

PABLO SANTOS Y TABLANTE, PETITIONER, VS. DIRECTOR OF PRISONS, RESPONDENT.

G.R. No. L-7207. March 04, 1954

Ponente: REYES, J.

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REYES, J.:

This is an original petition for a writ of habeas corpus filed on behalf of Pablo Santos y Tablante by his wife, Paulina Gavino de Santos, alleging that the said Pablo Santos y Tablante is being illegally detained in the New Bilibid Prisons, Muntinlupa, Rizal, by virtue of an order of the Court of First Instance of Manila in Criminal Cases Nos. 4750 and 4751 convicting him of the crime of theft without trial and sentencing him to a long term of imprisonment.

On the day set for the hearing of the case, no one appeared to prove the allegations of the petition. On the other hand, it appears from the return filed by the Solicitor General on behalf of the respondent Director of Prisons that petitioner is presently confined in prison by virtue of two orders issued on May 8, 1944 by a judge of the Court of First Instance of Manila, committing unto the respondent the person of said Pablo Santos y Tablante, who had been sentenced by said court as follows:

"Case No. 4750—For theft. To suffer 6 months and 1 day of prison correctional and, an additional penalty of 6 years and 1 day of prison mayor for habitual delinquency;

"Case No. 4751—For theft. To suffer 6 months and 1 day of prison correctional, and an additional penalty of 6 years and 1 day of prison mayor for habitual delinquency."

It also appears from the prison record attached to the return that this prisoner commenced service of his sentence on May 8, 1944; that he escaped from prison on June 29, 1944 and was recaptured on April 14, 1952; and that taking into account the period covered by his escape, his sentence will not expire until 1964.

There being no proof that the prisoner was, as alleged in the petition, convicted without trial, while, on the other hand, it appears that he is in prison to serve the sentences imposed upon him by the Court of First Instance of Manila in two criminal cases—sentences which must be presumed to have been legally rendered in the absence of evidence to the contrary—the claim that petitioner is being illegally deprived of his liberty is without legal basis.

The petition for habeas corpus is, therefore, denied.

Paras, C. J., Pablo, Bengzon, Padilla, Montemayor, Jugo, Bautista Angelo, Labrador, Concepcion, and Diokno, JJ., concur.

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