

must be deemed to have abandoned his residence of origin. But the rule laid down in several decisions³⁴ is to the effect that a previous registration as voter in a municipality other than that in which he is elected is not sufficient to constitute abandonment or loss of his residence of origin. A citizen may leave the place of his birth to improve his lot and that, of course, includes study in other places, practice of his avocation or engaging in business. When an election is to be held, the citizen who left his birthplace to improve his lot may desire to return to his native town to cast his ballot, but for professional or business reasons or for any other reasons, he may not be able to absent himself from the place of his professional or business activities; so there he registers as a voter since he has the qualifications of one and is not willing to give up or lose the opportunity to choose the officials who are to run the government, especially in national elections. Despite such registration the *animus revertendi* to his home, to his domicile or residence of origin has not forsaken him. This may be the explanation why the registration of a voter in a place other than his residence of origin has not been deemed sufficient to constitute abandonment or loss of such residence. It finds justification in the natural desire and longing of every person to return to the place of his birth. (*Perfecto Faypon v. Eliseo Quirino*, G. R. No. L-7068, Dec. 22, 1954.)

³⁴ *Yra. v. Abaño* 52 Phil. 380, where the protestee to the office of the municipal president of Meycauayan, Bulacan was upheld notwithstanding the fact that he had registered as a voter in Manila.

Vivero v. Murillo 52 Phil. 694, where the protestee had registered as a voter in the municipality of Burawan, Leyte, Held, that such registration had not caused the loss of his residence of origin (La Paz, same province) where he was elected municipal president.

Larena v. Teves, 61 Phil. 36, where the election of Pedro Teves to the office of municipal president of Dumaguete where he was born was upheld because he had not lost his residence of origin, which was Dumaguete, notwithstanding the fact that in the year 1919 he had registered in the Municipality of Bacong.

REMEDIAL LAW

CRIMINAL PROCEDURE: PROMULGATION OF JUDGMENT; THE REQUIREMENT IN SEC. 6. RULE 116,³⁵ THAT THE DEFENDANT MUST BE PRESENT WHEN THE JUDGMENT IS PROMULGATED IS APPLICABLE ONLY WHEN SUCH JUDGMENT IS ONE OF CONVICTION AND NOT WHEN IT IS A JUDGMENT OF ACQUITTAL.

The herein respondents were charged with malversation of public funds in four separate informations. After a joint hearing, during which numerous witnesses were presented both by the prosecution and by the defense, Judge Jose B. Rodriguez of the Court of First Instance of Leyte, rendered a decision dated June 28, 1951, acquitting the accused. Judge Rodriguez transmitted his decision from Laoang, Samar, to the clerk of the Court of First Instance of Leyte who made the corresponding entry in the criminal docket. No notices, however, were given to the accused requiring them to appear for the reading of the sentence. But copies of the decision were served upon each of them.

The prosecution filed a motion for reconsideration seeking to modify the decision of Judge Rodriguez of June 28, 1951, so as to condemn those acquitted. Respondents filed the corresponding opposition. The prosecution subsequently filed a memorandum in support of its motion for reconsideration, assailing the decision of June 28, 1951, on the ground, among others, that the said decision was not validly promulgated. So, on December 26, 1951, respondents received a notice from the clerk of court to the effect that the reading of the decision would take place on January 10, 1952. Upon inquiry, respondents were informed that the decision which would be promulgated on the latter date would be a new decision by Judge Sulpicio V. Cea. On January 4, 1952, counsel for respondents accordingly filed a motion alleging that Judge Cea had no jurisdiction or authority to render a new decision. This was

³⁵ "The judgment is promulgated by reading the judgment or sentence in the presence of the defendant and the judge of the court who has rendered it. The defendant must be personally present if the conviction is for a grave or less grave offense; if for light offense, the judgment may be pronounced in the presence of his attorney or representative. And when the judge is absent or outside of the province, his presence is not necessary and the judgment may be promulgated or read to the defendant by the clerk of the court."

overruled by Judge Cea. The new decision sought to be promulgated by Judge Cea is one of conviction.

The question in this case is whether the new decision sought to be promulgated by Judge Cea can validly replace the decision of Judge Rodriguez. Petitioners contend that the decision of Judge Rodriguez had not been duly promulgated because it was not read to the respondents, while the respondents argue that actual reading in the presence of the accused is indispensable only in case of conviction.

HELD: Section 6, Rule 116, Rules of Court, provides that a judgment is promulgated by "reading" it in the presence of the defendant. Since the presence of the defendant is required only in case of conviction for a grave or less grave offense, and "to read a writing or a document means to make known its contents,"³⁶ there had been due promulgation of the decision of Judge Rodriguez after the clerk of the Court of First Instance of Leyte entered it in the criminal docket and after the respondents were served with copies of said decision. Indeed, "a statute providing that accused must be present for purpose of judgment, 'if the conviction be for an offense punishable by imprisonment,' applies only where he is found guilty and in case of an acquittal his presence is not necessary."³⁷ (*Cea et al. v. Cinco et al.*, G. R. No. L-7075, Nov. 18, 1954.)

³⁶ Balentine's Law Dictionary, 48th Ed.

³⁷ 24 C. J. S. 79.

LEGISLATION

AGRICULTURAL TENANCY ACT

Unlike the indifferent attitude shown by the Spanish Government in the Philippines towards the fate of the laboring class — whether they were tillers of the land or earning their wages in a factory — even prior to the adoption of the Constitution, the Philippine Government, under the American regime, had, from time to time, shown its deep concern over the well-being of the wage earners. Our statute books are witness to that fact; they contained legislation enacted and intended to ameliorate the conditions of the laboring man. The administration, under the leadership of Manuel Quezon, became social justice minded, and implementing his strong advocacy of social justice, the framers of our Constitution, in section 5 of Article II of our fundamental law, adopted the principle that "the promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State." Since then, the government has always been, by fast strides, drawing near its goal — the amelioration, the well-being of the conditions of the working man. — Vda. de Ongsiako v. Gamboa et al. (47 Off. Gaz. No. 11, p. 5613)

THIRD CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
Special Session

S. No. 98
H. No. 2398

[REPUBLIC ACT No. 1199]

AN ACT TO GOVERN THE RELATIONS BETWEEN LANDHOLDERS AND TENANTS OF AGRICULTURAL LANDS (LEASEHOLD AND SHARE TENANCY).