

THE PROVINCIAL FISCAL OF ILOCOS NORTE, PETITIONER, VS. THE HONORABLE JUDGES, CEFERINO DELOS SANTOS, VICENTE SANTIAGO, PATRICIO CENIZA, ZOILO HILARIO, BERNABE DE AQUINO AND LUIS O...

G.R. No. L-2502. December 01, 1949

Ponente: PARAS, J.

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PARAS, J.:

The herein respondent Julio Acosta was prosecuted in five cases for murder and in two cases for murder with arson. In due time he filed with the Second Guerrilla Amnesty Commission (for the provinces of Ilocos Norte, Ilocos Sur, Abra and La Union), consisting of respondent Judges Ceferino delos Santos, Vicente Santiago and Patricio Ceniza, a petition for amnesty under Proclamation No. 8 of the President of the Philippines dated September 7, 1946. After hearing, the Second Guerrilla Amnesty Commission rendered a decision, dated June 9, 1947, and actually received by the clerk of the Court of First Instance of Ilocos Norte on November 12, 1947, sustaining the petition for amnesty and accordingly ordering the release of respondent Acosta. The herein petitioner, the Provincial Fiscal of Ilocos Norte, in his present special civil action for certiorari and mandamus, assails the validity of the decision, on the grounds (1) that it was rendered when respondent Judges Santos, Santiago and Ceniza had ceased to be members of the Commission, it being alleged that on June 5, 1947, the Secretary of Justice appointed new members for the Second Guerrilla Amnesty Commission; (2) that the decision took legal effect only on November 12, 1947, when it was received in the office of the clerk of Court of First Instance of Ilocos Norte, on which date respondent Judges Santos, Santiago and Ceniza were no longer members of the Commission; and (3) that the Commission was without jurisdiction to act on the application for amnesty of respondent Acosta because he did not admit the commission of the offenses charged against him. None of these grounds is tenable.

As there is absolutely no showing that respondent Judges Santos, Santiago and Ceniza knew, when they rendered their decision on June 9, 1947, that they had been replaced by other members in the Second Guerrilla Amnesty Commission—as a matter of fact, the petitioner admits that the new members held sessions in Laoag only in August, 1947, they may at least be considered as de facto members of said Commission on June 9, 1947. The validity of the decision cannot be affected by the fact that it was received in the clerk's office on November 12, 1947, because the Commission, unlike a regular and permanent Court of First Instance, does not technically have its own clerk of court with whom its judgments should be filed as required in section 1 of Rule of Court 35. Moreover, we can well treat the letter of the Undersecretary of Justice to respondent Judge Ceferino de los Santos, dated July 31, 1947, as sufficient authority for him and respondent Judges Santiago and Ceniza "to act on the cases submitted to the Commission." It is noteworthy that the letter expressly referred to the "Second Guerrilla Amnesty Commission, formerly composed of Judges Simeon Ramos, Ceferino de los Santos, Patricio Ceniza and Vicente Santiago."

In order to entitle a person to the benefits of the Amnesty Proclamation of September 7, 1946, it is not necessary

that he should, as a condition precedent or sine qua non, admit having committed the criminal act or offense with which he is charged, and allege the amnesty as a defense. (*Barrioquinto vs. Fernandez*, 82 Phil., 642.)

Wherefore, the petition for certiorari and mandamus is hereby dismissed without costs. So ordered.

Moran, C.J., Ozaeta, Bengzon, Padilla, Montemayor, Reyes, and Torres, JJ., concur.

Tuason, J., I concur in the result.

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