

EDGAR Y. TEVES, PETITIONER, VS. THE COMMISSION ON ELECTIONS AND HERMINIO G. TEVES, RESPONDENTS.

G.R. No. 180363. April 28, 2009

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

The issue for resolution is whether the crime of which petitioner Edgar Y. Teves was convicted in *Teves v. Sandiganbayan*[1] involved moral turpitude.

The facts of the case are undisputed.

Petitioner was a candidate for the position of Representative of the 3rd legislative district of Negros Oriental during the May 14, 2007 elections. On March 30, 2007, respondent Herminio G. Teves filed a petition to disqualify[2] petitioner on the ground that in *Teves v. Sandiganbayan*,[3] he was convicted of violating Section 3(h), Republic Act (R.A.) No. 3019, or the Anti-Graft and Corrupt Practices Act, for possessing pecuniary or financial interest in a cockpit, which is prohibited under Section 89(2) of the Local Government Code (LGC) of 1991, and was sentenced to pay a fine of P10,000.00. Respondent alleged that petitioner is disqualified from running for public office because he was convicted of a crime involving moral turpitude which carries the accessory penalty of perpetual disqualification from public office.[4] The case was docketed as SPA No. 07-242 and assigned to the COMELEC's First Division.

On May 11, 2007, the COMELEC First Division disqualified petitioner from running for the position of member of House of Representatives and ordered the cancellation of his Certificate of Candidacy.[5]

Petitioner filed a motion for reconsideration before the COMELEC en banc which was denied in its assailed October 9, 2007 Resolution for being moot, thus:

It appears, however, that [petitioner] lost in the last 14 May 2007 congressional elections for the position of member of the House of Representatives of the Third district of Negros Oriental thereby rendering the instant Motion for Reconsideration moot and academic.

WHEREFORE, in view of the foregoing, the Motion for Reconsideration dated 28 May 2007 filed by respondent Edgar Y. Teves challenging the Resolution of this Commission (First Division) promulgated on 11 May 2007 is hereby DENIED for having been rendered moot and academic.

SO ORDERED.[6]

Hence, the instant petition based on the following grounds:

I.

THERE WAS ABUSE OF DISCRETION, AMOUNTING TO LACK OR EXCESS OF JURISDICTION, WHEN THE COMELEC EN BANC DEMURRED IN RESOLVING THE MAIN ISSUE RAISED IN PETITIONER'S MOTION FOR RECONSIDERATION, WHETHER PETITIONER IS DISQUALIFIED TO

RUN FOR PUBLIC OFFICE TAKING INTO CONSIDERATION THE DECISION OF THE SUPREME COURT IN G.R. NO. 154182.

II.

THE MAIN ISSUE IS NOT RENDERED MOOT AND ACADEMIC AS THE RESOLUTION THEREOF WILL DETERMINE PETITIONER'S QUALIFICATION TO RUN FOR OTHER PUBLIC POSITIONS IN FUTURE ELECTIONS.

III.

THERE WAS ABUSE OF DISCRETION, AMOUNTING TO LACK OR EXCESS OF JURISDICTION, WHEN THE COMELEC EN BANC IN EFFECT AFFIRMED THE FINDINGS OF THE FIRST DIVISION WHICH RULED THAT PETITIONER'S CONVICTION FOR VIOLATION OF SECTION 3(H) OF R.A. 3019 AND THE IMPOSITION OF FINE IS A CONVICTION FOR A CRIME INVOLVING MORAL TURPITUDE.

A.

THE ISSUE OF WHETHER PETITIONER WAS CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE SHOULD BE RESOLVED TAKING INTO CONSIDERATION THE FINDINGS OF THE SUPREME COURT IN G.R. NO. 154182.

B.

THERE IS NOTHING IN THE DECISION OF THE SUPREME COURT THAT SUPPORTS THE FINDINGS OF THE FIRST DIVISION OF THE COMELEC, THAT BASED ON THE "TOTALITY OF FACTS" DOCTRINE, PETITIONER WAS CONVICTED OF A CRIME INVOLVING MORAL TURPITUDE.[7]

The petition is impressed with merit.

The fact that petitioner lost in the congressional race in the May 14, 2007 elections did not effectively moot the issue of whether he was disqualified from running for public office on the ground that the crime he was convicted of involved moral turpitude. It is still a justiciable issue which the COMELEC should have resolved instead of merely declaring that the disqualification case has become moot in view of petitioner's defeat.

Further, there is no basis in the COMELEC's findings that petitioner is eligible to run again in the 2010 elections because his disqualification shall be deemed removed after the expiration of a period of five years from service of the sentence. Assuming that the elections would be held on May 14, 2010, the records show that it was only on May 24, 2005 when petitioner paid the fine of P10,000.00 he was sentenced to pay in *Teves v. Sandignbayan*.^[8] Such being the reckoning point, thus, the five-year disqualification period will end only on May 25, 2010. Therefore he would still be ineligible to run for public office during the May 14, 2010 elections.

Hence, it behooves the Court to resolve the issue of whether or not petitioner's violation of Section 3(h), R.A. No. 3019 involves moral turpitude.

Section 12 of the Omnibus Election Code reads:

Sec. 12. Disqualifications. - Any person who has been declared by competent authority insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion, or for any offense for which he has been sentenced to a penalty of more than eighteen months, or for a crime involving moral turpitude, shall be disqualified to be a candidate and to hold any office, unless he has been given plenary pardon or granted amnesty.

The disqualifications to be a candidate herein provided shall be deemed removed upon the declaration by competent authority that said insanity or incompetence had been removed or after the expiration of a period of five years from his service of sentence, unless within the same period he again becomes disqualified. (Emphasis supplied)

Moral turpitude has been defined as everything which is done contrary to justice, modesty, or good morals; an act of baseness, vileness or depravity in the private and social duties which a man owes his fellowmen, or to society in general.[9]

Section 3(h) of R.A. 3019 of which petitioner was convicted, reads:

Sec. 3. Corrupt practices of public officers. -- In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(h) Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.

The essential elements of the violation of said provision are as follows: 1) The accused is a public officer; 2) he has a direct or indirect financial or pecuniary interest in any business, contract or transaction; 3) he either: a) intervenes or takes part in his official capacity in connection with such interest, or b) is prohibited from having such interest by the Constitution or by law.[10]

Thus, there are two modes by which a public officer who has a direct or indirect financial or pecuniary interest in any business, contract, or transaction may violate Section 3(h) of R.A. 3019. The first mode is when the public officer intervenes or takes part in his official capacity in connection with his financial or pecuniary interest in any business, contract, or transaction. The second mode is when he is prohibited from having such an interest by the Constitution or by law.[11]

In *Teves v. Sandiganbayan*,^[12] petitioner was convicted under the second mode for having pecuniary or financial interest in a cockpit which is prohibited under Sec. 89(2) of the Local Government Code of 1991. The Court held therein:

However, the evidence for the prosecution has established that petitioner Edgar Teves, then mayor of Valencia, Negros Oriental, owned the cockpit in question. In his sworn application for registration of cockpit filed on 26 September 1983 with the Philippine Gamefowl Commission, Cubao, Quezon City, as well as in his renewal application dated 6 January 1989 he stated that he is the owner and manager of the said cockpit. Absent any evidence that he divested himself of his ownership over the cockpit, his ownership thereof is rightly to be presumed because a thing once proved to exist continues as long as is usual with things of that nature. His affidavit dated 27 September 1990 declaring that effective January 1990 he "turned over the management of the cockpit to Mrs. Teresita Z. Teves for the reason that [he] could no longer devote a full time as manager of the said entity due to other work pressure" is not sufficient proof that he divested himself of his ownership over the cockpit. Only the management of the cockpit was transferred to Teresita Teves effective January 1990. Being the owner of the cockpit, his interest over it was direct.

Even if the ownership of petitioner Edgar Teves over the cockpit were transferred to his wife, still he would have a direct interest thereon because, as correctly held by respondent Sandiganbayan, they remained married to each other from 1983 up to 1992, and as such their property relation can be presumed to be that of conjugal partnership of gains in the absence of evidence to the contrary. Article 160 of the Civil Code provides that all property of the marriage is presumed to belong to the conjugal partnership unless it be proved that it pertains

exclusively to the husband or to the wife. And Section 143 of the Civil Code declares all the property of the conjugal partnership of gains to be owned in common by the husband and wife. Hence, his interest in the Valencia Cockpit is direct and is, therefore, prohibited under Section 89(2) of the LGC of 1991, which reads:

Section 89. Prohibited Business and Pecuniary Interest. - (a) It shall be unlawful for any local government official or employee, directly or indirectly, to:

x x x x

(2) Hold such interests in any cockpit or other games licensed by a local government unit.... [Emphasis supplied].

The offense proved, therefore, is the second mode of violation of Section 3(h) of the Anti-Graft Law, which is possession of a prohibited interest.[13]

However, conviction under the second mode does not automatically mean that the same involved moral turpitude. A determination of all surrounding circumstances of the violation of the statute must be considered. Besides, moral turpitude does not include such acts as are not of themselves immoral but whose illegality lies in their being positively prohibited, as in the instant case.

Thus, in *Dela Torre v. Commission on Elections*,[14] the Court clarified that:

Not every criminal act, however, involves moral turpitude. It is for this reason that "as to what crime involves moral turpitude, is for the Supreme Court to determine." In resolving the foregoing question, the Court is guided by one of the general rules that crimes *mala in se* involve moral turpitude, while crimes *mala prohibita* do not, the rationale of which was set forth in "*Zari v. Flores*," to wit:

"It (moral turpitude) implies something immoral in itself, regardless of the fact that it is punishable by law or not. It must not be merely *mala prohibita*, but the act itself must be inherently immoral. The doing of the act itself, and not its prohibition by statute fixes the moral turpitude. Moral turpitude does not, however, include such acts as are not of themselves immoral but whose illegality lies in their being positively prohibited."

This guideline nonetheless proved short of providing a clear-cut solution, for in "*International Rice Research Institute v. NLRC*," the Court admitted that it cannot always be ascertained whether moral turpitude does or does not exist by merely classifying a crime as *malum in se* or as *malum prohibitum*. There are crimes which are *mala in se* and yet but rarely involve moral turpitude and there are crimes which involve moral turpitude and are *mala prohibita* only. In the final analysis, whether or not a crime involves moral turpitude is ultimately a question of fact and frequently depends on all the circumstances surrounding the violation of the statute. (Emphasis supplied)

Applying the foregoing guidelines, we examined all the circumstances surrounding petitioner's conviction and found that the same does not involve moral turpitude.

First, there is neither merit nor factual basis in COMELEC's finding that petitioner used his official capacity in connection with his interest in the cockpit and that he hid the same by transferring the management to his wife, in violation of the trust reposed on him by the people.

The COMELEC, in justifying its conclusion that petitioner's conviction involved moral turpitude, misunderstood or misapplied our ruling in *Teves v. Sandiganbayan*. According to the COMELEC:

In the present case, while the crime for which [petitioner] was convicted may per se not involve moral turpitude, still the totality of facts evinces [his] moral turpitude. The prohibition was intended to avoid any conflict of interest or any instance wherein the public official would favor his own interest at the expense of the public interest. The [petitioner] knew of the prohibition but he attempted to circumvent the same by holding out that the Valencia Cockpit and Recreation Center is to be owned by a certain Daniel Teves. Later

on, he would aver that he already divested himself of any interest of the cockpit in favor of his wife. But the Supreme Court saw through the ruse and declared that what he divested was only the management of the cockpit but not the ownership. And even if the ownership is transferred to his wife, the respondent would nevertheless have an interest thereon because it would still belong to the conjugal partnership of gains, of which the [petitioner] is the other half.

[Petitioner] therefore maintained ownership of the cockpit by deceit. He has the duty to divest himself but he did not and instead employed means to hide his interests. He knew that it was prohibited he nevertheless concealed his interest thereon. The facts that he hid his interest denotes his malicious intent to favor self-interest at the expense of the public. Only a man with a malevolent, decadent, corrupt and selfish motive would cling on and conceal his interest, the acquisition of which is prohibited. This plainly shows his moral depravity and proclivity to put primacy on his self interest over that of his fellowmen. Being a public official, his act is also a betrayal of the trust reposed on him by the people. Clearly, the totality of his acts is contrary to the accepted rules of right and duty, honesty and good morals. The crime, as committed by the [petitioner], plainly involves moral turpitude.[15]

On the contrary, the Court's ruling states:

The Sandiganbayan found that the charge against Mayor Teves for causing the issuance of the business permit or license to operate the Valencia Cockpit and Recreation Center is "not well-founded." This it based, and rightly so, on the additional finding that only the Sangguniang Bayan could have issued a permit to operate the Valencia Cockpit in the year 1992. Indeed, under Section 447(3) of the LGC of 1991, which took effect on 1 January 1992, it is the Sangguniang Bayan that has the authority to issue a license for the establishment, operation, and maintenance of cockpits. Unlike in the old LGC, Batas Pambansa Blg. 337, wherein the municipal mayor was the presiding officer of the Sangguniang Bayan, under the LGC of 1991, the mayor is not so anymore and is not even a member of the Sangguniang Bayan. Hence, Mayor Teves could not have intervened or taken part in his official capacity in the issuance of a cockpit license during the material time, as alleged in the information, because he was not a member of the Sangguniang Bayan.[16]

Thus, petitioner, as then Mayor of Valencia, did not use his influence, authority or power to gain such pecuniary or financial interest in the cockpit. Neither did he intentionally hide his interest in the subject cockpit by transferring the management thereof to his wife considering that the said transfer occurred before the effectivity of the present LGC prohibiting possession of such interest.

As aptly observed in *Teves v. Sandiganbayan*:

As early as 1983, Edgar Teves was already the owner of the Valencia Cockpit. Since then until 31 December 1991, possession by a local official of pecuniary interest in a cockpit was not yet prohibited. It was before the effectivity of the LGC of 1991, or on January 1990, that he transferred the management of the cockpit to his wife Teresita. In accordance therewith it was Teresita who thereafter applied for the renewal of the cockpit registration. Thus, in her sworn applications for renewal of the registration of the cockpit in question dated 28 January 1990 and 18 February 1991, she stated that she is the Owner/Licensee and Operator/Manager of the said cockpit. In her renewal application dated 6 January 1992, she referred to herself as the Owner/Licensee of the cockpit. Likewise in the separate Lists of Duly Licensed Personnel for Calendar Years 1991 and 1992, which she submitted on 22 February 1991 and 17 February 1992, respectively, in compliance with the requirement of the Philippine Gamefowl Commission for the renewal of the cockpit registration, she signed her name as Operator/Licensee.[17] (Emphasis supplied)

Second, while possession of business and pecuniary interest in a cockpit licensed by the local government unit is expressly prohibited by the present LGC, however, its illegality does not mean that violation thereof necessarily involves moral turpitude or makes such possession of interest inherently immoral. Under the old LGC, mere possession by a public officer of pecuniary interest in a cockpit was not among the prohibitions. Thus, in *Teves v.*

Sandiganbayan, the Court took judicial notice of the fact that:

x x x under the old LGC, mere possession of pecuniary interest in a cockpit was not among the prohibitions enumerated in Section 41 thereof. Such possession became unlawful or prohibited only upon the advent of the LGC of 1991, which took effect on 1 January 1992. Petitioner Edgar Teves stands charged with an offense in connection with his prohibited interest committed on or about 4 February 1992, shortly after the maiden appearance of the prohibition. Presumably, he was not yet very much aware of the prohibition. Although ignorance thereof would not excuse him from criminal liability, such would justify the imposition of the lighter penalty of a fine of P10,000 under Section 514 of the LGC of 1991.[18](Italics supplied)

The downgrading of the indeterminate penalty of imprisonment of nine years and twenty-one days as minimum to twelve years as maximum to a lighter penalty of a fine of P10,000.00 is a recognition that petitioner's violation was not intentionally done contrary to justice, modesty, or good morals but due to his lack of awareness or ignorance of the prohibition.

Lastly, it may be argued that having an interest in a cockpit is detrimental to public morality as it tends to bring forth idlers and gamblers, hence, violation of Section 89(2) of the LGC involves moral turpitude.

Suffice it to state that cockfighting, or sabong in the local parlance, has a long and storied tradition in our culture and was prevalent even during the Spanish occupation.[19] While it is a form of gambling, the morality thereof or the wisdom in legalizing it is not a justiciable issue. In *Magtajas v. Pryce Properties Corporation, Inc.*, it was held that:

The morality of gambling is not a justiciable issue. Gambling is not illegal per se. While it is generally considered inimical to the interests of the people, there is nothing in the Constitution categorically proscribing or penalizing gambling or, for that matter, even mentioning it at all. It is left to Congress to deal with the activity as it sees fit. In the exercise of its own discretion, the legislature may prohibit gambling altogether or allow it without limitation or it may prohibit some forms of gambling and allow others for whatever reasons it may consider sufficient. Thus, it has prohibited jueteng and monte but permits lotteries, cockfighting and horse-racing. In making such choices, Congress has consulted its own wisdom, which this Court has no authority to review, much less reverse. Well has it been said that courts do not sit to resolve the merits of conflicting theories. That is the prerogative of the political departments. It is settled that questions regarding the wisdom, morality, or practicability of statutes are not addressed to the judiciary but may be resolved only by the legislative and executive departments, to which the function belongs in our scheme of government. That function is exclusive. Whichever way these branches decide, they are answerable only to their own conscience and the constituents who will ultimately judge their acts, and not to the courts of justice.

WHEREFORE, the petition is GRANTED. The assailed Resolutions of the Commission on Elections dated May 11, 2007 and October 9, 2007 disqualifying petitioner Edgar Y. Teves from running for the position of Representative of the 3rd District of Negros Oriental, are REVERSED and SET ASIDE and a new one is entered declaring that the crime committed by petitioner (violation of Section 3(h) of R.A. 3019) did not involve moral turpitude.

SO ORDERED.

Puno, C.J., Carpio, Austria-Martinez, Corona, Carpio Morales, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Peralta and Bersamin, JJ., concur.

Quisumbing, J., on official leave.

Brion, J., concur with separate opinion.

- [1] 488 Phil. 311 (2004).
- [2] Rollo, pp. 130-134.
- [3] Supra, note 1.
- [4] Rollo, pp. 131, 133 & 134.
- [5] Id. at 45-46.
- [6] Id. at 49.
- [7] Id. at 12-13.
- [8] Rollo, p. 145.
- [9] Soriano v. Dizon, A.C. No. 6792, January 25, 2006, 480 SCRA 1, 9.
- [10] Domingo v. Sandiganbayan, G.R. No. 149175, October 25, 2005, 474 SCRA 203, 215.
- [11] Id.
- [12] Supra note 4.
- [13] Id. at 329-330.
- [14] 327 Phil. 1144, 1150-1151 (1996).
- [15] Rollo, pp. 44-45.
- [16] Teves v. Sandiganbayan, supra note 1 at 327-328.
- [17] Id. at 335.
- [18] Supra note 4 at 333-334.
- [19] Tan v. Pereña G.R. No. 149743, February 18, 2005, 452 SCRA 53, 69.

CONCURRING OPINION

BRION, J.

I fully concur with the ponencia of my esteemed colleague, Justice Consuelo Ynares-Santiago. I add these views to further explore the term "moral turpitude" - a term that, while carrying far-reaching effects, embodies a concept that to date has not been given much jurisprudential focus.

I. Historical Roots

The term "moral turpitude" first took root under the United States (U.S.) immigration laws.[1] Its history can be traced back as far as the 17th century when the States of Virginia and Pennsylvania enacted the earliest immigration resolutions excluding criminals from America, in response to the British government's policy of sending convicts to the colonies. State legislators at that time strongly suspected that Europe was deliberately exporting its human liabilities.[2] In the U.S., the term "moral turpitude" first appeared in the Immigration Act of March 3, 1891, which directed the exclusion of persons who have been convicted of a felony or other infamous crime or misdemeanor involving moral turpitude; this marked the first time the U.S. Congress used the term

"moral turpitude" in immigration laws.[3] Since then, the presence of moral turpitude has been used as a test in a variety of situations, including legislation governing the disbarment of attorneys and the revocation of medical licenses. Moral turpitude also has been judicially used as a criterion in disqualifying and impeaching witnesses, in determining the measure of contribution between joint tortfeasors, and in deciding whether a certain language is slanderous.[4]

In 1951, the U.S. Supreme Court ruled on the constitutionality of the term "moral turpitude" in *Jordan v. De George*.^[5] The case presented only one question: whether conspiracy to defraud the U.S. of taxes on distilled spirits is a crime involving moral turpitude within the meaning of Section 19 (a) of the Immigration Act of 1919 (Immigration Act). Sam De George, an Italian immigrant was convicted twice of conspiracy to defraud the U.S. government of taxes on distilled spirits. Subsequently, the Board of Immigration Appeals ordered De George's deportation on the basis of the Immigration Act provision that allows the deportation of aliens who commit multiple crimes involving moral turpitude. De George argued that he should not be deported because his tax evasion crimes did not involve moral turpitude. The U.S. Supreme Court, through Chief Justice Vinson, disagreed, finding that "under an unbroken course of judicial decisions, the crime of conspiring to defraud the U.S. is a crime involving moral turpitude."^[6] Notably, the Court determined that fraudulent conduct involved moral turpitude without exception:

Whatever the phrase "involving moral turpitude" may mean in peripheral cases, the decided cases make it plain that crimes in which fraud was an ingredient have always been regarded as involving moral turpitude.xxx Fraud is the touchstone by which this case should be judged.xxx We therefore decide that Congress sufficiently forewarned respondent that the statutory consequence of twice conspiring to defraud the United States is deportation. [7]

Significantly, the U.S. Congress has never exactly defined what amounts to a "crime involving moral turpitude." The legislative history of statutes containing the moral turpitude standard indicates that Congress left the interpretation of the term to U.S. courts and administrative agencies.^[8] In the absence of legislative history as interpretative aid, American courts have resorted to the dictionary definition - "the last resort of the baffled judge."^[9] The most common definition of moral turpitude is similar to one found in the early editions of Black's Law Dictionary:

[An] act of baseness, vileness, or the depravity in private and social duties which man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man. xxx Act or behavior that gravely violates moral sentiment or accepted moral standards of community and is a morally culpable quality held to be present in some criminal offenses as distinguished from others. xxx The quality of a crime involving grave infringement of the moral sentiment of the community as distinguished from statutory mala prohibita.^[10]

In the Philippines, the term moral turpitude was first introduced in 1901 in Act No. 190, otherwise known as the Code of Civil Actions and Special Proceedings.^[11] The Act provided that a member of the bar may be removed or suspended from his office as lawyer by the Supreme Court upon conviction of a crime involving moral turpitude.^[12] Subsequently, the term "moral turpitude" has been employed in statutes governing disqualifications of notaries public,^[13] priests and ministers in solemnizing marriages,^[14] registration to military service,^[15] exclusion^[16] and naturalization of aliens,^[17] discharge of the accused to be a state witness,^[18] admission to the bar,^[19] suspension and removal of elective local officials,^[20] and disqualification of persons from running for any elective local position.^[21]

In *Re Basa*,^[22] a 1920 case, provided the first instance for the Court to define the term moral turpitude in the context of Section 21 of the Code of Civil Procedure on the disbarment of a lawyer for conviction of a crime

involving moral turpitude. Carlos S. Basa, a lawyer, was convicted of the crime of abduction with consent. The sole question presented was whether the crime of abduction with consent, as punished by Article 446 of the Penal Code of 1887, involved moral turpitude. The Court, finding no exact definition in the statutes, turned to Bouvier's Law Dictionary for guidance and held:

"Moral turpitude," it has been said, "includes everything which is done contrary to justice, honesty, modesty, or good morals." (Bouvier's Law Dictionary, cited by numerous courts.) Although no decision can be found which has decided the exact question, it cannot admit of doubt that crimes of this character involve moral turpitude. The inherent nature of the act is such that it is against good morals and the accepted rule of right conduct.

Thus, early on, the Philippines followed the American lead and adopted a general dictionary definition, opening the way for a case-to-case approach in determining whether a crime involves moral turpitude.

II. Problems with the Definition of Moral Turpitude

Through the years, the Court has never significantly deviated from the Black's Law Dictionary definition of moral turpitude as "an act of baseness, vileness, or depravity in the private duties which a man owes his fellow men, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals." [23] This definition is more specific than that used in *In re Vinzon* [24] where the term moral turpitude was considered as encompassing "everything which is done contrary to justice, honesty, or good morals." [25]

In the U.S., these same definitions have been highly criticized for their vagueness and ambiguity. [26] In *Jordan*, Justice Jackson noted that "except for the Court's [majority opinion], there appears to be a universal recognition that we have here an undefined and undefinable standard." [27] Thus, the phrase "crimes involving moral turpitude" has been described as "vague," "nebulous," "most unfortunate," and even "bewildering." [28]

Criticisms of moral turpitude as an inexactly defined concept are not unwarranted. First, the current definition of the term is broad. It can be stretched to include most kinds of wrongs in society -- a result that the Legislature could not have intended. This Court itself concluded in *IRRI v. NLRC* [29] that moral turpitude "is somewhat a vague and indefinite term, the meaning of which must be left to the process of judicial inclusion or exclusion as the cases are reached" - once again confirming, as late as 1993 in *IRRI*, our case-by-case approach in determining the crimes involving moral turpitude.

Second, the definition also assumes the existence of a universally recognized code for socially acceptable behavior -- the "private and social duties which man owes to his fellow man, or to society in general"; moral turpitude is an act violating these duties. The problem is that the definition does not state what these duties are, or provide examples of acts which violate them. Instead, it provides terms such as "baseness," "vileness," and "depravity," which better describe moral reactions to an act than the act itself. In essence, they are "conclusory but non-descriptive." [30] To be sure, the use of morality as a norm cannot be avoided, as the term "moral turpitude" contains the word "moral" and its direct connotation of right and wrong. "Turpitude," on the other hand, directly means "depravity" which cannot be appreciated without considering an act's degree of being right or wrong. Thus, the law, in adopting the term "moral turpitude," necessarily adopted a concept involving notions of morality - standards that involve a good measure of subjective consideration and, in terms of certainty and fixity, are far from the usual measures used in law. [31]

Third, as a legal standard, moral turpitude fails to inform anyone of what it requires. [32] It has been said that the loose terminology of moral turpitude hampers uniformity since ... [i]t is hardly to be expected that a word which baffle judges will be more easily interpreted by laymen. [33] This led Justice Jackson to conclude in *Jordan* that

"moral turpitude offered judges no clearer guideline than their own consciences, inviting them to condemn all that we personally disapprove and for no better reason than that we disapprove it." [34] This trait, however, cannot be taken lightly, given that the consequences of committing a crime involving moral turpitude can be severe.

Crimes Categorized as Crimes Involving Moral Turpitude [35]

Since the early 1920 case of *In re Basa*, [36] the Court has maintained its case-by-case categorization of crimes on the basis of moral turpitude and has labeled specific crimes as necessarily involving moral turpitude. The following is a list, not necessarily complete, of the crimes adjudged to involve moral turpitude:

- Abduction with consent [37]
- Bigamy [38]
- Concubinage [39]
- Smuggling [40]
- Rape [41]
- Estafa through falsification of a document [42]
- Attempted Bribery [43]
- Profiteering [44]
- Robbery [45]
- Murder, whether consummated or attempted [46]
- Estafa [47]
- Theft [48]
- Illicit Sexual Relations with a Fellow Worker [49]
- Violation of BP Bldg. 22 [50]
- Falsification of Document [51]
- Intriguing against Honor [52]
- Violation of the Anti-Fencing Law [53]
- Violation of Dangerous Drugs Act of 1972 (Drug-pushing) [54]
- Perjury [55]
- Forgery [56]
- Direct Bribery [57]
- Frustrated Homicide [58]

Zari v. Flores [59] is one case that has provided jurisprudence its own list of crimes involving moral turpitude, namely: adultery, concubinage, rape, arson, evasion of income tax, barratry, bigamy, blackmail, bribery, criminal conspiracy to smuggle opium, dueling, embezzlement, extortion, forgery, libel, making fraudulent proof of loss on insurance contract, murder, mutilation of public records, fabrication of evidence, offenses against pension laws,

perjury, seduction under the promise of marriage, estafa, falsification of public document, and estafa thru falsification of public document.[60]

Crimes Categorized as Crimes Not Involving Moral Turpitude[61]

The Court, on the other hand, has also had the occasion to categorically rule that certain crimes do not involve moral turpitude, namely:

- Minor transgressions of the law (i.e., conviction for speeding)[62]
- Illegal recruitment[63]
- Slight physical injuries and carrying of deadly weapon (Illegal possession of firearms)[64]
- 4. Indirect Contempt[65]

III. Approaches and Standards.

Even a cursory examination of the above lists readily reveals that while the concept of "moral turpitude" does not have one specific definition that lends itself to easy and ready application, the Court has been fairly consistent in its understanding and application of the term and has not significantly deviated from what it laid down in *In re Basa*. The key element, directly derived from the word "turpitude," is the standard of depravity viewed from a scale of right and wrong.

The application of this depravity standard can be made from at least three perspectives or approaches, namely: from the objective perspective of the act itself, irrespective of whether or not the act is a crime; from the perspective of the crime itself, as defined through its elements; and from the subjective perspective that takes into account the perpetrator's level of depravity when he committed the crime.

The Court best expressed the first approach in *Zari v. Flores*[66] where the Court saw the involvement of moral turpitude where an act is intrinsically immoral, regardless of whether it is punishable by law or not. The Court emphasized that moral turpitude goes beyond being merely *mala prohibita*; the act itself must be inherently immoral. Thus, this approach requires that the committed act itself be examined, divorced from its characterization as a crime.

A ruling that exemplifies this approach is that made in the U.S. case *In The Matter of G---*[67] where, in considering gambling, it was held that:

Gambling has been in existence since time immemorial. Card playing for small stakes is a common accompaniment of social life; small bets on horse racing and the "policy or numbers games" are diversions of the masses. That such enterprises exist surreptitiously is a matter of common knowledge. Many countries permit it under a license system. In ancient times laws were enacted to discourage people from gambling on the theory that the State had first claim upon their time and energy, and at later dates antigambling laws were aimed especially at the activity as practiced by the working classes. Present-day movements to suppress gambling are also tinged with other considerations. In urban communities in the past few decades the purely religious opposition to gambling has tended to become less violent because certain activities, highly reputable according to prevailing social standards, have come more and more to resemble it. Prohibition against gambling has had something of a police rather than a truly penal character. At all times an important fact in arousing antagonism in gambling has been the association, almost inevitable, with sharp practice. In established societies more or less serious attempts are everywhere made, however, to prohibit or to regulate gambling in its more notorious forms.

It would appear that statutes permitting gambling, such as those under discussion, rest primarily on the theory

that they are in the interest of public policy: that is to regulate and restrict any possible abuse, to obviate cheating and other corrupt practices that may result if uncontrolled.

From this discussion, the Court went on to conclude that gambling is a *malum prohibitum* that is not intrinsically evil and, thus, is not a crime involving moral turpitude.

With the same approach, but with a different result, is *Office of the Court Administrator v. Librado*,^[68] a case involving drug possession. Librado, a Deputy Sheriff in MTCC Iligan City was convicted of possession of "shabu," a prohibited drug. The Office of the Court Administrator commenced an administrative case against him and he was subsequently suspended from office. In his subsequent plea for reinstatement, the Court strongly denounced drug possession as an "especially vicious crime, one of the most pernicious evils that has ever crept into our society... For those who become addicted to it not only slide into the ranks of the living dead, what is worse, they become a grave menace to the safety of law abiding members of society." The Court, apparently drawing on what society deems important, held that the use of drugs amounted to an act so inherently evil that no law was needed to deem it as such; it is an evil without need for a law to call it evil^[69] - "an immoral act in itself regardless of whether it is punishable or not."^[70]

In *People v. Yambot*,^[71] the Court categorically ruled that the possession of a deadly weapon does not involve moral turpitude since the act of carrying a weapon by itself is not inherently wrong in the absence of a law punishing it. Likewise, the Court acknowledged in *Court Administrator v. San Andres*^[72] that illegal recruitment does not involve moral turpitude since it is not in itself an evil act - being ordinarily an act in the ordinary course of business - in the absence of the a law prohibiting it.

The second approach is to look at the act committed through its elements as a crime. In *Paras v. Vailoces*,^[73] the Court recognized that as a "general rule, all crimes of which fraud is an element are looked on as involving moral turpitude." This is the same conclusion that the U.S. Supreme Court made in *Jordan*, i.e., that crimes requiring fraud or intent to defraud always involve moral turpitude.^[74]

Dela Torre v. Commission on Elections^[75] is a case in point that uses the second approach and is one case where the Court even dispensed with the review of facts and circumstances surrounding the commission of the crime since Dela Torre did not assail his conviction. Dela Torre was disqualified by the Comelec from running as Mayor of Cavinti, Laguna on the basis of his conviction for violation of Presidential Decree No. 1612, otherwise known as the Anti-Fencing Law. Dela Torre appealed to this Court to overturn his disqualification on the ground that the crime of fencing is not a crime involving moral turpitude. The Court ruled that moral turpitude is deducible from the third element. Actual knowledge by the fence of the fact that property received is stolen displays the same degree of malicious deprivation of one's rightful property as that which animated the robbery or theft which, by their very nature, are crimes of moral turpitude.

To be sure, the elements of the crime can be a critical factor in determining moral turpitude if the second approach is used in the crimes listed above as involving moral turpitude. In *Villaber v. Commission on Elections*,^[76] the Court, by analyzing the elements alone of the offense under Batas Pambansa Blg. 22, held that the "presence of the second element manifest moral turpitude" in that "a drawer who issues an unfunded check deliberately reneges on his private duties he owes his fellow men or society in a manner contrary to accepted and customary rule of right and duty, justice, honesty or good morals." The same conclusion was reached by the Court in *Magno v. Commission on Elections*,^[77] when it ruled that direct bribery involves moral turpitude, thus:

Moral turpitude can be inferred from the third element. The fact that the offender agrees to accept a promise or gift and deliberately commits an unjust act or refrains from performing an official duty in exchange for some favors, denotes a malicious intent on the part of the offender to renege on the duties which he owes his

fellowmen and society in general. Also, the fact that the offender takes advantage of his office and position is a betrayal of the trust reposed on him by the public. It is a conduct clearly contrary to the accepted rules of right and duty, justice, honesty and good morals. In all respects, direct bribery is a crime involving moral turpitude. [Emphasis supplied]

The third approach, the subjective approach, essentially takes the offender and his acts into account in light of the attendant circumstances of the crime: was he motivated by ill will indicating depravity? The Court apparently used this approach in *Ao Lin v. Republic*,^[78] a 1964 case, when it held "that the use of a meter stick without the corresponding seal of the Internal Revenue Office by one who has been engaged in business for a long time, involves moral turpitude because it involves a fraudulent use of a meter stick, not necessarily because the Government is cheated of the revenue involved in the sealing of the meter stick, but because it manifests an evil intent on the part of the petitioner to defraud customers purchasing from him in respect to the measurement of the goods purchased."

In *IRRI v. NLRC*,^[79] the International Rice Research Institute terminated the employment contract of Nestor Micosa on the ground that he has been convicted of the crime of homicide - a crime involving moral turpitude. The Court refused to characterize the crime of homicide as one of moral turpitude in light of the circumstances of its commission. The Court ruled:

These facts show that Micosa's intention was not to slay the victim but only to defend his person. The appreciation in his favor of the mitigating circumstances of self-defense and voluntary surrender, plus the total absence of any aggravating circumstances demonstrate that Micosa's character and intentions were not inherently vile, immoral or unjust. [italics supplied].

The Court stressed, too, not only the subjective element, but the need for the appreciation of facts in considering whether moral turpitude exists - an unavoidable step under the third approach. Thus, the Court explained:

This is not to say that all convictions of the crime of homicide do not involve moral turpitude. Homicide may or may not involve moral turpitude depending on the degree of the crime. Moral turpitude is not involved in every criminal act and is not shown by every known and intentional violation of statute, but whether any particular conviction involves moral turpitude may be a question of fact and frequently depends on all the surrounding circumstances. [Emphasis supplied]

In contrast, while *IRRI* refused to characterize the crime of homicide as one of moral turpitude, the recent case of *Soriano v. Dizon*^[80] held that based on the circumstances, the crime of frustrated homicide committed by the respondent involved moral turpitude. In *Soriano*, complainant Soriano filed a disbarment case against respondent Atty. Manuel Dizon alleging that the crime of frustrated homicide involves moral turpitude under the circumstances surrounding its commission, and was a sufficient ground for his disbarment under Section 27 of Rule 138 of the Rules of Court. The Court after noting the factual antecedents of *IRRI* held that -

The present case is totally different. As the IBP correctly found, the circumstances clearly evince the moral turpitude of respondent and his unworthiness to practice law. Atty. Dizon was definitely the aggressor, as he pursued and shot complainant when the latter least expected it. The act of aggression shown by respondent will not be mitigated by the fact that he was hit once and his arm twisted by complainant. Under the circumstances, those were reasonable actions clearly intended to fend off the lawyer's assault.

We also consider the trial court's finding of treachery as a further indication of the skewed morals of respondent. He shot the victim when the latter was not in a position to defend himself. In fact, under the impression that the assault was already over, the unarmed complainant was merely returning the eyeglasses of Atty. Dizon when the latter unexpectedly shot him. To make matters worse, respondent wrapped the handle of his gun with a handkerchief so as not to leave fingerprints. In so doing, he betrayed his sly intention to escape

punishment for his crime.

The totality of the facts unmistakably bears the earmarks of moral turpitude. By his conduct, respondent revealed his extreme arrogance and feeling of self-importance. As it were, he acted like a god on the road, who deserved to be venerated and never to be slighted. Clearly, his inordinate reaction to a simple traffic incident reflected poorly on his fitness to be a member of the legal profession. His overreaction also evinced vindictiveness, which was definitely an undesirable trait in any individual, more so in a lawyer. In the tenacity with which he pursued complainant, we see not the persistence of a person who has been grievously wronged, but the obstinacy of one trying to assert a false sense of superiority and to exact revenge.[81][Emphasis supplied]

Laguitan v. Tinio,[82] expressed in terms of the protection of the sanctity of marriage,[83] also necessarily looked at the subjective element because the offender's concubinage involved an assault on the basic social institution of marriage. Another subjective element case, in terms of looking at the damage wrought by the offender's act, is *People v. Jamero*[84] where the Court disregarded the appellants' argument that the trial court erred in ordering the discharge of Inocencio Retirado from the Information in order to make him a state witness, since he has been previously convicted of the crime of malicious mischief - a crime involving moral turpitude. The Court said:

In the absence of any evidence to show the gravity and the nature of the malicious mischief committed, We are not in a position to say whether or not the previous conviction of malicious mischief proves that accused had displayed the baseness, the vileness and the depravity which constitute moral turpitude. And considering that under paragraph 3 of Article 329 of the Revised Penal Code, any deliberate act (not constituting arson or other crimes involving destruction) causing damage in the property of another, may constitute the crime of malicious mischief, We should not make haste in declaring that such crime involves moral turpitude without determining, at least, the value of the property destroyed and/or the circumstances under which the act of destroying was committed.[85] [Emphasis supplied]

Thus, again, the need for a factual determination was considered necessary.

In sum, a survey of jurisprudence from the earliest case of *In Re Basa*[86] to the recent case of *Soriano v. Dizon* [87] shows that the Court has used varying approaches, but used the same standard or measure - the degree of attendant depravity. The safest approach to avoid being misled in one's conclusion is to apply all three approaches, if possible, and to evaluate the results from each of the approaches. A useful caveat in the evaluation is to resolve any doubt in favor of the perpetrator, as a conclusion of moral turpitude invariably signifies a worse consequence for him or her.

IV. The Approaches Applied to TEVES

The Objective Approach

The crime for which petitioner Teves was convicted (possession of pecuniary or financial interest in a cockpit) is, at its core, related to gambling - an act that by contemporary community standards is not per se immoral. Other than the ruling heretofore cited on this point,[88] judicial notice can be taken of state-sponsored gambling activities in the country that, although not without controversy, is generally regarded to be within acceptable moral limits. The ponencia correctly noted that prior to the enactment of the Local Government Code of 1991, mere possession by a public officer of pecuniary interest in a cockpit was not expressly prohibited. This bit of history alone is an indicator that, objectively, no essential depravity is involved even from the standards of a holder of a public office. This reasoning led the ponencia to conclude that "its illegality does not mean that violation thereof . . . makes such possession of interest inherently immoral." [89]

From the Perspective of the Elements of the Crime

Under this approach, we determine whether a crime involves moral turpitude based solely on our analysis of the elements of the crime alone.

The essential elements of the offense of possession of prohibited interest (Section 3(h) of the Anti-Graft Law) for which the petitioner was convicted are:

- The accused is a public officer;
- He has a direct or indirect financial or pecuniary interest in any business, contract or transaction; and
- He is prohibited from having such interest by the Constitution or any law.

From the perspective of moral turpitude, the third element is the critical element. This element shows that the holding of interest that the law covers is not a conduct clearly contrary to the accepted rules of right and duty, justice, honesty and good morals; it is illegal solely because of the prohibition that exists in law or in the Constitution. Thus, no depravity immediately leaps up or suggests itself based on the elements of the crime committed.

The Subjective Approach

This approach is largely the ponencia's approach, as it expressly stated that "a determination of all surrounding circumstances of the violation of the statute must be considered."^[90] In doing this, the ponencia firstly considered that the petitioner did not use his official capacity in connection with the interest in the cockpit, not that he hid this interest by transferring it to his wife, as the transfer took effect before the effectivity of the law prohibiting the possession of interest. The ponencia significantly noted, too, that the violation was not intentionally committed in a manner contrary to justice, modesty, or good morals, but due simply to Teves' lack of awareness or ignorance of the prohibition. This, in my view, is the clinching argument that no moral turpitude can be involved as no depravity can be gleaned where intent is clearly absent.

Conclusion

To recapitulate, all three approaches point to the conclusion that no moral turpitude was involved in the crime Teves committed, with the predominant reasons being the first (or objective) and the third (or subjective) approaches. Analysis in this manner, with one approach reinforcing another, results in clear and easily appreciated conclusions.

[1] *Jordan v. De George*, 341 U.S. 223, 227 (1951).

[2] Brian C. Harms, *Redefining "Crimes of Moral Turpitude": A Proposal to Congress*, 15 GEO. IMMIGR. L.J. 259, 261 (2001).

[3] *Id.*

[4] *Supra* note 1, p. 227.

[5] *Id.*

[6] *Id.*, p. 229.

[7] *Id.*, p. 232.

[8] Derrick Moore, *"Crimes Involving Moral Turpitude": Why the Void-For-Vagueness Argument is Still Available and Meritorious*, 41 CORNELL INT'L L.J. 813, 816 (2008).

[9] Id.

[10] Id.

[11] Effective September 1, 1901.

[12] Now RULES OF COURT, Rule 138, Section 27.

[13] ACT NO. 2711, Section 234, March 10, 1917.

[14] ACT NO. 3613, Section 45, December 4, 1929.

[15] COMMONWEALTH ACT No. 1, Section 57, December 21, 1935.

[16] COMMONWEALTH ACT No. 473, Section 4, June 17, 1939.

[17] COMMONWEALTH ACT No. 613, Section 29, August 26, 1940.

[18] REVISED RULES OF CRIMINAL PROCEDURE, Rule 119, Section 17.

[19] RULES OF COURT, Rule 138, Section 2.

[20] BATAS PAMBANSA BLG. 337, Section 60, February 10, 1983; REPUBLIC ACT NO. 7160, Section 60, January 1, 1992.

[21] BATAS PAMBANSA BLG. 881, Section 12, December 3, 1985; REPUBLIC ACT NO. 7160, Section 40, January 1, 1992.

[22] 41 Phil. 275, 276 (1920).

[23] Dela Torre v. Commission on Elections, G.R. No. 121592, July 5, 1996, 258 SCRA 483, 487, citing Zari v. Flores, 94 SCRA 317, 323 (1979).

[24] G.R. No. 561, April 27, 1967, 19 SCRA 815.

[25] Cited in Rafael Christopher Yap, Bouncing Doctrine: Re-Examining the Supreme Court's Pronouncements of Batas Pambansa Blg. 22 as a Crime of Moral Turpitude (2006), p. 13 (unpublished J.D. thesis, Ateneo de Manila University, on file with the Professional Schools Library, Ateneo de Manila University).

[26] Supra note 8, p. 816.

[27] Supra note 1, p. 235.

[28] Supra note 8, p. 814.

[29] G.R. No. 97239, May 12, 1993, 221 SCRA 760.

[30] Nate Carter, Shocking The Conscience of Mankind: Using International Law To Define "Crimes Involving Moral Turpitude" In Immigration Law, 10 LEWIS & CLARK L. REV. 955, 959 (2006).

[31] A similar concept is "obscenity," whose standards have been in continuous development in U.S. Supreme Court rulings. See Roth v. United States; Albert v. California, 354 U.S. 476 (1957); Miller v. California, 413 U.S. 15 (1973) and Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973). Only a decade after Roth, Justice Harlan observed that "[t]he subject of obscenity has produced a variety of views among the members of the Court unmatched in any other course of constitutional adjudication." As evidence, Justice Harlan noted that in the thirteen obscenity cases decided in the decade after Roth, there were "a total of 55 separate opinions among the Justices;" Geoffrey R. Stone et al., Constitutional Law, 1255, (1996 ed.) citing Interstate Circuit, Inc. v. Dallas,

390 U.S. 676, 704-705, 705 n.1 (1968) (Harlan, J., dissenting).

[32] Supra note 30, p. 959.

[33] Supra note 8, p. 813, citing Note, Crimes Involving Moral Turpitude, 43 HARV. L. REV. 117, 121 (1930).

[34] Supra note 1, p. 242.

[35] Supra note 25, pp. 20-21.

[36] Supra note 22.

[37] Id.

[38] In Re Marcelino Lontok, 43 Phil. 293 (1922).

[39] In Re Juan C. Isada, 60 Phil 915 (1934); Macarrubo v. Macarrubo, A.C. No. 6148, February 27, 2004, 424 SCRA 42 citing Laguitan v. Tinio, A.C. No. 3049, December 4, 1989, 179 SCRA 837.

[40] In Re Atty. Tranquilino Rovero, 92 Phil. 128 (1952).

[41] Mondano v. Silvosa, 97 Phil. 143 (1955).

[42] In the Matter of Eduardo A. Abesamis, 102 Phil.1182 (1958).

[43] In Re Dalmacio De Los Angeles, 106 Phil 1 (1959).

[44] Tak Ng v. Republic of the Philippines, 106 Phil. 727 (1959).

[45] Paras v. Vailoces, Adm. Case No. 439, April 12, 1961, 1 SCRA 954.

[46] Can v. Galing, G.R. No. L-54258, November 27, 1987, 155 SCRA 663 citing In Re Gutierrez, Adm. Case No. L-363, July 31, 1962, 5 SCRA 661.

[47] In Re: Atty. Isidro P. Vinzon, Admin. Case No. 561, April 27, 1967, 19 SCRA 815.

[48] Philippine Long Distance Telephone Company v. National Labor Relations Commission, G.R. No. L-63652 October 18, 1988, 166 SCRA 422.

[49] Id.

[50] People v. Tuanda, A.M. No. 3360, January 30, 1990, 181 SCRA 692; Paolo C. Villaber v. Commission on Elections, G.R. No.148326, November 15, 2001, 369 SCRA 126; Selwyn F. Lao v. Atty. Robert W. Medel, A.C. No. 5916, July 1, 2003, 405 SCRA 227.

[51] University of the Philippines v. Civil Service Commission, G.R. No. 89454, April 20, 1992, 208 SCRA 174.

[52] Betguen v. Masangcay, A.M. No. P-93-822, December 1, 1994, 238 SCRA 475.

[53] Supra note 23 at 483.

[54] Office of the Court Administrator v. Librado, A.M. No. P-94-1089, August 22, 1996, 260 SCRA 624.

[55] People v. Sorrel, G.R. No. 119332, August 29, 1997, 278 SCRA 368.

[56] Campilan v. Campilan Jr., A.M. No. MTJ-96-1100, April 24, 2002, 381 SCRA 494.

[57] Magno v. Commission on Elections, G.R. No. 147904, October 4, 2002, 390 SCRA 495.

- [58] Soriano v. Dizon, A.C. No. 6792, January 25, 2006, 480 SCRA 1.
- [59] Adm. No. (2170-MC) P-1356, November 21, 1979, 94 SCRA 317, 323.
- [60] Supra note 25 at 21.
- [61] Id.
- [62] Ng Teng Lin v. Republic, 103 Phil. 484 (1959).
- [63] Court Administrator v. San Andres, A.M. No. P-89-345, May 31, 1991, 197 SCRA 704.
- [64] People v. Yambot, G.R. No. 120350, October 13, 2000, 343 SCRA 20.
- [65] Garcia v. De Vera, A.C. No. 6052, December 11, 2003, 418 SCRA 27.
- [66] Supra note 59.
- [67] 1 I. & N. Dec. 59, 1941 WL 7913 (BIA).
- [68] Supra note 54.
- [69] Supra note 25, p. 23.
- [70] Supra note 59, p. 323.
- [71] Supra note 64.
- [72] Supra note 63.
- [73] Supra note 45.
- [74] Supra note 1, p. 228.
- [75] Supra note 23.
- [76] Supra note 50, p. 134.
- [77] Supra note 57.
- [78] G.R. No. L-18506, January 30, 1964, 10 SCRA 27.
- [79] Supra note 29.
- [80] Supra note 58.
- [81] Supra note 58, pp. 10-11.
- [82] Supra note 39.
- [83] Supra note 25, p. 24.
- [84] G.R. No. L-19852, July 29, 1968, 24 SCRA 206.
- [85] Id. , pp. 245-246.
- [86] Supra note 22.
- [87] Supra note 58.
- [88] Supra note 67.

[89] Ponencia, p. 9.

[90] Id., p. 7.

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