

JOSE KABIGTING, PETITIONER AND APPELLANT, VS. THE ACTING DIRECTOR OF PRISONS, RESPONDENT AND APPELLANT.*G. R. No. L-15548. October 30, 1962*

Ponente: MAKALINTAL, J.

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The records show that this is the third petition for habeas corpus filed by Jose Kabigting, who since January 5, 1938 has been serving prison terms by virtue of final judgments of conviction in nineteen criminal cases. The first petition, docketed as Special Proceeding No. 2445 in the Court of First Instance of Rizal, was denied in its decision of July 26, 1956. The second petition, docketed as Special Proceeding No. 2603 in the same court, was filed on February 19, 1957. It was likewise denied and thereafter appealed by petitioner to this Court (G.R. No. L-12276). The appeal was decided on August 26, 1958, in which decision this Court, after making a computation of all the penalties imposed upon petitioner and of the periods already served by him, declared that as of August 31 of that year there was still an unserved balance of 9 years and 10 months, from which should be deducted the good conduct time allowances to which petitioner was entitled since the start of his confinement. The case was remanded to the court below with instruction that the Director of Prisons be required to submit a statement of such good conduct time allowances and that if the period "is or exceeds 9 years and 10 months the herein petition shall be granted and petitioner released from custody; otherwise the petition shall be dismissed."

Pursuant to the said decision the Director of Prisons submitted his report, from which it appears that as of November 7, 1958 petitioner was entitled to good conduct time allowances aggregating only 5 years, 7 months and 5 days, less by approximately 4 years than the period still unserved as found by this Court. Consequently, the petition in Special Proceeding No. 2603 was dismissed by the court below.

On January 28, 1959 Jose Kabigting filed his third petition for habeas corpus (Sp. Proc. No. 3100 of the Court of First Instance of Rizal) alleging that as of November 7, 1958 he had already overserved the total period of his prison terms by 2 months and 6 days. An opposition to the petition was interposed by respondent Director of Prisons, citing our decision in G. R. No. L-12276. The trial court, Judge Cecilia Munoz-Palma presiding, made its own computation of the penalties imposed upon petitioner in the nineteen criminal cases wherein he had been convicted as well as the good conduct time allowances which should be credited to him, and on February 11, 1959 forwarded the records of the three cases to this Court for such action as it might deem proper in the premises.

On April 3, 1959 this Court issued the following resolution:

"Acting upon the resolution dated February 11, 1959, of the Court of First Instance of Rizal (in its Special Proceeding No. 3100) forwarding to this Supreme Court the petition of Jose Kabigting for habeas corpus,

Resolved to return the records thereto for decision in accordance with the rules of law properly to be applied.

In connection with its laudable concern with the individual's right to personal liberty, it should be clear that it can not outweigh legal considerations and principles of procedure nor the People's duty to enforce criminal laws designed for the protection of the other individuals in the nation. Otherwise accused persons will seldom,

if ever, be sent to jail; and prisoners may, as often as they wish to, waste the courts' time—to the prejudice of other litigants—with repeated habeas corpus petitions rehashing points already decided, and/or presenting arguments allegedly never advanced or inadequately developed, etc. etc.

Confirming its attitude of non-interference, Corpus Juris Secundum has this to say:

'Consideration by lower court after refusal by higher court.—Where the highest court of the state has refused a petition for habeas corpus, a lower court will refuse to grant the writ on the same grounds and the same evidence, and under the express provisions of some statutes, successive applications must not be made to courts of inferior jurisdiction. A petitioner for habeas corpus is properly refused discharge where a prior petition and hearing on the same evidence refusing a discharge was affirmed by the appellate court, and it has been held that the lower court in such circumstances has no jurisdiction to issue the writ, and that the decision of the appellate court is the law of the case in the lower court in so far as the facts are the same. Sometimes the court declines to hear a second application on the ground that the petitioner appealed from the decision on the first application and, on affirmance, did not request the appellate court to grant leave or permission to renew the application. Under the practice in some states where a lower court or judge entertains a second application after final judgment on appeal and without leave granted by the appellate court, the proceedings are subject to arrest by certiorari and supersedeas or other appropriate proceedings in the appellate court to the end that final judgments of that court may be enforced and protected. In such case the appellate court will supersede or refuse to supersede the proceedings accordingly as the pleadings and evidence show that the second application is based on the same or substantially the same facts as the prior application or on new facts which would change the result.' (Vol. 39, p. 701)"

On April 25, 1959 the court a quo rendered its decision, and in disregard of the final judgment of this Court in G. R. No. L-12276, held that petitioner had already served more than the maximum period of his prison terms and consequently ordered the Director of Prisons to release him from custody "unless held on charges other than those mentioned and covered in this Proceeding."

The aforesaid decision was officially promulgated at 11:45 in the morning of that day, April 25, which was a Saturday. A copy thereof was served on the office of the Solicitor General at 12:25 the same day and at 6:50 in the afternoon petitioner was able to obtain his release, with the corresponding certificate of discharge, from the Manila office of the Bureau of Prison[^]. In the morning of Monday, April 27, the Solicitor General, representing the Director of Prisons, filed a notice of appeal from the decision and an urgent motion for the re-arrest of petitioner. On April 29 the Court of First Instance of Rizal, Judge Felix Domingo presiding, gave due course to the appeal and ordered petitioner's re-arrest, but allowed him to post a bail bond in the amount of P5,000.00 for his temporary liberty pending appeal. On May 29, 1959, upon motion of the Solicitor General, the court increased the bond to P10,000.00, which was duly complied with. Petitioner moved to reconsider both orders and upon denial of the motion interposed an appeal therefrom. The case is now before us on both appeals— one filed by petitioner and the other by respondent Director of Prisons.

The first issue to be resolved is whether or not the respondent's appeal has been properly taken, considering first the time element and secondly the fact that petitioner had already been released, which release, he now contends, rendered the decision appealed from final and executory.

Section 18 of Rule 41 provides that "an appeal in habeas corpus cases shall be perfected by filing with the clerk of the court or the judge who rendered the judgment, within twenty-four (24) hours from notice of such judgment, a statement that the person making it appeals from the judgment rendered." Under section 1 of Rule 28, in computing any period of time prescribed by the Rules, the day of the act, event or default after which the designated time of the period begins to run is not to be included, and the last day of the period so computed is to be included unless it is a Sunday or a legal holiday, in which event the time shall run until the end of the next day

which is neither a Sunday nor a holiday (*italics supplied*). Since respondent, thru the office of the Solicitor General, received a copy of the decision at 12:25 in the afternoon of Saturday, April 25, 1959, and since the next day, being Sunday, was not to be included in the computation of the 24-hour period, the appeal interposed by respondent at 9:45 in the morning of the following Monday, April 27, 1959, was timely.

With respect to the release of the petitioner, which was carried out by the Superintendent of the Bureau of Prisons in Manila, in whose office petitioner was then detailed, there can be no doubt that the same was premature and contrary to law, for according to section 20 of Rule 41, "a judgment remanding the person detained to the custody of the officer or person detaining him, shall not be stayed by appeal (but) a judgment releasing the person detained shall not be effective until the officer or person detaining has been given opportunity to appeal; (and) an appeal taken by such officer or person shall stay the order of release, unless the person detained shall furnish a satisfactory bond in an amount fixed by the court or judge rendering the judgment."

The next issue presented for resolution refers to the propriety and correctness of the decision of the court below granting the petition for habeas corpus in the light of the fact that the ground on which the petition is based had already been finally settled by this Court in the previous case, Special Proceeding No. 12276. It need not be stated that the Supreme Court, being the court of last resort, is the final arbiter of all legal questions properly brought before it and that its decision in any given case constitutes the law of that particular case. Once its judgment becomes final it is binding on all inferior courts, and hence beyond their power and authority to alter or modify. If petitioner had any ground to believe that the decision of this Court in Special Proceeding No. 12276 should further be reviewed his remedy was to ask for a reconsideration thereof. In fact he did file two motions for that purpose, both of which were denied. A new petition before an inferior court on the same grounds was unjustified. As much, indeed, was clearly indicated by this Court in its resolution of April 3, 1959, hereinabove reproduced in its entirety. The import of the resolution is too plain to be misunderstood.

The decision appealed from, dated April 25, 1959, is hereby set aside; the orders of April 29 and May 29, 1959, also appealed from, are affirmed; and the record is remanded to the court below with instruction for the cancellation of the bonds filed by petitioner and for the issuance of the corresponding order of recommitment so that he may serve the unexpired term of his aggregate prison sentences, conformably to the decision of this Court in case G. R. No. L-12276. With costs.

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

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