

JEAN L. ARNAULT, PETITIONER AND APPELLEE, VS. EUSTAQUIO BALAGTAS, AS DIRECTOR OF PRISONS, RESPONDENT AND APPELLANT. D E C I S I O N

G.R.No. L-6749. July 30, 1955

Ponente: LABRADOR, J.

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LABRADOR, J.:

This an appeal from a judgment of the Court of First Instance of Rizal, Pasay City Branch, Honorable Jose F. Flores presiding, in habeas corpus proceeding, declaring that the continued detention and confinement of Jean L. Arnault in ffie new Bilibid Prison, in pursuance of Senate Resolution No. 114, dated November 8, 1952, is illegal, for the reason that the Senate of the Philippines committed a clear abuse of discretion in considering his answer naming one Jess D. Santos as the person to whom delivery of the sum of P440,000 was made in the sale of the Buenavista and Tambobong Estate, as a refusal to answer the question directed by the Senate committee to him, and on the further ground that said Jean L. Arnault, by his answer, has purged himself of contempt and is consequently entitled to be released and discharged.

Petitioner-appellee was an attorney in-fact of Ernest H. Burt in the negotiations for the purchase of the Buenevista and Tambobong Estates by the Government of the Philippines. The purchase was effected on October 21, 1949 and the price paid for both estates was P5,000,000. On February 27, 1950, the Senate of the Philippines adopted Resolution No. 8, whereby it created a Special Committee to determine "whether the said purchase was honest, valid and proper, and whether the price involved in the deal was fair and just, the parties responsible therefor, any other facts the Committee may deem proper in the premises." In the investigation conducted by the Committee in pursuance of said Resolution, petitioner-appellee was asked to whom a part of the purchase price, or P440,000, was delivered. Petitioner-appellee refuse to answer this question, whereupon the Committee resolved on May 15, 1950, to order his commitment to the custody of the Sergeant at-arms of the Philippines Senate and imprisoned in the new Bilibid Prison in Rizal until such time when he shall reveal to the Senate or to the Special Committee the name of the person who received the P440,000 and to answer questions pertinent thereto. In G. R. No. L-3820, petitioner-appellee herein questioned the validity of the confinement so ordered, by a petition for certiorari filed in this Court. He contended that the Senate of the Philippines has no power to punish him for contempt for refusing to reveal the name of the person to whom he delivered the P440,000, that the Legislature lacks authority to punish him for contempt beyond the term of the legislative session, and that the question of the Senate which he refused to answer is an incriminating question which the appellee is not bound to answer. All" the above-mentioned contentions were adversely passed upon by the decision of this Court, so his petition for release was denied.

In the month of December, 1951, while still in confinement in Bilibid, petitioner-appellee executed an affidavit, Exhibit A, wherein he gives in detail the history of His life, the events surrounding the acquisition of the Buenavista and Tambobong Estates by Gen. Burt, the supposed circumstances under which he met one by the name of Jess D. Santos. Upon the presentation of the said affdavit to the said Senate Special Committee, the latter subjected petitioner to questioning regarding the identity of Jess D. Santos and after said investigation and

questioning the Committee adopted Resolution No. 114 on November 8, 1952. This Resolution reads as follows :

"RESOLUTION APPROVING THE REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE THE BUENAVISTA AND TAMBOBONG ESTATES DEAL, AND ORDERING THE DIRECTOR OF PRISON TO CONTINUE HOLDING JEAN L. ARNAULT IN HIS CUSTODY, AND IN CONFINEMENT AND DETENTION AT THE NEW BILIBID PRISON AT MUNTINLUPA, RIZAL, UNTIL THE SAID ARNAULT SHALL HAVE PURGED HIMSELF OF CONTEMPT OF THE SENATE.

"Whereas, on the 15th May 1950 the Senate of the Philippines, transcending divisions of party and faction in the national interest, adopted a Resolution ordering the detention and confinement of Jean L. Arnault at the New Bilibid Prison in Muntinlupa, Rizal, until he should have purged himself of contempt of the Senate by revealing the person to whom he gave the sum of P440,000 in connection with the Buenavista and Tambobong Estates deal, and by answering other pertinent questions in connection therewith;

"Whereas, after considering the lengthy testimony offered by the said Jean L. Arnault, and the report thereon rendered by the Senate Special Committee on the said deal, the Senate holds and finds that, despite numerous and generous opportunities offered to him at his own instance and solicitation, the said Jean L. Arnault has failed and refused, and continues to fail and refuse to reveal the person to whom he gave the said amount of P440,000, and to answer other pertinent questions in connection with the Buenavista and Tambobong estates deal;

"Whereas, the Senate holds and finds that the situation of the said Jean L. Arnault has not materially changed since he was committed to prison for contempt of the Senate, and since the Supreme Court of the Philippines, in a judgment long since become final, upheld the power and authority of the Senate to hold the said Jean L. Arnault in custody, detention, and confinement, said power and authority having been held to be coercive rather than punitive, and fully justified until the said Jean L. Arnault should have given the information which he had withheld and continues contumaciously to withhold;

"Whereas, the insolent and manifest untruthful statements made by the said Jean L. Arnault on the occasions above referred to constitute a continuing contempt of the Senate, and an added affront to its dignity and authority, such that, were they to be condoned or over-looked, the power and authority of the Senate to conduct investigations would become futile and ineffectual because they could be defied by any person of sufficient stubbornness and malice;

"Whereas, the Senate holds and finds that the identity of the person to whom the said Jean L. Arnault gave the amount of P440,000 in connection with the Buenavista and Tambobong estates deal, and the further information which the Senate requires and which the said Jean L. Arnault arrogantly and contumaciously withholds, is required for the discharge of its legislative functions, particularly so that adequate measures can be taken to prevent the repetition of similar frauds upon the Government and the People of the Philippines and to recover said amount; and

"Whereas, while not insensible to the appeal of understanding and mercy, the Senate holds and finds that the said Jean L. Arnault, by his insolent and contumacious defiance of the legitimate authority of the Senate, is trifling with its proceedings, renders himself unworthy of mercy, and, in the language of the Supreme Court, is his own jailer, because he could open the doors of his prison at any time by revealing the truth; now therefore, be it

"Resolved by the Senate of the Philippines, That the Senate hold and find, as it hereby holds and finds, that Juan L. Arnault has not purged himself of contempt of the Senate, and has in no way altered his situation since he has committed to coercive not punitive, imprisonment for such contempt on the 15th day of May, 1950; and that Senate order, as it hereby orders, the Director of Prisons to hold the said Jean L. Arnault, in his custody, and in confinement and detention at the New Bilibid Prison in Muntinlupa, Rizal, in coercive imprisonment, until he should have purged himself of the aforesaid contempt to the satisfaction, and until order to that effect,

of the Senate of the Philippines or of its Special Committee to investigate the Buenavista and Tambobong Estates deal. "Adopted, November 8, 1952." (Exhibit 0)

In his petition for the writ of habeas corpus in the Court of First Instance, petitioner-appellee alleges: (1) That the acquisition by the Government, through the Rural Progress Administration, of the Buenavista and Tambobong Estates was not illegal nor irregular nor scandalous nor malodorous, but was in fact beneficial to the Government; (2) that the decision of this Court in G. R. No. L-3820 declared that the Senate did not imprison Arnault "beyond proper limitations", i.e., beyond the period longer than *arresto mayor*, as this is the maximum penalty that can be imposed under the provisions of Article 150 of the Revised Penal Code; (3) that petitioner-appellee purged himself of the contempt charges when he disclosed the fact that the one to whom he gave the P440,000 was Jess D. Santos, and submitted evidence in corroboration thereof; (4) that the Senate is not justified in finding that the petitioner-appellee did tell the truth when he mentioned Jess D. Santos as the person to whom he gave the P440,000, specially on the basis of the evidence submitted to it; (5) that the legislative purpose or intention, for which the Senate ordered the confinement may be considered as having been accomplished, and, therefore, there is no reason for petitioner-appellee's continued confinement.

The claim that the purchase of the Buenavista and Tambobong Estates is beneficial to the government and is neither illegal nor irregular is beside the point. To our mind, two questions are decisive of this case. The first is: Did the Senate Special Committee believe the statement of the petitioner-appellee that the person to whom he gave the P440,000 is one by the name of Jess D. Santos and if it did not, may the court review said finding? And the second is: If the Senate did not believe the statement, is the continued confinement and detention of the petitioner-appellee, as ordered in Senate Resolution of November 8, 1952, valid?

On the first question, the Senate found as a fact that petitioner "has failed and refused, and continues to fail and refuse, to reveal the person to whom he gave the amount of P440,000" and that the situation of petitioner "has not materially changed since he was committed to prison." In the first resolution of the Senate Special Committee of May 15, 1950, it found that petitioner "refused to reveal the name of the persons to whom he gave the P440,000, as well as to answer other pertinent questions related to said amount." It is clear and evident that the Senate Committee did not believe petitioner's statement that the person to whom he delivered the above-mentioned amount is one by the name of Jess D. Santos, the court *a quo*, however, arrogating unto itself the power to review such finding, held that the "petitioner has satisfactorily shown that the person of Jess D. Santos actually and physically existed in the human flesh," that the opinion or conclusion of the Senate Committee is not borne out by the evidence produced at the investigation, that the Senate abused its discretion in making its conclusion and that under these circumstances the only thing that could in justice be done to petitioner is to order his release and have his case endorsed to the prosecution branch of the judicial department for investigation and prosecution as the circumstances warrant.

There is an inherent fundamental error in the course of action that the lower court followed. It assumed that courts have the right to review the findings of legislative bodies in the exercise of the prerogative of legislation, or interfere with their proceedings or their discretion in what is known as the legislative process.

"The courts avoid encroachment upon the legislature in its exercise of departmental discretion in the means used to accomplish legitimate legislative ends. Since the legislature is given a large discretion in reference to the means it may employ to promote the general welfare, and alone may judge what means are necessary and appropriate to accomplish an end which the Constitution makes legitimate, the courts cannot undertake to decide whether the means adopted by the legislature are the only means or even the best means possible to attain the end sought, for such course would best the exercise of the police power of the state in the judicial department. It has been said that the methods, regulations, and restrictions to be imposed to attain results consistent with the public welfare are purely of legislative cognizance, and the determination of the legislature

is final except when so arbitrary as to be violative of the constitutional rights of the citizen. Furthermore, [i]n the absence of a clear violation of a constitutional inhibition, the courts should assume that legislative discretion has been properly exercised." (11 Am. Jur., pp. 901-902).

These the judicial department of the government has no right or power or authority to do, much in the same manner that the legislative department may not invade the judicial realm in the ascertainment of truth and in the application and interpretation of the law, in what is known as the judicial process, because that would be in direct conflict with the fundamental principle of separation of powers established by the Constitution. They only instances when judicial intervention may lawfully be invoked are when there has been a violation of a constitutional inhibition, or when there has been an arbitrary exercise of the legislative discretion.

"Under our constitutional system, the powers of government are distributed among three coordinate and substantially independent organs: the legislative, the executive and the judicial. Each of these departments of the government derives its authority from the Constitution which, in turn, is the highest expression of the popular will. Each has exclusive cognizance of the matters within its jurisdiction, and is supreme within its own sphere." (People of the Philippine Islands, et al. vs. Vera, et al 65 Phil., 56; See also Angara vs. Electoral Commission, 63 Phil. 139)

All that the courts may do, in relation to the proceedings taken against petitioner prior to his incarceration, is to determine if the constitutional guarantee of due process been accorded him before his incarceration by legislative order, and this because of the mandate of the Supreme Law of the land that no man shall be deprived life, liberty or property without due process of law. In the case at bar such right has fully been extended to the petitioner, he having been given the opportunity to be heard personally and by counsel in all the proceedings prior to the approval of the Resolution ordering his continued confinement.

The second question involves in turn the following propositions : Does the Philippines Senate have the power and authority to pass its resolution ordering the continued confinement of the petitioner? In the supposition that such power and authority exist, was such power legitimately exercised after the petitioner had given the name Jess D. Santos? A study of the text of the resolution readily shows that the Senate found that the petitioner-appellee did not disclose, by the mere giving of the name Jess D. Santos, the identity of the person to whom the sum of P440,000 was delivered, and, in addition thereto that petitioner withheld said identity arrogantly and contumaciously in continued affront of the Senate's authority and dignity. Although the resolution studiously avoids saying that the confinement is a punishment, but merely seeks to coerce the petitioner into telling the truth, the intention is evident that the continuation of the imprisonment ordered is in fact partly punitive. This may be inferred from the confining made in the resolution that petitioner-appellee's acts were arrogant and contumacious and constituted an affront to the Senate's dignity and authority. In a way, therefore, the petitioner's assumption that the imprisonment is punitive is justified by the language of the resolution, wherefore the issue now before Us is whether the Senate has the power to punish the contempt committed against it under the circumstances of the case. This question is thus squarely presented before Us for determination.

In the previous case of this same petitioner decided by this Court, G. R. No. L-38201, *Arnault vs. Nazareno, et al.* (46 Off. Gaz., No. 7, 3100), it was admitted and we had ruled that the Senate has the authority to commit a witness if he refuses to answer a question pertinent to a legislative inquiry, to compel him to give the information, i.e., by reason of its coercive power, not its punitive power. It is now contended by petitioner that if he committed an offense of contempt or perjury against the legislative body, because he refused to reveal the identity of the person in accordance with the demands of the Senate Committee, the legislature may not punish him, for the punishment for his refusal should be sought through the ordinary processes of the law, i.e., by the institution of a criminal action in a court of justice.

American legislative bodies, after which our own is patterned, have the power to punish for contempt if the contempt has had the effect of obstructing the exercise by the legislature of, or deterring or preventing it from exercising, its legitimate functions (Annotation to *Jurney vs. MacCracken*, 79 L. ed. 814). While the power of the United States Senate to punish for contempt was not clearly recognized in its earlier decision (See *Marshall vs. Gordon*, 61 L. ed. 881), the Supreme Court of the United States two decades ago held that such power and authority exist. In the case of *Jurney vs. MacCracken* (294 U. S. 123, 79 L. ed. 802), the question before it was whether or not the Senate could order the confinement of a private citizen because of the destruction and removal by him of certain papers required to be produced. The court said:

"First, The main contention of *MacCracken* is that the so-called power to punish for contempt may never be exerted, in the case of a private citizen, solely qua punishment. The argument is that the power may be used by the legislative body merely as a means of removing an existing obstruction to the performance of its duties; that the power to punish ceases as soon as the obstruction has been removed, or its removal has become impossible; and hence that there is no power to punish a witness who, having been requested to produce papers, destroys them after service of the subpoena. The contention rests upon a misconception of the limitations upon the power of the Houses of Congress to punish for contempt. It is true that the scope of the power is narrow. No act is so punishable unless it is of a nature to obstruct the performance of the duties of the legislature. This may be lack of power, because, as in *Kilbourn vs. Thompson*, 103 U. S. 168, 26 L. ed. 377, there was no legislative duty to be performed; or because, as in *Marshall vs. Gordon*, 243 U. S. 521, 61 L. ed. 881 37 S. Ct. 448, L. R. A. 1917F, 279, Ann. Cas. 1918B, 371, the act complained of is deemed not to be of a character to obstruct the legislative process. But, where the offending act was of a nature to obstruct the legislative process, the fact that the obstruction has since been removed, or that its removal has become impossible is without legal significance.

"The power to punish a private citizen for a past and completed act was exerted by Congress as early as 1795; and since then it has been exercised on several occasions. It was asserted, before the Revolution, by the colonial assemblies, in intimation of the British House of Commons; and afterwards by the Continental Congress and by state legislative bodies. In *Anderson vs. Dunn*, 6 Wheat, 204, 5 L. ed. 242, decided in 1821, it was held that the House had power to punish a private citizen for an attempt to bribe a member. No case has been found in which an exertion of the power to punish for contempt has been successfully challenged on the ground that, before punishment, the offending act had been consummated or that the obstruction suffered was irremediable. The statement in the opinion in *Marshall vs. Gordon*, 243 U.S. 521, 61 L. ed. 881, 37 S. Ct. 448, L. R. A. 1917P, 279 Ann. Cas. 1918B, 371, *supra*, upon which *MacCracken* relies, must be read in the light of the particular facts. It was there recognized that the only jurisdictional test to be applied by the court is the character of the offense; and that the continuance of the obstruction, or the likelihood of its repetition, are considerations for the discretion of the legislators in meting out the punishment.

"Here, we are concerned not with an extension of congressional privilege, but with vindication of the established and essential privilege of requiring the production of evidence. For this purpose, the power to punish for a past contempt is an appropriate means. Compare *Ex parte Nugent* (C. C.) 1 Brunner, Col. Cas. 296, Fed. Cas. No. 10,375; *Steward vs. Bleine*, 1 MacArth. 453. The apprehensions expressed from time to time in congressional debates, in opposition to particular exercise of the contempt power concerned, not the power to punish, as such, but the broad, undefined privileges which it was believed might find sanction in that power. The ground for such fears has since been effectively removed by the decisions of this Court which hold that assertions of congressional privilege are subject to judicial review. *Melbourn vs. Thompson*, 103 U.S. 168, 26 L. ed. 377, *supra*; and that the power to punish for contempt may not be extended to slanderous attacks which presents no immediate obstruction to legislative processes. *Marshall vs. Gordon*, 243 U.S. 521, 61 L. ed. 881, 37 S. Ct. 448, L. R. A. 1917F, Ann. Cas. 1918B, 371 *supra*."

The principle that Congress or any of its bodies has the power to punish recalcitrant witnesses is founded upon

reason and policy. Said power must be considered implied or incidental to the exercise of legislative power, or necessary to effectuate said power. How could a legislative body obtain the knowledge and information on which to base intended legislation if it cannot require and compel the disclosure of such knowledge and information, if it is impotent to punish a defiance of its power and authority? When the framers of the Constitution adopted the principle of separation of powers, making each branch supreme within the realm of its respective authority, it must have intended each department's authority to be full and complete, independently of the other's authority or power. And how could the authority and power become complete if for every act of refusal, every act of defiance, every act of contumacy against it, the legislative body must resort to the judicial department for the appropriate remedy, because it is impotent by itself to punish or deal therewith, with the affronts committed against its authority or dignity. The process by which a contumacious witness is dealt with by the legislature in order to enable it to exercise its legislative power or authority must be distinguished from the judicial process by which offenders are brought to the courts of justice for the meting of the punishment which the criminal law imposes upon them. The former falls exclusively within the legislative authority, the latter within the domain of the courts; because the former is a necessary concomitant of the legislative power or process, while the latter has to do with the enforcement and application of the criminal law.

We must also and that provided the contempt is related to the exercise of the legislative power and is committed in the course of the legislative process, the legislature's authority to deal with the defiant and contumacious witness should be supreme, and unless, there is a manifest and absolute disregard of discretion and a mere exertion of arbitrary power coming within the reach of constitutional limitations, the exercise of the authority is not subject to judicial interference. (*Marshal vs. Gordon*, supra).

The next question concerns the claim that the petitioner has purged himself of contempt, because he says he has already answered the original question which he had previously been required to answer. In order that the petitioner may be considered as having purged himself of the contempt, it is necessary that he should have testified truthfully, disclosing the real identity of the person subject of the inquiry. No person guilty of contempt may purge himself by another lie or falsehood; this would be repetition of the offense. It is true that he gave a name, Jess D. Santos, as that of the person to whom delivery of the sum of P440,000 was made. The Senate Committee refused to believe, and justly, that that is the real name of the person whose identity is being the subject of the inquiry. The Senate, therefore, held that the act of the petitioner continued the original contempt, or reiterated it. Furthermore, the act further interpreted as an affront to its dignity. It may well be taken as insult to the intelligence of the honorable members of the body that conducted the investigation. The act of defiance and contempt could not have been clearer and more evident. Certainly, the Senate resolution declaring the petitioner in contempt may not be claimed as an exertion of an arbitrary power.

One last contention of petitioner remains to be considered. It is the claim that as the period of imprisonment has lasted for a period which exceeded that provided by law punishment for contempt, i.e., 6 months of arresto mayor, the petitioner is now entitled to be released. This claim is not justified by the record. Petitioner was originally confined by Resolution No. 17 on May 15, 1950. On December 13, 1951, he executed his affidavit and thereafter he was called to testify again before the Senate Committee. The latter passed its Resolution No. 114 on November 6, 1952, and he presented the petition for habeas corpus in this case on March 3, 1953, i.e., five months after the last resolution when the Senate found that the petitioner committed another contempt. It is not true, therefore, that the petitioner's punishment is beyond the full period prescribed in the criminal law.

Besides, the last resolution of November 8, 1952 is also of a coercive nature, in the sense that the Senate Committee still demands and requires the disclosure of the fact which the petitioner had obstinately refused to divulge. While the Philippines Senate has not given up hope that the petitioner may ultimately disclose the record,

it is improper for the courts to declare that the continued confinement is an abuse of the legislative power and thereby interfere in the exercise of the legislative discretion.

The judgment appealed from should be, as it hereby is, reversed, and the petition for the issuance of the writ of habeas corpus denied. The order of the court allowing the petitioner to give bail is declared null and void and the petitioner is hereby ordered to be recommitted to the custody of the respondent. With cost against the petitioner-appellee.

Bengzon, Acting C. J., Padilla, and Reyes, A., JJ., concur.

Bautista Angelo, Concepcion, and Reyes, J.B.L., JJ., concur in the result.

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