

NARCISO CANSINO, PETITIONER, VS. DIRECTOR OF NEW BILIBID PRISON, RESPONDENT.

G.R. No. 119326. July 17, 1995

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-119326/>

QUIASON, J.:

This is a petition for habeas corpus filed before this Court in behalf of Bayani T. Cansino, who was charged before the Regional Trial Court, Branch 33, Manila in Criminal Case No. 83-21622 with violation of Section 4, Article II of R.A. No. 6425, otherwise known as "The Dangerous Drugs Act," as amended. The information against petitioner reads:

"That on or about October 28, 1983, in the City of Manila, Philippines, the said accused, not being authorized by law to sell, deliver, give away to another or distribute any prohibited drug, did then and there willfully and unlawfully sell or offer for sale dried flowering tops of MARIJUANA, which is a prohibited drug" (Rollo, P. 16).

After trial, the court a quo rendered a judgment finding petitioner guilty beyond reasonable doubt, and disposing as follows:

"WHEREFORE, in view of all the foregoing considerations, the Court finds the accused Bayani Cancino y Timpog guilty beyond reasonable doubt for violation of Section 4, Article II in relation to Section 2(e), (i) of Republic Act No. 6425, as amended by Presidential Decrees Nos. 44 and 1675 and imposes upon the said accused the penalty of LIFE IMPRISONMENT with all the accessory penalties attached thereto; to pay a fine of P20,000.00 with subsidiary imprisonment in case of insolvency; and to pay the costs" (Rollo, pp. 33-34).

Petitioner did not appeal from said judgment and instead started serving sentence on January 5, 1985. As of March 13, 1995, he has already completed nine years, ten months and seven days.

It should be noted that on December 13, 1993, R. A. No. 7659, otherwise known as "An Act to Impose Death Penalty on Certain Heinous Crimes" was enacted, thereby partly further amending R.A. No. 6425. Section 4, Article II of the old law provides a penalty of imprisonment ranging from 12 years and one day to 20 years of prision mayor and a fine ranging from P12,000.00 to P20,000.00 to any person who, unless authorized by law, shall sell, administer, deliver, distribute or transport prohibited drugs. Under the new law, where the quantity of the prohibited drugs involved is less than 750 grams, the penalty of imprisonment is reduced to a range from prision correccional to reclusion perpetua depending upon the quantity of marijuana involved. Subsequent to the enactment of R. A. No. 7659, *People v. Simon*, G.R. No. L-93028, July 29, 1994 and *People v. De Lara*, G.R. No. 94953, September 5, 1994 were decided in which this Court ruled that where the quantity of marijuana involved is below 250 grams; the penalty to be imposed is six months and one day to six years of prision correccional.

Pursuant to these doctrines, petitioner now seeks the benefit brought about by R.A. No. 7659 to be applied to him.

Considering that the provisions of R.A. No. 7659 with regard to the penalty imposed for violation of Section 4,

Article II of the Dangerous Drugs Act favor petitioner, the same should be made to apply to him (Revised Penal Code, Art. 22).

Inasmuch as petitioner has already served nine years, ten months and seven days, way over the penalty of imprisonment required for his offense and the Office of the Solicitor General after being required to comment on the petition expresses no objection to the same, the petition is GRANTED. Let a writ of habeas corpus issue immediately.

The Director of the New Bilibid Prison is mandated to execute the writ for petitioner's release from confinement (unless there is some other lawful cause for which he need be confined) and to make a return thereof. With costs de officio.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.