

ADRIANO TRONO FELIPE ET AL., PETITIONERS, VS. THE DIRECTOR OF PRISONS, RESPONDENT.*G.R. No. 8252. January 18, 1913*

Ponente: CARSON, J.

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This is an application for a writ of habeas corpus and for discharge thereunder from the custody of the Director of Prisons, filed on behalf of the petitioners, Adriano Trono Felipe and Aniceto Trono Felipe, prisoners now detained in Bilibid by the respondent, by virtue of commitments in due form dated March 10, 1911, issued out of the Court of First Instance of the Province of Bulacan, upon a sentence of that court which was affirmed by this court,[1] condemning them to suffer two years eleven months and ten days of prison correccional. The ground upon which counsel bases his contention as to the alleged illegality of the detention of these prisoners is an alleged error committed by the trial court in convicting them of the crime of abduction of a virgin with her consent (*rapto de una doncella con su anuencia*) despite the fact that, as counsel insists, the woman was in truth over 18 years of age at the time when the alleged crime was committed. In support of his contention counsel relies upon the doctrine laid down by this court in the case of the *United States vs. Fideldia*, decided on March 26, 1912,[2] wherein a majority of the court held that a conviction for this crime was erroneous in a case wherein it appeared that the woman who was alleged to have been abducted with her own consent (*con su anuencia*) was over 18 years of age at the time when she left her home.

We agree with counsel for the petitioners that under the doctrine laid down in the *Fideldia* case, judgment of conviction was erroneously entered by the trial court and erroneously affirmed by us, if the allegations of the petitioners are true, and if it is a fact that the record in the case in which these petitioners were convicted and sentenced does not disclose that the woman whom they were charged with having abducted was less than 18 years of age at the time when the alleged crime was committed. But such an error, if in fact it was committed, in no wise affected the jurisdiction of the court below to render judgment of conviction and to sentence the petitioners for the crime of which they were convicted. Throughout the entire course of those proceedings in the trial court, that court had jurisdiction of both of the persons of the accused and of the crime with which they were charged, and it did not and could not lose that jurisdiction as a consequence of mistake or error committed by the trial judge in his finding of fact as to the age of the woman, or in his conclusions of law as to the bearing of the woman's age upon the question of the guilt or innocence of the accused of the crime with which they were charged.

If the record in the former case disclosed that the woman was between 18 and 20 years old, as alleged by the petitioners, and, indeed if it failed to disclose that she was less than 18 years of age, and had the doctrine laid down in the *Fideldia* case been applied to the facts thus found, the defendants should have been acquitted in the lower court, or in the event of their conviction, the judgment of conviction should have been set aside on appeal. The fact is, however, that both in the court below and in this court on appeal, the point passed *sub silentio*, and the attention of neither court was invited or directed to the question raised in the later case (*U. S. vs. Fideldia*, *supra*)

upon a discussion of which it was held that the Code provisions defining and penalizing the crime of rapto had been modified, so as to reduce the age limit of women who may become the victims of such abductions from 23 to 18.

But the writ of habeas corpus is not a remedy provided for the correction of such errors. Courts cannot, in habeas corpus proceedings, review the record in a criminal case after judgment of conviction has been rendered, and the defendants have entered on the execution of the sentence imposed, to ascertain whether the facts found by the trial were in accordance with the evidence disclosed by the record, or in order to pass upon the correctness of the conclusions of law by the trial court based on the facts thus found. Under the statute, a commitment in due form based on a final judgment convicting and sentencing a defendant in a criminal case is conclusive evidence of the legality of his detention under such commitment, unless it appears that the court which pronounced the judgment was without jurisdiction or exceeded its jurisdiction in imposing the penalty. Mere errors of law or of fact, which did not have the effect of depriving the trial court of its jurisdiction over the cause and the person of the defendant, if corrected at all, must be corrected on appeal in the form and manner prescribed by law.

Even if it be true that the court below erred in convicting these defendants, and that this court erred in affirming this judgment of conviction, it has gone beyond the power of the courts to correct the error, and relief must be sought elsewhere.

The application for the writ must be denied, with the costs of these proceedings de officio. So ordered.

Arellano, C. J., Torres and Mapa, JJ., concur.

Trent, J., dissents.

[1] 21 Phil. Rep., 640

[2] 22 Phil.Rep., 372

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