

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. LUIS IGNACIO, DEFENDANT AND APPELLANT.*G.R. No. 10849. January 14, 1916*

Ponente: JOHNSON, J.

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This is an appeal from a decision of the Court of First Instance of the Province of Ilocos Norte. It is an appeal from a decision of the lower court, finding that the defendant was guilty of having violated the conditions of a pardon. The lower court held an investigation and found that the defendant had violated the conditions of his pardon, and in accordance with the provisions of section 4 of Act No. 1524, ordered him returned to the institution wherein he had been confined before his pardon, for the purpose of serving the unexpired portion of the original sentence. The facts seem to be as follows:

On the 16th of February, 1912, the defendant was found guilty of the crime of lesiones graves, as defined and punished under paragraph 4 of article 416 of the Penal Code, and was sentenced to be imprisoned in accordance with the provisions of Act No. 1438. Said sentence contained the following statement:

"The guilt, therefore, of the accused Luis Ignacio of the crime charged against him having been satisfactorily proven by his own free and spontaneous confession, and said accused being under fifteen years of age, the court, in conformity with the provisions of section 1 of Act No. 1438 of the Philippine Commission, orders that, instead of directing the incarceration of said accused in any jail or prison, he be confined in an establishment in Manila which the Governor-General designates to serve as a reform school, until said minor reaches his majority or until he be reformed as the said establishment deems expedient, with the consent of his father, Bernabe Ignacio, who has so manifested in the summons for his appearance, which is filed in the case."

Later, and on the 6th of May, 1914, the Governor-General pardoned the defendant on the condition 'that he shall not again be guilty of any misconduct,' and ordered his release from confinement. On the 4th of January, 1915, the defendant was again sentenced for the crime of lesiones graves.

On the 1st of February, 1915, the provincial fiscal of Ilocos Norte presented a complaint in the Court of First Instance, setting out the above facts, and prayed that the court should make an investigation of said facts, and if found to be true, to order the recommitment of the defendant to the institution in which he had been confined, under the sentence of February 16, 1912, for the purpose of complying with the sentence in that case. Upon the presentation of said complaint, the defendant was brought before the court and an investigation was held. After hearing the defendant and his counsel, the Honorable J. R. Burgett, judge, in a carefully prepared opinion, in which the foregoing facts are all set out, ordered the recommitment and confinement of the defendant, Luis Ignacio, in the institution in which he had been ordered imprisoned under said sentence of February 16, 1912, in order that he might be required to serve the unexpired portion of said sentence. The lower court further ordered that the recommitment and confinement of the defendant in said institution, in accordance with the sentence of February 16, 1912, should not take place until after he had served out the second sentence which he was then serving in the provincial jail of Ilocos Norte, in accordance with the sentence of January 4, 1915. From that

sentence the defendant appealed to this court.

The defendant accepted the conditional pardon and thereby secured his release from imprisonment. Having accepted the conditional pardon, he is bound by its terms. The record shows that he had been guilty of misconduct after his conditional pardon. By such misconduct, he forfeited his pardon and his right to liberty thereunder. When a pardoned person violates the conditions of his pardon, he is left in the exact situation in which he was when the pardon was granted, and the original sentence may be enforced against him. (Ex parte Wells, 18 Howard [U. S.], 307; Ex parte Hawkins, 61 Ark., 321; 30 L. R. A., 736; 54 Am. St. Rep., 209; Kennedy's Case, 135 Mass., 48; Ex parte Marks, 64 Cal., 29.)

If the condition of the pardon upon which the accused secures his release from imprisonment has been violated by him, after his release, the pardon thereby becomes void and the petitioner may be arrested and compelled to undergo so much of the original sentence as he had not suffered at the time of his release. (Alvarez vs. State, 50 Fla., 24; 111 Am. St. Rep., 102; Fuller vs. State, 122 Ala., 32; 45 L. R. A., 502; Ex parte Marks, supra; State vs. Home, 7 L. R. A., N. S., 719.)

The law is well settled that where the criminal accepts the pardon he accepts it subject to all its valid conditions and limitations, and will be held bound to compliance therewith. (Ex parte Alvarez, 50 Fla., 24.)

For the reasons hereinbefore stated, the judgment of the lower court is hereby affirmed, with costs. So ordered.

Arellano, C. J., Torres, Carson, Moreland, Trent, and Araullo, JJ., concur.

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