MARTIN GIBBS FLETCHER, PETITIONER, VS. THE DIRECTOR OF BUREAU OF CORRECTIONS OR HIS REPRESENTATIVE, RESPONDENT.

UDK-14071. July 17, 2009

Ponente: CORONA, J.

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CORONA, J.:

Petitioner Martin Gibbs Fletcher seeks his release from prison in this petition for the issuance of the writ of habeas corpus. He claims that his prison sentence of 12 to 17 years was commuted by then President Fidel V. Ramos to nine to 12 years. Since he had already served 14 years, three months and 12 days, including his good conduct allowance, his continued imprisonment is illegal.[1]

In its return to the writ, the Office of the Solicitor General (OSG) posited that the petition should be denied for failure to comply with Section 3, Rule 102 of the Rules of Court. In particular, the petition was neither signed nor verified by petitioner or a person on his behalf or by his purported counsel. Moreover, it was not accompanied by a copy of the cause of petitioner's detention or commitment order.

The OSG further opposed the issuance of the writ on the following grounds: petitioner's prison sentence was never commuted by then President Ramos; he had not been granted the status of a colonist; there were other pending cases against him warranting his continued detention[2] and he was put under custody by virtue of a judicial process or a valid judgment.

We disagree with the OSG insofar as it argues that the petition should be dismissed for failure to comply with Section 3, Rule 102 of the Rules of Court. Strict compliance with the technical requirements for a habeas corpus petition as provided in the Rules of Court may be dispensed with where the allegations in the application are sufficient to make out a case for habeas corpus. In Angeles v. Director of New Bilibid Prison,[3] we held that the formalities required for petitions for habeas corpus shall be construed liberally. The petition for the writ is required to be verified but the defect in form is not fatal.[4] Indeed, in the landmark case of Villavicencio v. Lukban,[5] this Court declared that it is the duty of a court to issue the writ if there is evidence that a person is unjustly restrained of his liberty within its jurisdiction even if there is no application therefor. So long as this Court sits, technicality cannot trump liberty. Therefore, a petition which is deficient in form, such as petitioner's petition-letter in this case, may be entertained so long as its allegations sufficiently make out a case for habeas corpus.[6]

The ultimate purpose of the writ of habeas corpus is to relieve a person from unlawful restraint.[7] The writ exists as a speedy and effectual remedy to relieve persons from unlawful restraint and as an effective defense of personal freedom.[8]

Where the restraint of liberty is allegedly authored by the State, the very entity tasked to ensure the liberty of all persons (citizens and aliens alike) within its jurisdiction, courts must be vigilant in extending the habeas corpus remedy to one who invokes it. To strictly restrict the great writ of liberty to technicalities not only defeats the spirit that animates the writ but also waters down the precious right that the writ seeks to protect, the right to

liberty. To dilute the remedy that guarantees protection to the right is to negate the right itself. Thus, the Court will not unduly confine the writ of habeas corpus in the prison walls of technicality. Otherwise, it will betray its constitutional mandate to promulgate rules concerning the protection and enforcement of constitutional rights.[9]

Nonetheless, we agree with the OSG that petitioner is not entitled to the issuance of the writ.

The writ of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty.[10] However, Section 4, Rule 102 of the Rules of Court provides:

> Sec. 4. When writ not allowed or discharge authorized. - If it appears that the person to be restrained of his liberty is in the custody of an officer under process issued by a court or judge; or by virtue of a judgment or order of a court of record, and that court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment. (emphasis supplied)

Plainly stated, the writ obtains immediate relief for those who have been illegally confined or imprisoned without sufficient cause. The writ, however, should not be issued when the custody over the person is by virtue of a judicial process or a valid judgment.[11]

It is undisputed that petitioner was convicted of estafa in Criminal Case No. 95-995.[12] On June 24, 1996, he was sentenced to imprisonment of 12 years of prision mayor as minimum to 17 years and four months of reclusion temporal as maximum, with payment of actual damages of P102,235.56.[13]

Based on petitioner's prison records,[14] he began serving his sentence on July 24, 1997. He claims that after having served good conduct time allowance for 14 years, three months and 12 days,[15] he should now be released from prison.

We disagree.

A convict may be released on parole after serving the minimum period of his sentence. However, the pendency of another criminal case is a ground for the disqualification of such convict from being released on parole.[16] Unfortunately, petitioner is again on trial in Criminal Case No. 94-6988 for estafa.[17] The case was filed as early as 1996 but he was arraigned only on October 6, 2008. He pleaded not guilty to the charge against him. Pre-trial was set on January 26, 2009.[18] Clearly, he is disqualified from being released on parole and consequently must serve out the entirety of his sentence.

We note the issuance of a warrant for petitioner's arrest on March 8, 1996, the date he was first set for arraignment in Criminal Case No. 94-6988. Pursuant to Section 4, Rule 102 of the Rules of Court, the writ cannot be issued and petitioner cannot be discharged since he has been charged with another criminal offense.[19] His continued detention is without doubt warranted under the circumstances.

Petitioner asserts that his sentence in Criminal Case No. 95-995 was commuted by then President Ramos. However, he presented no proof of such commutation. Other than indorsements by the Chief Justice,[20] Public Attorney's Office[21] and Undersecretary of the Department of Justice,[22] no document purporting to be the commutation of his sentence by then President Ramos was attached in his petition and in his subsequent missives to this Court. His barren claim of commutation therefore deserves scant consideration, lest we be accused of usurping the President's sole prerogative to commute petitioner's sentence in Criminal Case No. 95-995.[23]

Having established that petitioner's continued imprisonment is by virtue of a valid judgment and court process, we see no need to discuss petitioner's other arguments.

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WHEREFORE, the petition is hereby DISMISSED.

SO ORDERED.

RENATO C. CORONA
Associate Justice

WE CONCUR:

REYNATO S. PUNO
Chief Justice
Chairperson

ANTONIO T. CARPIO
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

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[1] Petitioner added that he was classified as a colonist who could be released from prison as early as on his tenth year. However, petitioner's official prison record did not yield evidence that he was classified as such. Rollo, p. 3.

[2] Per the OSG's return, the following cases were filed against petitioner:

a) Criminal Case No. 160213 filed in the Metropolitan Trial Court of Manila (MeTC), Branch 27, for estafa (non-payment of hotel fees). A warrant of arrest was issued against petitioner but was not served. The case was archived on September 1994.
b) Criminal Case No. 93-744 filed in the MeTC of Pasay City, Branch 48 for estafa. This case was provisionally dismissed on July 8, 1993.
c) Criminal Case Nos. 168546 and 168549 filed in the MeTC of Makati City, Branch 65 for violation of BP 22. This case was provisionally dismissed on October 8, 2001.
d) Criminal Case No. 186105 filed in the MeTC of Makati City, Branch 61 for violation of BP 22. This case was archived on September 30, 1996.
e) Criminal Case No. 029049 filed in the MeTC of Quezon City, Branch 35 for violation of BP 22. This case was provisionally dismissed on January 13, 1998.
f) Criminal Case No. 36581-2 filed in the MeTC of Muntinlupa City, Branch 80 for two counts of violation of BP 22. This case was archived on March 3, 2000 with an outstanding warrant for petitioner's arrest. The OSG noted in its writ that the status of this case can no longer be verified because its records were among those burned by the fire that razed the Muntinlupa City Hall on August 3, 2007.
g) Criminal Case No. 160911 filed in the MeTC of Makati City, Branch 63 for violation of BP 22. This case was allegedly archived.
h) Criminal Case No. 94-6988 filed in the RTC of Makati City, Branch 143 for estafa. Petitioner allegedly rented a unit in EGI Homes Condominium but he left without paying the rentals therein. A warrant for petitioner's arrest was issued on March 8, 1996, the date he was first set for arraignment. Petitioner was finally arraigned on October 6, 2008 and he pleaded not guilty to the charge. Pre-trial was set on January 26, 2009.
i) Criminal Case No. 24685 filed in the MeTC of Pasig City, Branch 70 for violation of BP 22. A warrant dated

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November 28, 1996 was issued for petitioner's arrest together with the order archiving the case. The warrant stands. Rollo, pp. 53-57.

[3] 310 Phil. 56, 60 (1995).

[4] Regalado, Florenz P., REMEDIAL LAW COMPENDIUM, Volume Two, 7[th] Revised Edition (1995), p. 158.

[5] 39 Phil. 778 (1919).

[6] In the connection, it is worthy to note that one of the landmark cases in American jurisprudence, Gideon v. Wainwright (372 U.S. 335 [1963]), was initiated through a five-page handwritten letter of the accused himself, Clarence Earl Gideon.

[7] Castriciones v. Chief of Staff of the Armed Forces of the Philippines, G.R. No. 65731, 28 September 1989, En banc minute resolution.

[8] Villavicencio v. Lukban, supra note 5.

[9] See Section 5(5), Article VIII, CONSTITUTION.

[10] RULES OF COURT, Rule 102, Sec. 1.

[11] Barredo v. Hon. Vinarao, Director, Bureau of Corrections, G.R. No. 168728, 02 August 2007, 529 SCRA 120, 124.

[12] Rollo, pp. 89-93.

[13] Id., p. 93.

[14] Id., p. 95.

[15] As of July 29, 2008. Id., p. 2.

[16] Rules on Parole which took effect on March 13, 2006. Rule 2.2 thereof provides: "RULE 2.2 Disqualification for Parole - Pursuant to, among others, Section 2 of Act No. 4103, as amended, otherwise known as the "Indeterminate Sentence Law," said Act shall not apply, and parole shall not be granted, to the following prisoners: a. xxx k. Those with pending criminal case/s; xxx" (emphasis supplied).

[17] Rollo, p. 116.

[18] Id., p. 56.

[19] In The Matter of the Petition for Habeas Corpus of Engr. Ashraf Kunting, G.R. No. 167193, 19 April 2006, 487 SCRA 602, 607.

[20] By Atty. Jose Midas P. Marquez, for the Chief Justice. The indorsement dated March 5, 2008 referred petitioner's letter dated February 22, 2008 to Atty. Persida V. Rueda-Acosta, Chief, Public Attorney's Office. Petitioner's letter was a request for legal assistance to file a petition for habeas corpus.

[21] Dated April 29, 2008. The indorsement referred petitioner's letter dated April 22, 2008 to Ret. P/Dir. Gen. Oscar C. Calderon, Director of the New Bilibid Prisons, for appropriate action.

[22] Dated August 14, 2008. Indorsement was signed by Undersecretary Jose Vicente B. Salazar, for the Secretary of Justice, referring petitioner's e-mail to the Executive Director of the Board of Pardons and Parole for appropriate action. In his e-mail, petitioner sought assistance for his immediate release.

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[23] CONSTITUTION, Article VII, Section 19 provides: "Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction by final judgment. xxx."

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