

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS OF OSCAR DE GUZMAN, CHAIRMAN SEDFREY A. ORDOÑEZ, DIRECTOR EMMANUEL C. NERI AND THE COMMISSION ON HUMAN RIGHTS, PETITIONERS, VS. D...

G.R. No. 117376. December 08, 1994

Ponente: ROMERO, J.

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ROMERO, J.:

This is an original petition for habeas corpus filed directly before this Court in behalf of Oscar de Guzman y Enriquez, who was tried and convicted by the Regional Trial Court of San Jose City - Branch 39 in G.R. No. 76742, "People of the Philippines v. Oscar de Guzman y Enriquez," 188 SCRA 408, for violation of the Dangerous Drugs Act of 1972, alleging in particular the fact that de Guzman wilfully and unlawfully sold two (2) sticks of marijuana.

Upon review by this Court, the trial court's decision sentencing de Guzman to suffer the penalty of life imprisonment plus payment of P20,000 fine and costs was affirmed in toto and the appeal was dismissed with costs against accused-appellant.

Under the provisions of Section 20, Republic Act No. 6425 as last amended by R.A. 7659, which became effective on December 31, 1993, and as interpreted by this Court in the case of *People v. Simon*,^[1] if the quantity of the marijuana involved is less than 250 grams, the imposable penalty, in the event that the conviction should be affirmed, shall be within the range of prision correccional (from six (6) months and one (1) day to six (6) years). Clearly, de Guzman is entitled to benefit from the reduction of penalty introduced by the new law.

Petitioners allege that since de Guzman has been serving sentence since July 1984 or for more than ten (10) years now, his continued detention in the National Penitentiary is a violation of his basic human rights and that, therefore, he should be released from prison without further delay. In aid of judicial administration, petitioners further recommend that all prisoners similarly situated be likewise released from prison.

The writ of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty upon a verified petition setting forth:

1. that the person in whose behalf the application is made is imprisoned or restrained of his liberty;
2. the officer or name of the person by whom he is so imprisoned or restrained;
3. the place where he is imprisoned or restrained of his liberty; and
4. a copy of the commitment or cause of detention of such person (Section 3, Rule 102, Revised Rules of Court).

It appearing that all the above requirements have been met and finding merit in the petition, the same is hereby GRANTED. Let a writ of habeas corpus issue immediately.

The Director, New Bilibid Prisons, is commanded to forthwith execute the writ for de Guzman's discharge from confinement unless he is being detained for some other lawful cause, to make due return of the writ, and to submit a complete inventory of all other prisoners therein similarly situated within thirty days, to relieve them from further confinement. With costs de oficio.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.
Feliciano, J., on leave.

[1] G.R. No. 93028, July 29, 1994.

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