

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. AMBROSIO LINSANGAN, DEFENDANT AND APPELLANT.

G.R. No. 43290, December 21, 1935

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Appellant was prosecuted for nonpayment of the cedula or poll tax under section 1439, in connection with section 2718, of the Revised Administrative Code. After due trial, he was sentenced to suffer imprisonment for five days, and to pay the costs. From this judgment he appealed, alleging that the trial court erred in not declaring said sections 1439 and 2718 of the Revised Administrative Code unconstitutional and void. Section 1439 specifies the persons required to pay the cedula tax, and the pertinent part of section 2718 reads as follows:

"A person liable to the cedula tax who remains delinquent in the payment of the same for fifteen days after June first of each year and who upon demand of the provincial treasurer fails thereafter to pay such tax as required by law shall be deemed to be guilty of a misdemeanor; and the provincial treasurer may, in his discretion, cause the delinquent to be prosecuted before the justice of the peace of the municipality in which the delinquent shall be found, and upon conviction the person so delinquent shall be sentenced to imprisonment for five days for each unpaid cedula."

This case was tried and decided in the court below before the Constitution of the Philippines took effect. But while this appeal was pending, the said Constitution became effective, and section 1, clause 12, of Article III thereof provides that "no person shall be imprisoned for debt or nonpayment of a poll tax." This introduces a new element into the case, for while our previous organic law provided that no person should be imprisoned for debt, it contained no express provision against imprisonment for nonpayment of a poll or cedula tax; and it is for this reason that the arguments of counsel for the appellant are mainly directed to support the view that the judgment of conviction violates the provision of the Philippine Autonomy Act interdicting imprisonment for debt.

Under the present state of the law, the question squarely presented for determination is whether, in view of section 1, clause 12, of Article III of the Constitution, the judgment of conviction can stand.

As this is the first case in which the interpretation and application of certain provisions of the Constitution of the Philippines are directly involved, it may not be amiss to refer briefly to the immediate history of that important and unique document—unique in that it derives its binding force not only from the will of the people of the Philippine Islands, but from the authority of the Congress of the United States.

By the Act of Congress of March 24, 1934, popularly known as the Tydings-McDuffie Law, the people of the Philippine Islands were authorized to adopt a constitution, subject to the conditions and qualifications prescribed in said Act. The law required three distinct steps for the adoption of the constitution.' The first was the drafting and approval of the constitution by the constitutional convention authorized to be called under the Act; the second was the certification by the President of the United States that the constitution so drafted and approved conformed

with the provisions of the same Act; and the third was the ratification of the constitution by the people of the Philippine Islands at an election or plebiscite called for the purpose of ratifying or rejecting the same. On July 30, 1934, the constitutional convention met for the purpose of drafting a constitution, and the constitution subsequently drafted was approved by the convention on February 8, 1935.

The constitution was submitted to the President of the United States on March 18, 1935; and on March 23, 1935, the President certified that the constitution conformed substantially with the provisions of the Act of Congress approved March 24, 1934. On May 14, 1935, the constitution was ratified by the people. The constitution provides for the establishment of a government that, in the language of the preamble, shall embody the ideals of the Filipino people, conserve and develop the patrimony of the nation, promote the general welfare, and secure to them and their posterity the blessings of independence under a regime of justice, liberty, and democracy. The constitution also provides for a republican form of government, follows the principle of the separation of powers, and contains a bill of rights. It guarantees freedom of speech, freedom of the press, and freedom of religion. In most of its main features, it is modeled after the Constitution of the United States which was characterized by William Pitt, that eminent English statesman, as "the wonder and admiration of all future generations and the model for all future constitutions," and by Gladstone, another English statesman of renown, as "the most wonderful work ever struck off at a given time by the brain and purpose of men."

Section 4 of the Act of Congress of March 24, 1934, already mentioned, contains, among others, the following provision:

"* * * When the election of the officers provided for under the constitution has been held and the results determined, the Governor-General of the Philippine Islands shall certify the results of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine Government shall terminate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. * * *"

The proclamation announcing the results of the election of the officers provided for under the Constitution was issued by the President of the United States on November 15, 1935, on which date the Government of the Commonwealth was inaugurated.

Turning again to the particular question raised in this case, section 2 of Article XV of the Constitution, provides :

"All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the National Assembly, and all references in such laws to the Government or officials of the Philippine Islands shall be construed, in so far as applicable, to refer to the Government and corresponding officials under this Constitution."

It seems too clear to require demonstration that section 2718 of the Revised Administrative Code is inconsistent with section 1, clause 12, of Article III of the Constitution, in that, while the former authorizes imprisonment for nonpayment of the poll or cedula tax, the latter forbids it. It follows that upon the inauguration of the Government of the Commonwealth, said section 2718 of the Revised Administrative Code became inoperative, and no judgment of conviction can be based thereon.

It results that the judgment appealed from must be reversed, and the case dismissed with costs de oficio. So ordered.

Avanceña, C.J., Malcolm, Villa-Real, Hull, Vickers, Imperial, Butte, Goddard, and Recto, JJ., concur.

Judgment reversed and case dismissed.

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