

**ANGEL C. BAKING AND SIMEON G. RODRIGUEZ, PETITIONERS, VS.
THE DIRECTOR OF PRISONS, RESPONDENT. IN THE MATTER OF THE
APPLICATION FOR A WRIT OF HABEAS CORPUS, JOSE LAVA, RAMON
ESP...**

G.R. No. L-30364. July 28, 1969

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Before us for resolution are two identical petitions for habeas corpus filed by petitioners: (1) Angel C. Baking and Simeon G. Rodriguez in L-30364; and (2) Jose Lava, Ramon Espiritu, Fede-rico R. Maclang, Federico Bautista, Onofre Mangila, and Cesario Torres in L-30603.

Petitioners concededly had been under detention for more than eighteen (18) years under the charge of respondent Director of Prisons when, on May 16, 1969, this Court in its decision in *People vs. Lava, et al.*, G.R. L-4974-5-6-7-8, convicted petitioners for the crime of rebellion and sentenced each of them to ten (10) years' imprisonment. This decision has since become final.

Previously, on March 31, 1969, petitioners Angel C. Baking and Simeon G. Rodriguez registered their petition for habeas corpus in G.R. L-30364, one of the cases at bar. They claimed that they had been denied the right to a speedy trial. On May 24, 1969, after this Court rendered its decision convicting petitioners of the crime of rebellion, Angel C. Baking and Simeon G. Rodriguez filed a motion for early decision of their petition for habeas corpus and for their immediate release, based primarily upon an averment similar to the other petition for habeas corpus before us in L-30603, filed on June 17, 1969.

The present thrust of the two petitions is that petitioners should now be released because they have already served the ten (10) year sentences meted out to them. They give as reasons:

First. Petitioners have been detained in prison pending the decision of their cases for more than eighteen (18) years and seven (7) months. By Article 29 of the Revised Penal Code,[1] one-half of their preventive imprisonment is to be deducted from their sentence. In other words, they are already credited with more than nine (9) years and three (3) months, representing one-half of eighteen (18) years and seven (7) months. This is not disputed.[2]

Second. Petitioners would go farther and claim for themselves benefits accorded by Article 97 of the Revised Penal Code granting time allowance for good conduct. Petitioners would apply said Arti-cle 97 through all the time of their detention period of over eighteen years.

We directed respondent Director of Prisons to produce before us the bodies of the petitioners. He did. In his return, thru the Solicitor General, he balks vehemently at the application of Article 97 to petitioners' case.

After hearing and submission of memoranda, the present cases are now up for decision.

1. The key problem that now confronts us in the two petitions at bar is whether or not Article 97 of the Revised Penal Code is applicable to detention prisoners. Said provision of law in its English version reads:

"ART. 97. Allowance for good conduct. - The good conduct of any prisoner in any penal institution shall entitle him to the following deductions from the period of his sentence:

1. During the first two years of his imprisonment, he shall be allowed a deduction of five days for each month of good behavior;
2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a deduction of eight days for each month of good behavior;
3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of ten days for each month of good behavior; and
4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of fifteen days for each month of good behavior."

Petitioners, who have been detention prisoners prior to the finality of this Court's judgment of May 16, 1969, lay heavy stress on the phrase "any prisoner" in the English text of Article 97. In asking that the provision be made to apply to them when they were still detention prisoners, they say that the law does not distinguish between a prisoner who is serving sentence and detention prisoner.

The Spanish text of Article 97 of the Revised Penal Code reads:

"ART. 97. Abono de tiempo por buena conducta. - La buena conducta, observada por el penado en cualquier establecimiento penal le hara acreedor a las siguientes reducciones del tiempo de su condena:

- 1.[a] Cinco dias cada mes de buena conducta durante los dos primeros años de privacion de libertad;
- 2.[a] Ocho dias por mes durante los años tercero al quinto inclusive;
- 3.[a] Diez dias por mes, durante los demas años hasta el decimo inclusive; y
- 4.[a] Quince dias por mes desde el undecimo en adelante."

It must be stated that inasmuch as the Revised Penal Code was originally approved and enacted in Spanish, the Spanish text governs.[3] The term "any prisoner" in the Spanish text is "el penado". Who is a convict or a person already sentenced by final judgment, For, "el penado" means a "delincuente condenado a una pena." [4] There is thus no doubt that Article 97 does not embrace detention prisoners within its reach. Because it speaks of the buena conducta observada por el penado - not one under "prision preventiva." The allowance for good conduct "for each month of good behavior" then unquestionably refers to good behavior of a prisoner while he is serving his term as a convict and not otherwise.

Indeed, under Article 24(1), Revised Penal Code, the arrest and temporary detention of accused persons are not considered as penalties. By necessary implication from the statutory scheme of the Revised Penal Code, especially Article 28 thereof, [5] the service of a sentence of one in prison begins only on the day the judgment of conviction becomes final.

More to this. While Article 97 talks of "any prisoner" in the English text, it speaks, however, of that prisoner as being entitled to deductions for good conduct allowances "from the period of his sentence" ("del tiempo de su condena"). An accurate reading, therefore, of the provision yields the plain implication that the prisoner concerned is one who already has a sentence clamped upon him, i.e., a definite sentence by final judgment. The term "any prisoner" should thus be limited to those convicted by final judgment. This is the import of the law as

written.

2. And then, there is the familiar precept that a codal provision is not to be interpreted in isolation. It is axiomatic in legal hermeneutics that a code, such as the Revised Penal Code, should be construed as a whole. Courts are duty-bound to harmonize the various provisions thereof. The rule we should go by is that "a code enacted as a single comprehensive statute, is to be considered as such, and not as a series of disconnected articles or statutes." [6]

The reason why we now take stock of the foregoing rule is that we find in the same Revised Penal Code, Article 94, which provides as follows:

"ART. 94. Partial extinction of criminal liability. - Criminal liability is extinguished partially:

1. By conditional pardon;
2. By commutation of the sentence; and
3. For good conduct allowances which the culprit may earn while he is serving his sentence." [7]

As originally written in Spanish, this article reads:

"ART. 94. Como se extingue parcialmente la responsabilidad penal. - La responsabilidad penal se extinguió parcialmente:

- 1.º Por indulto condicional;
- 2.º Por conmutación de la sentencia; y
- 3.º Por abonos de buena conducta que obtenga el reo mientras este extinguiendo sentencia."

By the above provision, good conduct allowances are given only to the culprit who earns the same "while he is serving his sentence" ("el reo mientras este extinguiendo sentencia"). [8] What is crystal clear in Article 94 then is that good conduct allowances are awarded only to those who are serving their sentences. Petitioners, as detention prisoners, cannot by any stretch of the imagination, be said to be serving sentence during the period of their preventive imprisonment. And this, even in the face of Article 29 of the Revised Penal Code which reduces petitioners' respective sentences by one-half of their preventive imprisonment. As correctly argued by the Solicitor General, Article 29 merely credits said time [of one-half of the preventive imprisonment] to convicts by final judgment. Said article does not in any way imply that detention prisoners, there-after convicted by final judgment, have been serving sentence during their detention period.

So it is, that Article 97 is to be read in conjunction with Article 94 which, under the circumstances, should likewise be deemed to give meaning to the term "any prisoner" in Article 97. Article 94 above-quoted, we must say, is embraced in the same chapter of the Revised Penal Code as Article 97 relied upon by petitioners. Both of them are in Book One, Title Four, Chapter Two, entitled "PARTIAL EXTINCTION OF CRIMINAL LIABILITY", the very same heading of Article 94. And Article 94 appears to be the lead article of Chapter Two, because it talks in general terms of everything contained in said Chapter Two. To elaborate, Article 95 speaks of conditional pardon, provided in Article 94(1); Article 96 deals with commutation of sentence, mentioned in Article 94(2); and Articles 97, 98 and 99 (the rest of the Chapter) refer to good conduct allowances treated by Article 94(3). Obvious from all these is that it is from Article 94(3) that Articles 97 (the provision under interpretation), 98 and 99 should take their bearings. And it says - we repeat - that: "La responsabilidad penal se extinguió parcialmente: x x x 3.º Por abonos de buena conducta que obtenga el reo mientras este extinguiendo sentencia."

Our view on the meaning of Article 97 gets a tremendous lift from Article 98 of the Revised Penal Code, viz:

"ART. 98. Special time allowance for loyalty. - A deduction of one-fifth of the period of his sentence shall be granted to any prisoner who, having evaded the service of his sentence under the circumstances mentioned in Article 158 of this Code, gives himself up to the authorities within 48 hours following the issuance of a proclamation announcing the passing away of the calamity or catastrophe referred to in said article." [9]

While Article 98 also contains the phrase "any prisoner" (transmitted from the Spanish text which uses the words "los penados"), it is clear that this phrase is confined to convicts who have "evaded the service of [their] sentence" ("que quebrantaren su sentencia").

The position we here take is not without jurisprudential support. In *People vs. Martin*, 68 Phil. 122, the accused was convicted of abduction and sentenced to 14 years, 8 months and 1 day of reclusion temporal. After having served 8 years, 1 month and 17 days, he was pardoned "on condition that he should not again be found guilty of any crime." He left unserved 6 years, 6 months and 14 days. Subsequently, he was prosecuted, tried, found guilty of another crime - attempted robbery in band with physical injuries - and sentenced by final judgment to pay a fine of 330 pesetas, with the corresponding subsidiary imprisonment. He was thereafter charged with a violation of the condition of his pardon. After trial, he was adjudged guilty and sentenced "to suffer the penalty which was remitted in the pardon, namely, six years, six months and fourteen days." In upholding that judgment of conviction on appeal, this Court, amongst others, said: "The appellant's contention that there should be deducted from this remitted penalty the allowance of time provided in article 97 of the Revised Penal Code, is unsound. This allowance is given in consideration of the good conduct of the prisoner while serving his sentence. Not having served this remitted penalty, there is no reason for the allowance, namely, the good conduct of the appellant while serving his sentence." [10]

We accordingly hold that, by a consideration of the terms of Article 97 alone, and also in conjunction with other parts of the Revised Penal Code, the phrase "any prisoner" in Article 97 thereof is to be regarded as referring only to a prisoner serving sentence.

3. A formidable argument against the tenability of petitioners' plea is Section 5 of Act 1533 of the Philippine Commission (enacted on August 30, 1906), the old law "providing for the diminution of sentences x x x in consideration of good conduct and diligence." Section 5 of said Act 1533 reads:

"SEC. 5. Detention prisoners who voluntarily offer in writing to perform such labor as may be assigned to them shall be entitled to a credit in accordance with the provisions of this Act, which shall be deducted from such sentence as may be imposed upon them in the event of their conviction." [11]

This provision of law, it must be said, still subsists. The repealing clause of the Revised Penal Code, Article 367 thereof, expressly abrogated Sections 1, 2 and 6 only of Act 1533. Section 5 thereof must therefore be deemed to form part of the present law on good conduct allowances.

By Section 5 just transcribed, detention prisoners are entitled to good conduct allowances if they "voluntarily offer in writing to perform such labor as may be assigned to them." In which case, the credit they receive "shall be deducted from such sentence as may be imposed upon them in the event of their conviction." This is the sole exception to the rule that only those serving sentence shall be entitled to good conduct allowances. If detention prisoners do not follow the condition imposed by Section 5, Act 1533, they cannot earn credit for good conduct.

In the cases before us, there is not as much as an intimation that petitioners have voluntarily offered in writing to perform such labor as may be assigned to them. Petitioners have not even told us that they worked during the period of their preventive imprisonment. The burden to show that the condition imposed by Section 5, Act 1533 has been met, is certainly upon petitioners. They have not discharged this burden. It is thus our firm conclusion

that they cannot avail of the benefits granted to detention prisoners under Section 5 of Act 1533.

Upon the law as we read it, petitioners' remedy is not with this Court. The law is the law. We cannot change the law under the guise of interpretation. Under our system of government, we may not tread on forbidden grounds; we cannot rewrite the law. This is the function of Congress.[12]

FOR THE REASONS GIVEN, the petitions herein to set petitioners at liberty are hereby denied.

No costs allowed.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, and Teehankee, JJ., concur.

Castro, Capistrano, and Barredo, JJ., did not take part.

Fernando, J., dissents in a separate opinion.

[1] "ART. 29. One-half of the period of the preventive imprisonment deducted from term of imprisonment. - Offenders who have undergone preventive imprisonment shall be credited in the service of their sentences consisting of deprivation of liberty, with one-half of the time during which they have undergone preventive imprisonment, except in the following cases:

1. When they are recidivists, or have been convicted previously twice or more times of any crime;
2. When upon being summoned for the execution of their sentence they have failed to surrender voluntarily;
3. When they have been convicted of robbery, theft, estafa, malversation of public funds, falsification, vagrancy, or prostitution.

[2] Petitioners claimed in a previous petition for habeas corpus (G.R. L-28151) that Article 29 of the Revised Penal Code is unconstitutional. Petitioners moved to withdraw that petition on the ground that the petition had become moot and academic, which motion was granted by this Court on June 19, 1969.

[3] *People vs. Abilong*, 82 Phil. 172, 174, citing *People vs. Mamba*, 58 Phil. 665, 668.

[4] *Diccionario de la Lengua Española*, Decimoctava ed. (1956), p. 1002. See also: *Spanish-English Dictionary* by Velasquez (1942), p. 489.

[5] The first paragraph of Article 28, in its English and Spanish versions, reads:

"Art. 28. Computation of penalties. - If the offender shall be in prison the term of the duration of the temporary penalties shall be computed from the day on which the judgment of conviction shall have become final.

x x x."

"ART. 28. Modo de computer las penas. - Cuando el culpable estuviese preso, la duracion de las penas temporales empezara a contarse desde el dia en que la sentencia condenatoria hubiere quedado firme.

x x x."

[6] Crawford, *Statutory Construction*, 1940 ed., p. 669, citing cases.

[7] Emphasis supplied.

[8] "Reo" in Spanish may mean: "Criminoso, culpado" or "Persona que por haber cometido una culpa merece

castigo." Diccionario de la Lengua Española, Decimoctava ed. (1956), pag. 1130.

[9] Emphasis supplied. The Spanish text reads:

"ART. 98. Abono especial de tiempo por lealtad. - A los penados que quebrantaren su sentencia en las circunstancias previstas en el artículo 158 de este Código, y se entregaren a la autoridad dentro de las 48 horas siguientes a la proclama del cese de la calamidad a que se refiere dicho artículo, se les concedera un abono de una quinta parte de su condena."

[10] At p. 125; emphasis supplied. See also: *People vs. Tapel*, 64 Phil. 112, 114; *Alvarado vs. Director of Prisons*, 87 Phil. 157, 158, 159.

[11] Emphasis supplied. The "credit" mentioned in Sec. 5, Act 1533, appears in Section 1 thereof, which reads:

"SECTION 1. Each convict who is sentenced for a definite term of more than thirty days and less than life shall be entitled to diminish the period of his sentence under the following rules and regulations:

(a) For each full month, commencing with the first day of his arrival at a provincial or Insular jail or prison, during which he has not been guilty of a violation of discipline or any of the rules of the prison, and has labored with diligence and fidelity upon all such tasks as have been assigned to him, he shall be allowed a deduction of five days from the period of his sentence.

(b) After he has served two full years of a sentence, the deduction shall be eight days for each month thereafter.

(c) After he has served five full years of a sentence, the deduction shall be ten days for each month thereafter.

(d) After he has served ten full years of his sentence, the deduction from his term shall be fifteen days for each month thereafter."

This was supplanted by Article 97 of the Revised Penal Code.

[12] The present Article 33 of the Penal Code of Spain reads:

"ART. 33. El tiempo de prision preventiva sufrida por el delincuente durante la tramitacion de la causa, se abonara en su totalidad para el cumplimiento de la condena, cualquiera que sea la clase de la pena impuesta." (Redaccion de 1944: RipoIlles, Codigo Penal, Tomo 1, pag. 338).

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DISSENTING OPINION

FERNANDO, J.:

With regret and with due recognition of the merit inherent in Justice Sanchez' ably written opinion viewed from the approach pursued, I find myself unable to concur. Hence these few words of dissent.

My starting point is the fundamental postulate under our system of government that the Constitution as the supreme law cannot be ignored or disregarded but instead imperatively calls for application to the facts as

ascertained in every appropriate case or proceeding.[1] It is on such an overriding principle, as a matter of fact, that the power of judicial review rests, enabling the courts to pass upon and, if necessary, annul legislative or executive acts.[2] The decisive question for me then is whether on the admitted facts the Constitution requires that these two petitions for habeas corpus prosper? I would answer in the affirmative.

According to the opinion of Justice Sanchez: "Petitioners concededly had been under detention for more than eighteen (18) years under the charge of respondent Director of Prisons when, on May 16, 1969, this Court in its decision in *People vs. Lava, et al.*, G. R. L-4974-5-6-7-8, convicted petitioners for the crime of rebellion and sentenced each of them to ten (10) years' imprisonment. This decision has since become final." As a result petitioners, still under confinement, sought the remedy of habeas corpus.

It may be well to recall the broad, well-nigh illimitable reach of this great writ of liberty. So it was affirmed in one of the truly outstanding opinions of Justice Malcolm, *Villavicencio v. Lukban*. [3] As was there stated: "The writ of habeas corpus was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and as the best and only sufficient defense of personal freedom." [4] Textwriters are similarly agreed on its importance and significance. Cooley spoke of it as "one of the principal safeguards to personal liberty." [5] Willoughby, not to be outdone, referred to it as "the greatest of the safeguards erected by the civil law against arbitrary and illegal imprisonment by whomsoever detention maybe exercised or ordered." [6] Burdick considered it as "one of the most important bulwarks of liberty." [7] Fraenkel in stressing its importance, said "that without it, much else would be a no avail." [8]

To give the writ of habeas corpus then its full, all-encompassing scope, I would not limit our inquiry to the particular ground or grounds invoked by petitioners. If our function were thus limited, there is much to be said as earlier intended for the -conclusion reached by the Court. The statutory reliance appears to be inadequate. I would not think, however, that in discharge of this function, perhaps second to none in the catalogue of judicial responsibility, we should thus be circumscribed. If it were so, the effect might very well be to dilute this great writ of much of its significance.

Instead, the decisive question for me is whether the admitted fact of continued detention for more than eighteen years, after the penalty had been reduced to ten years imprisonment, constitutes a denial of liberty without due process. That the Constitution prohibits. The historic role of due process as a safeguard of freedom cannot be sufficiently stressed. It bears repeating that freedom is the rule and restraint the exception. The eloquent language of the Chief Justice Concepcion in *People v. Hernandez* [9] comes to mind: "Furthermore, individual freedom is too basic, too transcendental and vital in a republican state, like ours, to be denied upon mere general principles and abstract consideration of public safety. Indeed, the preservation of liberty, is such a major preoccupation of our political system that, not satisfied with guaranteeing its enjoyment in the very, first paragraph of section (1) of the Bill of Rights, the framers of our Constitution devoted paragraphs (3), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), (17), (18), and (21) of said section (1) to the protection of several aspects of freedom."

Considering that one stark fact emerges in all its significance, the continued imprisonment of petitioners after eighteen years, notwithstanding a reduction in their penalty to ten years, I view the matter as a grave infraction of the due process clause. This is not to lose sight of the distinction between their preventive detention and their imprisonment after final judgment. Realistically viewed, however, they have been denied and continue to be denied their liberty for more than eighteen years. The loss of freedom is no less real, the affliction no less severe by whatever name such incarceration is called. I find it difficult to believe that the Constitution affords no protection just because previous to the finality of our decision, the confinement may be characterized as other than serving the penalty imposed. To the person undergoing such a deprivation, the characterization as to the nature of the detention is without significance.

To go back then to what for me is the decisive question, is there a violation of the due process guaranty? I am inclined to think so. As far back as 1924, we made clear that due process is a safeguard against the arbitrary exercise of power.[10] That is a concept that has an ancient lineage traceable as it is to an 1819 United States Supreme Court decision.[11] We have time and time again identified due process with responsiveness to the supremacy of reason, obedience to the dictates of justice. That is to rule out oppressiveness and avoid unfairness. If an official action were marred by the absence of fair play, then no fealty is shown this cardinal precept.[12]

I cannot help but entertain the conviction that to continue the incarceration of these petitioners who all this while for a period longer than the penalties imposed on them have been deprived of their freedom is to commit an affront against the rudimentary requirement of fairness and of justice, which the due process clause is intended to secure. Hence, my in-ability to concur in the decision reached by the Court.

There is this additional matter to consider. According to the opinion of Justice Sanchez: "Upon the law as we read it, petitioners' remedy is not with this Court. The law is the law. We cannot change the law under the guise of interpretation. Under our system of government, we may not tread on forbidden grounds: we cannot rewrite the law. This is the function of Congress."

As a statement of a general proposition, the above excerpt can be admitted unqualifiedly. It is to its applicability to the situation before us that I beg to differ. What is involved is liberty, and on that issue it is the theory of our constitutional regime, confirmed by constant and uninterrupted practice that the role thrust upon the judiciary is far from modest. As a matter of fact, the courts are called upon to assure that in each and every appropriate legal proceeding, and habeas corpus is the remedy most suitable for the purpose, the claims of freedom must be given the utmost sympathy and accorded priority. Otherwise, the judiciary runs the risk of failing to live up to the exacting responsibility that is peculiarly its own.

It could be argued to the contrary that the force of what I just affirmed is blunted by a specific provision of the Revised Penal Code.[13] It reads: "Offenders who have undergone preventive imprisonment shall be credited in the services of their sentences consisting of deprivation of liberty, with one-half of the time during which they have undergone preventive imprisonment, * * *." On its face, it does appear to stand in the way of yielding full assent to the view that petitioners' plea for liberty is solidly buttressed by the imperative requirement of the due process guaranty.

I am not convinced that it poses such an insurmountable obstacle. It is to be remembered that the reduction of the penalty to ten years from the much more severe life sentence imposed by the lower court resulted from our finding that there was a grossly mistaken assumption on the part of the prosecution as to the existence of such a complex offense of rebellion with other crimes. Certainly, it does appear arbitrary for the petitioners to be made to suffer further for the error thus incurred. Also, the final disposition of the cases against them did consume a protracted period of time. It could very well be that they were in part to blame for such delay, not to mention other fortuitous causes. At any rate, it is undeniable that another arbitrary aspect would be im-parted to the proceeding against petitioners, if after all this while it is held that they had not as yet fully served a ten-year sentence after the lapse of eighteen years. The due process mandate, it would seem to me, would be ignored if on the above considerations it is not given controlling force entitling petitioners to the remedy now sought.

I would add the further observation that the constitutional infirmity of the above Revised Penal Code provision is rather apparent manifesting as it does so little regard for the equal protection clause in general and repugnant as it is to the due process safeguard in the matter under consideration. Not that there is any need as I see it for such a declaration of nullity. It suffices, as we had occasion to do in other litigations, to declare it inapplicable considering that the constitutional safe-guard of due process is undoubtedly the higher law and takes precedence.

The undeniable facts of record leave such a conclusion inescapable. If necessary, however, from and after November 15, 1935, the effectivity of our Constitution, I would consider such Revised Penal Code provision, dating back to January 1, 1932, inoperative, as we did in at least two cases,[14] in view of its contrariety and repugnance to the regime of liberty and equal protection enshrined in the fundamental law.

The foregoing considerations appear to me decisive and compel me to reach a result at variance with that reached by the Court.

[1] Cf. Haines, *The Role of the Supreme Court in American Government and Politics*, pp. 10-16 (1960).

[2] *Angara v. Electoral Commission*, 63 Phil. 139 (1936); *Marbury v. Madison*, 1 Cranch 137 (1803).

[3] 39 Phil. 778 (1919).

[4] *Ibid*, p. 788.

[5] 2 *Cooley, Constitutional Limitations* 709 (1927).

[6] 3 *Willoughby, on the Constitution* 1612 (1929).

[7] *Burdick, The Law of the American Constitution* 27 (1922).

[8] *Fraenkel, Our Civil Liberties* 6 (1944).

[9] 99 Phil. 515, 551-552 (1956).

[10] *Lopez v. Director of Lands*, 47 Phil. 23 (1924).

[11] *Bank of Columbia v. Okely*, 4 Wheat 235, 244. Cf. "As to the words from Magna Charta, incorporated into the constitution of Maryland, after volumes spoken and written with a view to their exposition, the good sense of mankind has at length settled down to this: that they were intended to secure the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributive justice."

[12] Cf. *Victorias Milling Co. v. Workmen's Compensation Commission*, L25665, May 22, 1969.

[13] Article 29.

[14] *People v. Linsangan*, 62 Phil. 646 (1935); *De los Santos v. Mallare*, 87 Phil. 289 (1950).

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