

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS OF DAVID CAÑAS, FLORENCIA CAÑAS, PETITIONER, VS. DIRECTOR OF THE BUREAU OF PRISONS, ET AL., RESPONDENTS.

G.R. No. L-41557. August 18, 1977

Ponente: ANTONIO, J.

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ANTONIO, J.:

The instant petition for the issuance of the writ of habeas corpus, filed by Florencia Cañas in behalf of David Cañas, alleges that on September 4, 1975, David Cañas was taken from his home by five persons, two of whom identified themselves as detectives of Precinct 3, Tondo, Manila, without a warrant of arrest; that he was brought to the Manila Police Headquarters, Warrant Section, United Nations Avenue, Manila; and that he was deprived of his liberty and is still detained at the New Bilibid Prisons, in violation of his constitutional rights.

Petitioner prays for an order directing the Director of Prisons or any person with vested authority to release said David Cañas.

Per Resolution dated October 8, 1975, this Court ordered the issuance of the writ of habeas corpus and directed the respondents to make a return thereof not later than October 14, 1975.

On October 14, 1975, the Director of Prisons made a return of the writ and answered the petition, alleging, in part, that:

"(b) On October 4, 1975, David Cañas y Dulalla with Bureau of Prisons Identification No. 97061-P was, again committed to the Bureau of Prisons to serve sentence, commencing on September 4, 1975, in connection with Criminal Case No. 44521 for murder wherein he was found guilty of homicide and ordered to suffer an indeterminate penalty of Six (6) Years and One (1) Day of prison mayor as minimum to Twelve (12) Years and One (1) Day of reclusion temporal as maximum in a decision of the Court of First Instance of Manila dated February 9, 1960.

"The committal was accomplished with the delivery of the person of David Cañas y Dulalla and proper service of accompanying committal papers consisting of the following:

"(a) An indorsement from the Metropolitan Police Force, Western District, City Jail Manila dated September 26, 1975 signed by the Warden Major Jose T. Tagle of the Metropolitan Police Force manifesting delivery of the custody and control of prisoner David Cañas y Dulalla to the Director, New Bilibid Prisons, Muntinlupa, Rizal for service of sentence in Criminal Case No. 44521 for Murder.

"(b) Commitment orders from the Court of First Instance Manila dated September 22, 1975, signed by Judge Juan F. Echiverri, CFI-Manila, Branch XIV addressed to the Director of Prisons and committing the person of David Cañas y Dulalla for service of sentence imposed by the aforestated Court in Case No. 44521 for the crime of Murder, the same to commence from September 4, 1975.

"(c) A true copy of a decision rendered by the Court of First Instance of Manila, Branch XIV dated February 9,

1960, in the case entitled "People of the Philippines versus David Cañas y Dulalla, Accused," docketed as Criminal Case No. 44521 for Murder, wherein the accused David Cañas was found guilty of Homicide and sentenced as follows:

'IN VIEW WHEREOF, accused is found guilty of homicide with the mitigating circumstance of intoxication; he is sentenced to the indeterminate penalty of SIX (6) YEARS and ONE (1) DAY of prision mayor as minimum, to TWELVE (12) YEARS and ONE (1) DAY of reclusion temporal as maximum; to indemnify the heirs of the offended party in the sum of P3,000.00 without subsidiary imprisonment in case of insolvency, and to pay the costs; he shall be entitled to 1/2 of the period of his preventive imprisonment that he may have undergone.'

"9. By virtue of the aforementioned documents presented, which appeared to be valid, subsisting and legal, the respondent Director of Prisons acting on the same, in due course, ordered the immediate detention and incarceration of prisoner David Cañas y Dulalla in the National Penitentiary in Muntinlupa, Rizal for the service of the sentence above-mentioned."

Attached as annexes to the Answer were a true copy of the indorsement from the Metropolitan Police Force (Annex "A"), a xerox copy of the commitment orders for the person of David Cañas (Annex "A-1"), and a true copy of the decision in Criminal Case No. 44521 (Annex "A-2").

It appears from the foregoing that the commitment and detention of David Cañas are in pursuance of lawful order of the court, issued in connection with Criminal Case No. 44521 for the purpose of executing the judgment therein rendered.

WHEREFORE, the instant petition is hereby dismissed, without pronouncement as to costs.

Fernando, (Chairman), Barredo, Aquino, Concepcion, Jr., and Santos, JJ., concur.

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