

REPUBLIC OF THE PHILIPPINES, ETC., PETITIONER, VS. THE HON. NICASIO YATCO, ET AL., RESPONDENTS.

G. R. No. L-17924. October 30, 1962

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On December 20, 1960, a petition for a writ of habeas corpus was filed by Jose Lava, et al. before the Court of First Instance of Rizal, Quezon City Branch, praying that, being illegally detained by respondents, they be released from confinement or granted provisional liberty under such terms and conditions which the court may deem reasonable to prescribe after filling the bonds that may be required for the purpose. On December 21, 1960, the court issued an order directing respondents to produce the persons of petitioners Jose Lava, et al. on a date therein set, as well as to show cause why the writ should not be issued, or petitioners should not be given their freedom as prayed for.

Respondents appeared on the date set by the court bringing with them the persons of petitioners, and during the hearing that ensued wherein the counsel of both petitioners and respondent were allowed to argue and discuss the issues raised, counsel for respondents manifested his opposition to the writ on the ground that the court has no jurisdiction over the case.

After a brief hearing, respondents were given five days within which to file their answer to the petition, which they did alleging therein the following as main ground of their opposition: that the Court of First Instance of Quezon City has no jurisdiction over the case it appearing that after the conviction of petitioners in the rebellion case filed against them they were confined as detention prisoners pending their appeal before the Supreme Court so that under the law petitioners are under the custody of the Supreme Court and as such no other court, much less the Court of First Instance of Quezon City, "can make any disposition of the custody of their persons."

Considering that the special defense set up by respondents was in the nature of a motion to dismiss, they asked that a day be set for the hearing of such special defense, which request the court granted, and at such hearing the court expressed the view that while the issue of jurisdiction would not be passed upon until after the hearing of the case on the merits is held, it however manifested in passing that it had jurisdiction to act on the petition it being one for habeas corpus.

And since respondent court, after hearing the case on the merits, may grant the petition and order the release of petitioners on bail even if the State should appeal from the decision of the court, respondents had no other alternative than to interpose the present petition seeking to prohibit respondent judge from acting on the petition alleging that he has no jurisdiction to act thereon for the reasons already adverted to.

This petition was given due course in a resolution issued on January 12, 1961. On the same date, a writ of preliminary injunction was issued, without bond.

Jose Lava, et al., in their answer, stressed that respondent court has jurisdiction to entertain their petition for a writ

of habeas corpus because the same is conferred upon it by Section 2, Rule 102 of the Rules of Court and Sections 17 and 44 of the Judiciary Act of 1948. Counsel contends that, once respondent court has assumed jurisdiction over the petition, all other courts, including the Supreme Court, which have concurrent jurisdiction over the subject matter, are excluded, and the argument of comity among courts cannot prevail over the express grant of jurisdiction by the aforesaid provisions of law.

It appears that Jose Lava, et al., who filed the instant petition for a writ of habeas corpus, were charged in Criminal Cases Nos. 14071 and 14270 of the Court of First Instance of Manila with the crime of rebellion complexed with other crimes enumerated in the informations, of which they were convicted in a decision rendered on May 21, 1951, the court sentencing some of them to death penalty and the others to reclusion perpetua. Because of the nature of the penalties imposed, as well as the appeals interposed by the accused, the cases were elevated to this Court for review, where they are pending decision up to the present time.

Subsequently, on July 18, 1956, this Court, in the case of *People vs. Hernandez*, G.R. Nos. L-6025-26, (99 Phil., 515) ruled that the crime of rebellion cannot be complexed with other crimes that may be committed in furtherance thereof, although if the latter are committed with personal motives the accused may be separately convicted thereof and sentenced accordingly, which simple rebellion is punishable under Articles 134 and 135 of the Revised Penal Code only with prison mayor and a fine of not more than P20,000.00. And the abovementioned ruling was later reiterated in the cases of *People vs. Geronimo*, 100 Phil., 90, and *People vs. Tongonon*, 101 Phil., 804.

On the basis of the above ruling, Jose Lava, et al. now contend that the decision of the court that found them guilty of rebellion complexed with other crimes and sentenced them to life imprisonment and death acted in excess of its jurisdiction because they could only be found guilty of simple rebellion with a maximum penalty of 12 years imprisonment as ruled by this Court, and since the penalty which should have been imposed upon them was at most 12 years imprisonment, it follows that Jose Lava, et al. are entitled to bail as a matter of constitutional right because in the eye of the law they were only charged with the crime of simple rebellion, which is bailable, though erroneously interpreted by the trial court in the aforesaid case.

Considering that Jose Lava, et al. were under preventive imprisonment since October 18, 1950 by the Director of Prisons and, up to the time of the filing of the instant petition for habeas corpus, had been deprived of their liberty for more than 11 years, and would probably continue under detention indefinitely because of the pendency of their appeal before the Supreme Court, aside from the fact that Article 29 of the Revised Penal Code, which credits detention prisoners with only 50% of the period of their detention, is violative of the due process and equal protection clauses of our Constitution, counsel contends that they are entitled to be given their freedom, even if provisionally, considering the period of time that they had been under detention, plus the commutations to which convicts are allowed under the law. Hence, they contend, the instant petition for habeas corpus is justified and should be granted.

Without passing upon the merits of the instant petition, we are of the opinion that respondent court has no jurisdiction over the case it appearing that the criminal cases in which Jose Lava, et al. were convicted and ordered confined are presently on appeal before this Court. In contemplation of law, therefore, said accused are under the custody of this Court and, hence, no other court, much less one of lower category, can make any disposition of the custody of their persons without interfering with the authority of the Supreme Court. And this is so because only this Court has the authority and jurisdiction to review, affirm, reverse or modify the decision appealed from because of the nature of the penalty imposed. Moreover, if the respondent court would be allowed to assume jurisdiction of the instant petition, it would in fact be acting as a reviewer of the decision of the court that has rendered it, which is a co-equal and coordinate court. This, admittedly, cannot be allowed.

Habeas corpus, on the other hand, is not the proper remedy for the correction of the error which the accused seek to secure in the instant case for the authorities are clear that errors of judgment cannot be corrected through the remedy of habeas corpus. In a long line of decisions this Court has consistently held that habeas corpus will not lie to correct errors of fact or of law.[1] The only exception to this rule is when the error affects the court's jurisdiction or is one that would make the judgment absolutely void, as may be gleaned from our decision in the recent case of Pomeroy:

"With reference to persons in custody pursuant to a final judgment, the rule is that the writ of habeas corpus can issue only for want of jurisdiction of the sentencing court, and can not function as a writ of error. Hence, the writ will not lie to correct mere mistakes of fact or of law which do not nullify the proceedings taken by a court in the exercise of its functions, if the court has jurisdiction over the crime and over the person of the defendant (*Talabon vs. Prov. Warden*, 78 Phil. 599; *Perkins vs. Director of Prisons*, 58 Phil. 271; *Paguntalan vs. Director of Prisons*, 57 Phil. 140; *Trono Felipe vs. Director of Prisons*, 24 Phil. 121; *U.S. vs. Jayme*, 24 Phil. 90; *McMicking vs. Schields*, 238 U.S. 99; 41 Phil. 971).

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"In providing for complex crimes, the Revised Penal Code did not set up a category of crimes independent of the component ones, but only for an aggravated form thereof. This rule was impelled by the desire to impose only one penalty for all offenses resulting from one and the same criminal impulse. Whether or not the offenses are so related as to constitute one single punishable violation evidently depends upon the Court's appreciation of the facts of the case and the applicable law, and not upon its jurisdiction, since it is not contested that the various component crimes were within the Court's power to try and adjudicate. Granting that the sentencing court's estimate of the facts and its conclusions as to the governing law were erroneous, the mistake did not render it powerless to act upon the premises nor deprive it of authority to impose the penalty that in its view of the case was appropriate. The view it had taken was not such capricious and whimsical exercise of judgment or grave abuse of discretion as would amount to lack or excess of jurisdiction, since at that time the Supreme Court had affirmed convictions for the complex crime of treason with murder and other offenses. As a matter of fact, the existence of the 'complexed' rebellion is still upheld to this day by a sizable number of lawyers, prosecutors, judges and even justices of this Court. Hence, the error committed was correctible only by reasonable appeal, not by attack in the jurisdiction of the sentencing Court." (*Pomeroy, et. al. vs. The Director of Prisons, et al.*, 107 Phil., 50; *Italics supplied*)

On the strength of the foregoing authorities, the conclusion is inescapable that respondent court has no jurisdiction to act on the instant petition for a writ of habeas corpus it appearing that the criminal cases wherein Jose Lava, et al. were convicted and ordered confined were decided by a court of competent jurisdiction. The respondent court cannot likewise grant the provisional liberty that they seek for because that power at the present stage of said cases lies with the Supreme Court.

Wherefore, petition is granted. Respondent court is hereby enjoined permanently from proceeding with the petition for habeas corpus filed by Jose Lava, et al., or from making any disposition as regards their custody, for reasons expressed in this decision. No costs.

Bengzon, C.J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] *Talabon vs. Prov. Warden*, 78 Phil., 599; *Perkins vs. Director of Prisons*, 58 Phil., 271; *Paguntalan vs. Director of Prisons*, 57 Phil., 140; *Trono Felipe vs. Director of Prisons*, 24 Phil., 121; *U.S. vs. Jayme*, 24 Phil., 90; *McMicking vs. Schields*, 238 U.S. 99; 41 Phil., 971.

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