

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS OF WILFREDO SUMULONG TORRES, (LYDIA DELA ROSA TORRES, WIFE OF WILFREDO SUMULONG TORRES, AND DAUGHTERS RAMONA ELISA R. TORRES AND ...

G.R. No. 122338. December 29, 1995

Ponente: HERMOSISIMA, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-122338/>

HERMOSISIMA, JR., J.:

We ruled consistently, viz., in *Tesoro v. Director of Prisons*,^[1] *Sales v. Director of Prisons*^[2] *Espuelas v. Provincial Warden of Bohol*^[3] and *Torres v. Gonzales*,^[4] that, where a conditional pardonee has allegedly breached a condition of a pardon, the President who opts to proceed against him under Section 64 (i) of the Revised Administrative Code need not wait for a judicial pronouncement of guilt of a subsequent crime or for his conviction therefor by final judgment, in order to effectuate the recommitment of the pardonee to prison. The grant of pardon, the determination of the terms and conditions of the pardon, the determination of the occurrence of the breach thereof, and the proper sanctions for such breach, are purely executive acts and, thus, are not subject to judicial scrutiny. We have so ruled in the past, and we so rule now.

In this original petition for habeas corpus, the wife and children of convicted felon Wilfredo Sumulong Torres pray for his immediate release from prison on the ground that the exercise of the President's prerogative under Section 64 (i) of the Revised Administrative Code to determine the occurrence, if any, of a breach of a condition of a pardon in violation of pardonee's right to due process and the constitutional presumption of innocence, constitutes a grave abuse of discretion amounting to lack or excess of jurisdiction.

Of two counts of estafa Torres was convicted by the Court of First Instance of Manila some time before 1979. These convictions were affirmed by the Court of Appeals. The maximum sentence would expire on November 2, 2000. On April 18, 1979, a conditional pardon was granted to Torres by the President of the Philippines on condition that petitioner would "not again violate any of the penal laws of the Philippines."^[5] Petitioner accepted the conditional pardon and was consequently released from confinement.^[6]

On May 21, 1986, the Board of Pardons and Parole resolved to recommend to the President the cancellation of the conditional pardon granted to Torres because Torres had been charged with twenty counts of estafa before, and convicted of sedition by, the Regional Trial Court of Quezon City. On September 8, 1986, the President cancelled the conditional pardon of Torres. On October 10, 1986, then Minister of Justice Neptali A. Gonzales issued "by authority of the President" an Order of Arrest and Recommitment^[7] against petitioner. The petitioner was accordingly arrested and confined in Muntinlupa to serve the unexpired portion of his sentence. Torres impugned the validity of the Order of Arrest and Recommitment in the aforecited case of *Torres v. Gonzales*^[8]. There we ruled that:

"Succinctly put, in proceeding against a convict who has been conditional pardoned and who is alleged to have breached the conditions of his pardon, the Executive Department has two options: (i) to proceed against him

under Section 64 (i) of the Revised Administrative Code, or (ii) to proceed against him under Article 159 of the Revised Penal Code xxx Here, the President has chosen to proceed against the petitioner under Section 64 (i) of the Revised Administrative Code. That choice is an exercise of the President's executive prerogative and is not subject to judicial scrutiny." [9]

Now, Torres, apparently through his wife and children, seeks anew relief from this court. Unfortunately, there is no adequate basis for us to oblige him.

A conditional pardon is in the nature of a contract between the sovereign power or the Chief Executive and the convicted criminal to the effect that the former will release the latter subject to the condition that if he does not comply with the terms of the pardon, he will be recommitted to prison to serve the unexpired portion of the sentence or an additional one. [10] By the pardonee's consent to the terms stipulated in this contract, the pardonee has thereby placed himself under the supervision of the Chief Executive or his delegate who is duty-bound to see to it that the pardonee complies with the terms and conditions of the pardon. Under Section 64 (i) of the Revised Administrative Code, the Chief Executive is authorized to order "the arrest and re-incarceration of any such person who, in his judgment, shall fail to comply with the condition, or conditions of his pardon, parole, or suspension of sentence." It is now a well-entrenched rule in this jurisdiction that this exercise of presidential judgment is beyond judicial scrutiny. The determination of the violation of the conditional pardon rests exclusively in the sound judgment of the Chief Executive, and the pardonee, having consented to place his liberty on conditional pardon upon the judgment of the power that has granted it, cannot invoke the aid of the courts, however erroneous the findings may be upon which his recommitment was ordered. [11]

It matters not that in the case of Torres, he has allegedly been acquitted in two of the three criminal cases filed against him subsequent to his conditional pardon, and that the third case remains pending for thirteen (13) years in apparent violation of his right to a speedy trial.

Habeas corpus lies only where the restraint of a person's liberty has been judicially adjudged as illegal or unlawful. In the instant petition, the incarceration of Torres remains legal considering that, were it not for the grant of conditional pardon which had been revoked because of a breach thereof, the determination of which is beyond judicial scrutiny, he would have served his final sentence for his first conviction until November 2, 2000.

Ultimately, solely vested in the Chief Executive, who in the first place was the exclusive author of the conditional pardon and of its revocation, is the corollary prerogative to reinstate the pardon if in his own judgment, the acquittal of the pardonee from the subsequent charges filed against him, warrants the same. Courts have no authority to interfere with the grant by the President of a pardon to a convicted criminal. It has been our fortified ruling that a final judicial pronouncement as to the guilt of a pardonee is not a requirement for the President to determine whether or not there has been a breach of the terms of a conditional pardon. There is likewise nil a basis for the courts to effectuate the reinstatement of a conditional pardon revoked by the President in the exercise of powers undisputedly solely and absolutely lodged in his office.

WHEREFORE, the instant petition for habeas corpus is hereby **DISMISSED** for lack of merit. No pronouncement as to costs.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

[1] 68 Phil. 154.

[2] 87 Phil. 495.

[3] 108 Phil. 353.

[4] 152 SCRA 272.

[5] Conditional Pardon, Rollo, p. 12.

[6] Certificate of Discharge from Prison, Rollo, p. 13.

[7] Rollo, p. 14.

[8] See Note 4.

[9] Ibid.

[10] Alvarez v. Director of Prisons, 80 Phil. 50.

[11] Tesoro v. Director of Prisons, 68 Phil. 154.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.