

ROLANDO ANGELES Y BOMBITA, PETITIONER, VS. DIRECTOR OF NEW BILIBID PRISON, RESPONDENT.

G.R. No. 117568. January 04, 1995

Ponente: VITUG, J.

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VITUG, J.:

In *People v. Angeles*, [1] this Court affirmed the trial court's decision convicting accused Rolando Angeles y Bombita of the offense he was charged with, i.e., sale of methamphetamine hydrochloride, also known as "shabu," punishable under Section 15, [2] Article III, of the Dangerous Drugs Act of 1972 (R.A. No. 6425) and sentencing him to suffer the penalty of life imprisonment and to pay a fine of P20,000.00.

Rolando Angeles y Bombita has now lodged with us this petition for habeas corpus, invoking (a) Republic Act No. 7659, which has reduced the penalties prescribed under the original provisions of the Dangerous Drugs Act, and (b) the recent ruling of this Court in *People vs. Martin Simon y Sunga*, [3] which has confirmed the retroactive application of the above-numbered amendatory law.

Petitioner was charged with, and convicted of, selling and delivering 0.13 grams of shabu. Conformably with the second paragraph of Section 20 of Republic Act No. 6425, as amended by Section 17 of Republic Act No. 7659 and as construed and applied in *People v. Simon*, the newly prescribed penalty for his offense would now only be prison correccional. Applying the Indeterminate Sentence Law, the range of indeterminate penalty on petitioner, modified accordingly, should thereby be from six (6) months of arresto mayor as minimum to six (6) years of prison correccional as maximum.

The foregoing notwithstanding, Angeles' petition for habeas corpus cannot be granted. Petitioner, it appears, has only served the minimum of his sentence; however, he may, if qualified, be released on parole pursuant to Section 5 of the Indeterminate Sentence Law, which reads:

"SECTION 5. It shall be the duty of the Board of Indeterminate Sentence to look into the physical, mental and moral record of the prisoners who shall be eligible to parole and to determine the proper time of release of such prisoners. Whenever any prisoner shall have served the minimum penalty imposed on him, and it shall appear to the Board of Indeterminate Sentence, from the reports of the prisoner's work and conduct which may be received in accordance with the rules and regulations prescribed, and from the study and investigation made by the Board itself, that such prisoner is fitted by his training for release, that there is a reasonable probability that such prisoner will live and remain at liberty without violating the law and that such release will not be incompatible with the welfare of society, said Board of Indeterminate Sentence may, in its discretion, and in accordance with the rules and regulations adopted hereunder, authorize the release of such prisoner on parole, upon such terms and conditions as are herein prescribed and as may be prescribed by the Board."

While the instant petition for habeas corpus should be DISMISSED for its prematurity, the Court, nonetheless, expresses its concern over the plight of persons convicted for drug-related offenses prior to the enactment and effectivity of Republic Act No. 7659 who, like herein petitioner, could be entitled to parole for having served their minimum sentences, or who, indeed, may be due for release from confinement after having served their maximum

sentences conformably with the applicable penalties newly prescribed by Republic Act No. 7659 and our decision, construing this law, in the Simon case. Aware of the need to have this matter attended to with great dispatch, the Court sees it fit to take the opportunity, by way of extraordinary measures, to pronounce thusly:

All courts of competent jurisdiction may entertain petitions for habeas corpus to consider the release of prisoners convicted for violation of the Dangerous Drugs Act who have served the maximum of the applicable penalties newly prescribed by Republic Act No. 7659. In this regard, the formalities required for petitions for habeas corpus shall be construed liberally, and such petitions, although deficient in form (e.g. in letter-petition forms), may be entertained so long as they are sufficient in substance. In the negative, the courts to which the petitions are filed may refer the matter to the Commission on Human Rights or to the Public Attorney's Office for possible assistance to the prisoners concerned.

WHEREFORE, the instant petition for habeas corpus, being still premature, is DISMISSED. LET, however, a copy of this resolution be furnished to the Commission on Human Rights and the Public Attorney's Office for their information and guidance. No costs. SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Kapunan, and Mendoza, JJ., concur.

Feliciano, J., on leave.

[1] 209 SCRA 799.

[2] SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.

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

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