

CHANROBLES PUBLISHING COMPANY

**SUPREME COURT
EN BANC**

**ELISEO FLORA, ET AL.,
*Petitioners,***

-versus-

**G.R. No. L-19745
January 31, 1964**

**VICENTE OXIMANA, ET AL.,
*Respondents.***

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DECISION

BAUTISTA ANGELO, J.:

Vicente Oximana is the president of the Benquet-Balatoc Workers' Union (BBWU), having been elected to said position on June 20, 1960, pursuant to the provisions of the constitution and by-laws of said union. Since 1948, when the union was organized, Oximana has been elected continuously as such president and has performed the duties and functions of said office without interruption in accordance with the provisions of said constitution and by-laws.

In 1926, Oximana was convicted of the crime of abusos deshonestos for which he was sentenced to 3 years 6 months and 25 days of imprisonment which he served until December 4, 1930. As a consequence, a complaint was lodged against him before the Court of Industrial Relations on February 2, 1961 by a prosecutor of said court

seeking to disqualify him as president of the union on the strength of the provisions of Section 17(e) of Republic Act 875. In this complaint, the union was made party respondent because of complainant's desire to restrain Oximana from performing the duties and functions of his office as president and to have a new election held for the purpose of electing a new qualified president.

In answer to the complaint, respondents alleged that it fails to state a cause of action for it does not show that it bears the sanction of at least 10% of the entire membership of the union of which Oximana was president, and that assuming that it does and Oximana was convicted of the offense which involves moral turpitude, the same is not however one of the offenses contemplated by Section 17 (e) of Republic Act 875. In any event, respondent contend that the aforesaid legal provision, being penal in character, does not apply to Oximana for he has been an official of good standing long before the effectivity of Republic Act 875.

When the case was called for hearing, the parties submitted a stipulation of facts wherein, among other things, it was agreed that on April 1, 1961 the President of the Philippines granted Oximana full, absolute and plenary pardon for the crime he had committed in 1926, thereby restoring him to the full enjoyment of his civil and political rights, one of which is the holding of the position now disputed by complainants.

On November 29, 1961, Judge Amado C. Bugayong who heard the case, issued an order dismissing the complaint for lack of merit. He said that were it not for the absolute pardon granted to Oximana he would have been disqualified. But said pardon has erased all the ill effects of his conviction and had restored to him all his rights and privileges as a citizen as if he had not committed the crime at all. One of such rights is to hold an office in any labor organization as the one now being held by respondent Oximana.

This order was affirmed by the court en banc. Hence the present petition for review.

Section 17(e) of Republic Act 875 provides as follows:

“No person who has been convicted of a crime involving moral turpitude shall be eligible for election to any office in a legitimate labor organization or for appointment to any position involving the collection, custody, management, control or disbursement of its funds and any such person shall be disqualified from continuing to hold any office or such position in the organization.”

If the case of respondent Oximana should be considered in the light of what is provided for in the section abovequoted there would be no doubt that he would be disqualified from holding the position of president which is now being disputed by complainants for the crime for which he was convicted in 1926 is one which involves moral turpitude because the purpose of the law is indeed to disqualify one who, because of gross misconduct, has rendered himself unfit to hold any office in a legitimate labor organization. But here the situation of respondent Oximana has changed since his conviction. It appears that since the time of his conviction in 1926 up to the time the complaint for disqualification was lodged against him in 1961, a long period of time has passed, and, in the meantime, he may have reformed himself and become a new and repentant man. In fact, when he organized the Benguet-Balatoc Worker's Union in 1948, he became its president and had been re-elected as such continuously up to the present time without any indication that throughout his actuation as such official he has ever committed any misconduct or act unbecoming his office that may disqualify him to continue deserving the confidence of the union and its members. It is perhaps for this reason that on April 1, 1961 the President of the Philippines granted him full, absolute and plenary pardon which restored to him the full enjoyment of his civil and political rights, one of which is the right to hold any office in any legitimate labor organization. We believe that the effect of this pardon is as the President of the Philippines has stated: the restoration in full of Oximana's civil and political rights, the effect of which is to blot out any evil consequence of the crime he has committed. Authorities abound supporting this view.

Thus, it has been held that “A full and complete pardon, granted after conviction, removes all penalties and legal disabilities, and restores the defendant to all his civil rights.” Continuing, the court went on to say that “pardon completely destroys the effect of the judgment (and)

obliterates, in legal contemplation, the offense itself; and hence its effect is to make the offender a new man” (Stephens vs. State of ex rel. Goldsberry, 11 Okl. 262, 239 P. 450). In a similar vein, this Court, thru Mr. Justice Laurel, stated that “an absolute pardon not only blots out the crime committed but removes all disabilities resulting from the conviction; and that when granted after the term of imprisonment has expired, absolute pardon removes all that is left of the consequences of the conviction” (Pelobello vs. Palatino, 72 Phil., 441). And in an earlier case, this Court, thru the same Justice, also stated:

“An absolute pardon not only blots out the crime committed, but removes all disabilities resulting from the conviction. In the present case, the disability is the result of conviction without which there would be no basis for disqualification from voting. Imprisonment is not the only punishment which the law imposes upon those who violate its command. There are accessory and resultant disabilities, and the pardoning power likewise extends to such disabilities. When granted after the term of imprisonment has expired, absolute pardon removes all that is left of the consequences of conviction. In the present case, while the pardon extended to respondent Santos is conditional in the sense that ‘he will be eligible for appointment only to positions which are clerical or manual in nature involving no money, or property responsibility,’ it is absolute insofar as it restores the respondent to full civil and political rights.” (Cristobal vs. Labrador, et al., 71 Phil., 34, 38).

We are, therefore, persuaded to affirm the views expressed by the court a quo in its order of November 29, 1961.

WHEREFORE, the order appealed from is affirmed. No costs.

Bengzon, C.J., Padilla, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.
Reyes, J., did not take part.