

OCA CIRCULAR NO. 179-2018, August 24, 2018

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TO:

ALL FIRST AND SECOND LEVEL COURTS

SUBJECT: DECISION DATED 31 JULY 2018 IN G.R. NO. 237721 (IN RE: CORRECTION/ADJUSTMENT OF PENALTY PURSUANT TO REPUBLIC ACT NO. 10951, IN RELATION TO HERNAN V. SANDIGANBAYAN - ROLANDO ELBANBUENA Y MARFIL, PETITIONER) PROVIDING, AMONG OTHERS, FOR THE GUIDELINES WHICH SHALL GOVERN THE PROCEDURE FOR ACTIONS SEEKING (1) THE MODIFICATION, BASED ON THE AMENDMENTS INTRODUCED BY RA NO. 10951, OF PENALTIES IMPOSED BY FINAL JUDGMENTS; AND (2) THE IMMEDIATE RELEASE OF THE PETITIONER-CONVICT ON ACCOUNT OF FULL SERVICE OF THE PENALTY/PENALTIES, AS MODIFIED

For the information, guidance and strict observance of all first and second level courts, appended herein as Annex "A" is the Decision dated 31 July 2018 of the Honorable Court, En Banc, in G.R. No. 237721 (In Re: Correction/Adjustment of Penalty Pursuant to Republic Act No. 10951[1], In Relation to Hernan v. Sandiganbayan[2]- Rolando Elbanbuena y Marfil, Petitioner).

Particular attention should be given to the highlighted portions of the quoted ruling in Hernan v. Sandiganbayan and the issued guidelines which shall govern the procedure for actions seeking (1) the modification, based on the amendments introduced by RA No. 10951, of penalties imposed by final judgments; and (2) the immediate release of the petitioner-convict on account of full service of the penalty/penalties, as modified.

24 August 2018

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

[1]An Act Adjusting the Amount or the Value of Property and Damage on Which a Penalty is Based, and the Fines Imposed Under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as "The Revised Penal Code," as Amended.

[2] G.R. No. 217874, 5 December 2017

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