

MIGUEL FLORES Y CAUBALIJO, PETITIONER, VS. THE DIRECTOR OF PRISONS, RESPONDENT.

G.R. No. L-5936. April 17, 1953

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

This is a petition for a writ of habeas corpus originally filed in this Court claiming that petitioner is being deprived of his liberty illegally by the respondent.

It is alleged that petitioner was on July 22, 1949, indicted before the Court of First Instance of Bohol with other persons for illegal possession of explosives, and that when petitioner was arraigned, together with his co-accused, he pleaded guilty to the charge; that he was sentenced to suffer two years imprisonment and to pay a fine of P2,000 with subsidiary imprisonment in case of insolvency; that he was committed to prison on May 17, 1950 to serve his sentence which commenced to run on April 10, 1950; that he has fully served his sentence, considering the allowance to which he is entitled for good behavior; that about the end of June, 1952, he was notified by the prison authorities that as a result of the appealed interposed by his co-accused, the sentence imposed upon them was affirmed by the Court of Appeals and that, being one of those who appealed, he should be kept in confinement pursuant to the sentence imposed by the latter court; that it is not true that he appealed from the decision of the court of origin, the truth being that he pleaded guilty and began serving his sentence on April 10, 1950; and that, therefore, his continuance in prison under the decision of the Court of Appeals constitutes a deprivation of his liberty without due process of law.

The Solicitor General, in the return he submitted for respondent, claims that petitioner has not yet served his sentence in full for the reason that he is one of those who appealed from the decision of the court a quo to the Court of Appeals, finding them guilty of the crime charged; that the Court of Appeals affirmed the decision with respect to petitioner and acquitted seventeen (17) of his co-accused; that, as a result of the appeal, petitioner began serving his sentence on October 9, 1951, so that the penalty imposed upon him should expire on June 8, 1954; and that, giving him credit for preventive imprisonment (9 months and 3 days), for his work as sentenced prisoner (2 months and 29 days), and allowance for good conduct (2 months and 25 days), he should be due for release on March 12, 1953 at the earliest.

We have gone over the pertinent portion of the brief submitted by the Solicitor General in connection with the appeal interposed by the accused in the instant case, as well as the decision of the Court of Appeals promulgated on October 9, 1951, and we are satisfied that the claim of the Solicitor General that petitioner is one of those who appealed from the decision in question, is correct. The Court of Appeals, in affirming the decision of the trial court, stated petitioner is guilty of the crime charged beyond reasonable doubt and affirmed the sentence as to him. The court even went as far as stating that petitioner is not entitled to the mitigating circumstance of plea of guilty because he was indicted under a special law.

Petition is denied.

Paras, C. J., Feria, Bengzon, Tuason, Montemayor, Reyes and Jugo, JJ., concur.
Pablo, J., no part.

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