

BIENVENIDO SASI, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES AND THE HONORABLE SANTIAGO GAYOMALI, RESPONDENTS.

G.R. No. L-53525. October 30, 1981

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Petitioner Bienvenido Sasi was convicted of serious physical injuries by the Municipal Court of San Joaquin, Iloilo, in Criminal Case No. 911. He was meted "an indeterminate sentence of two (2) years and four (4) months to six (6) years" and ordered to pay damages and attorney's fees. He applied for probation but his application was denied. He went to the Court of Appeals on certiorari alleging that the municipal judge committed a grave abuse of discretion in denying his application for probation; he prayed that he be admitted to probation. The Court of Appeals in CA-G.R. No. SP-10077-R denied the petition for certiorari; hence the instant petition which would have Us reverse the decision of the Court of Appeals and admit the petitioner to pro-bation.

After receiving the comment of the Solicitor General on the petition with the recommendation that the petition be dismissed for lack of merit, We received a letter from Municipal Judge David A. Alfeche, Jr. of San Joaquin, Iloilo, informing that the petitioner had been granted parole by the Board of Pardons and Parole on August 8, 1980. As a result We directed the petitioner to comment on the letter and to state whether his appeal should be considered moot and academic. The petitioner's counsel has filed a manifestation which states in part: "2. The undersigned counsel respectfully states that despite efforts exerted, he cannot contact the petitioner anymore; that nevertheless under the circumstances the undersigned feels that in view of the parole of the petitioner, it would now appear that the issues involved in the present case have been rendered moot and academic."

We have noted, as above stated, that the petitioner was sentenced to an indeterminate imprisonment of two (2) years and four (4) months, as minimum, to six (6) years, as maximum. However, the certified true copy of the Receipt of Prisoner Bienvenido Sasi in Criminal Case No. 911 of the Municipal Court of San Joaquin, Iloilo, states that Sasi was given "an indeterminate sentence of 4 months and 1 day to 3 years, 6 months and 20 days" only. (Rollo, p. 126.) This is also the penalty stated in Sasi's Discharge on Parole. (Rollo, p. 127.)

WHEREFORE, the petition is hereby dismissed for having become moot and academic. However, the Municipal Judge of San Joaquin, Iloilo, is hereby ordered to explain within ten (10) days from receipt the discrepancy in respect of the penalty stated in the decision and that stated in the receipt of prisoner.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., and De Castro, JJ., concur.

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