted to petitioner on February 5, 1945, was null and void, the Director of Prisons transferred his status as a detention prisoner to that of a convict.

Petitioner complains that the action of the Director of Prisons is illegal and that, as a result, petitioner has been restrained of his liberty to talk and receive his visitors once a week, confined to cells of convicted criminals, and made to wear prisoner's garb and work like an ordinary criminal, all of which are not and cannot be done to a detention prisoner who has the presumption of innocence in his favor, and that the transfer has been made in bad faith and with full knowledge that it is illegal because, while respondent took official notice of the majority decision of the Supreme Court that the pardon granted to petitioner is null and void, he refused to take cognizance of the decision of the Supreme Court in *Peralta vs. Director of Prisons*, L-49, November 12, 1945, 42 Off. Gaz., 198, declaring that the crime of illegal possession of firearms during the occupation is a political crime and that the decision of the Court of Special and Exclusive Criminal Jurisdiction ceased to be good and valid ipso facto upon the liberation of the Philippines.

Petitioner prays that the Director of Prisons be ordered to immediately restore petitioner to his status as a detention prisoner, that the judgment of the Court of Special and Exclusive jurisdiction be declared null and void, and that respondent be ordered prosecuted for the illegal transfer of petitioner from detention to convicted prisoner.

The Solicitor General, in behalf of respondent Director of Prisons, recommended in his return of March 23, 1948, that petitioner Camat be restored to his former status as a detention prisoner, upon the nullity of his conviction for illegal possession of firearms during the occupation by the Court of Special and Exclusive Criminal Jurisdiction, in accordance with the decision in the *Peralta* case.

As prayed for, the Director of Prisons is ordered to immediately restore petitioner Justo Camat, also known by the names of Jose or Josefino in the pleadings on record, to his former status as a detention prisoner, his conviction by the Court of Special and Exclusive Criminal Jurisdiction for illegal possession of firearm having become null and void.

Petitioner's prayer that the Director of Prisons be prosecuted for the allegedly illegal transfer he made maybe filed by petitioner with the corresponding administrative or prosecuting officers, no action by this Court on the matter being necessary,

Parás, Bengzon, Briones, and Padilla, JJ., concur.

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