

THE PEOPLE OP THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. MAKABANGAN (MORO), DEFENDANT AND APPELLANT.

G. R. No. 44336. August 29, 1936

Ponente: AVANCEÑA, C.J.

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AVANCEÑA, C.J.:

On October 30, 1929, the appellant Moro Makabangan was sentenced, for the crime of homicide, to twelve years and one day of reclusion temporal, to indemnify the heirs of the deceased in the sum of P500, and to pay the costs. It was provided in said sentence to suspend the execution thereof on condition that the accused behave well and not again be accused of any crime in the courts of justice of the Philippine Islands. Section 106 of the Administrative Code for the Department of Mindanao and Sulu, among other things, authorizes the judge, at his discretion at any time before the expiration of the period allowed for appeal, to suspend the execution of any penalty or part thereof imposed upon the accused, subject to such conditions as he may prescribe. This is the law by virtue of which the court suspended the execution of the sentence imposed upon the appellant.

On July 22, 1935, charges for the crime of abduction with consent were filed against the appellant in the justice of the peace court of Dulawan, Province of Cotabato. On the 30th of said month, the provincial fiscal petitioned the court to order the execution of said sentence, alleging that the appellant, having been accused of the crime of abduction, violated the conditions imposed by the court upon suspending the sentence against him. The court acted favorably upon the petition and it is from said resolution that the appeal was taken whereby the case is now before this court

The question involved in this appeal is simply whether or not the appellant, having been accused of a crime, violated the conditions imposed by the court in suspending the execution of the sentence rendered against him. Applying literally that part of the sentence imposing upon the appellant the condition not to be accused of any crime, the question should be decided in the affirmative. However, this literal interpretation, which would make said condition unreasonable, cannot be given to it because it does not depend upon the appellant, being innocent, to avoid being accused of a crime by anybody. It is unreasonable to impose upon him a condition the fulfillment of which may depend upon another, not upon him.

It should be understood that the true meaning of this condition is for the appellant not to commit, or be convicted of any crime, in which case it might be said that he has given proof that he is in no condition for the realization of the purpose of the law which is his reformation.

Therefore, the condition imposed upon the appellant for his release cannot be considered violated by the mere fact that he had been accused of a crime, but when he be convicted thereof by final judgment.

The resolution of the court, ordering the execution of the sentence imposed upon the appellant, is reversed, with the costs de officio.

Villa-Real, Abad Santos, Imperial, Diaz, Recto, and Laurel, JJ., concur.

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