

PABLO ROBATON Y PASTRANA, PETITIONER, VS. THE DIRECTOR OF PRISONS, RESPONDENT.

G.R. No. L-2766. August 25, 1949

Ponente: REYES, J.

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REYES, J.:

For stealing personal property from a private party, petitioner was, on November 23, 1943, convicted of theft by the Court of First Instance of Manila and sentenced to an indeterminate penalty of from 6 months of *arresto mayor* to 1 year, 8 months and 21 days of *prision correccional*. Though he commenced to serve this sentence on the following day, petitioner later evaded it by escaping from prison on March 16, 1944. He was, however, recaptured and turned over to the Bureau of Prisons on May 22, 1948.

Petitioner now asks for a writ of habeas corpus, contending that the sentence rendered against him during the Japanese occupation is no longer valid, invoking in support of this contention the decision of this Court in *Peralta vs. Director of Prisons*, 42 Off. Gaz., 198 and a proclamation of General MacArthur nullifying certain acts of the Government during said occupation.

The petition is without merit. Petitioner was sentenced for committing an act penalized by the territorial law (the Revised Penal Code) as a crime against the legitimate government. The crime had no political complexion. It was "one that would have been punished any time, anywhere." Petitioner was convicted of that crime by one of the regular courts. Under our ruling in such cases, the sentence, though rendered during the enemy occupation, did not become invalid thereafter. (*Guinto vs. Director of Prisons*, 45 Off. Gaz., 2890[1], *Landicho vs. Superintendent* G. R. No. L-1498; *Montebon vs. Director of Prisons*, 44 Off. Gaz., p. 3312[2].)

The decision in *Peralta vs. The Director of Prisons* has no application here, because there the accused was convicted of an offense which had political complexion, an offense taken out of the territorial law and placed under the punitive sanction of an Ordinance promulgated by the puppet government for the protection of the army of occupation.

The petition for habeas corpus is therefore denied, without special pronouncement as to costs. So ordered.

Moran, C.J., Ozaeta, Paras, Feria, Bengzon, Padilla, Tuason, and Montemayor, JJ., concur.

[1] 80 Phil., 55.

[2] 78 Phil., 427.

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