

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. CONRADO AGLAHI, DEFENDANT AND APPELLANT.

G.R. No. 42818. March 25, 1935

Ponente: HULL, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-42818/>

HULL, J.:

The provincial fiscal of Laguna filed a petition in the Court of First Instance of that province under Act No. 1524 inviting attention to the fact that appellant had been given a conditional pardon by the Governor-General on the 3d of November, 1910, and had been convicted of the offense of estafa committed in 1929.

As appellant at that time was in Bilibid Prison, the court in order to avoid the inconvenience and expense to the Government of bringing him to Laguna for the hearing, directed that appellant should show cause in writing why he should not be committed to serve the unexpired portion of his original sentence. Appellant demurred to the complaint, and the trial court thereafter ordered his recommitment to serve the unexpired portion of his original sentence. Appellant appeals from that order.

Section 3 of Act No. 1524, which provides for a court hearing and determination of an alleged violation of a conditional pardon, provides in part: "* * * The Court of First Instance shall issue the order of arrest and proceed with the investigation of the facts, in the presence of the accused and the proper prosecuting official."

The Solicitor-General admits that the record conclusively shows that the court did not comply with the statute and therefore the orders of the court were improper. In this contention of the Solicitor-General we are forced to concur.

The Solicitor-General asks that the order appealed from be set aside and the case remanded to the court below for proper proceedings.

What are those proper proceedings? In general, a violation of a condition in the pardon renders the pardon void, and normally a court of general jurisdiction has authority upon such a condition being brought to its notice, to rule to show cause why the original commitment should not be again placed in full force and vigor.

Where the Legislature by statute has prescribed a procedure, the procedure should be followed although the statute was possibly unnecessary. However, in this case we have the peculiar situation that section 4 of this Act has been expressly repealed by article 367 of the Revised Penal Code. Why the Legislature saw fit to repeal section 4 is not clear, but nevertheless it has expressly so done.

Section 4 of Act No. 1524 provides what the court shall do should it find that respondent has in fact violated his conditional pardon. Does this repeal mean that the Legislature ip. of the opinion that the court shall not have the power to order the recommitment of a person at large on a conditional pardon made void by the wrongful acts of the respondent? As this question was not argued, it will be reserved for future consideration should occasion arise.

Attention is invited in this connection to section 64, paragraph (i), of the Revised Administrative Code of the

powers and duties of the Governor-General, which reads:

" (i) To grant to convicted persons reprieves or pardons, either plenary or partial, conditional, or unconditional; to suspend sentences without pardon, remit fines, and order the discharge of any convicted person upon parole, subject to such conditions as he may impose; and to authorize 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."

If, therefore, the administrative officers believe that respondent has violated the conditions of his pardon and should be re-incarcerated to serve the unexpired portion of his sentence, there exists a speedy and legal method of determining that question.

The order appealed from is reversed and vacated and the case dismissed. Costs de offtio. So ordered.

Avanceña, C.J., Abad Santos, Vickers, and Diaz, JJ., concur.

Order reversed and case dismissed.

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.