CITY WARDEN OF THE MANILA CITY JAIL, PETITIONER, VS. RAYMOND S. ESTRELLA, RONEL N. AMPARO, ALFRED F. LEHNER, RONALD C. RODRIGO, ANTHONY G. MUNSAYAC, ARIEL A. DEL ROSARIO, ORLAND...

G.R. No. 141211. August 31, 2001

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a petition for review of the order, dated November 22, 1999, of the Regional Trial Court, Branch 52, Manila, directing by writ of habeas corpus the release from confinement of herein respondents.

The antecedents are as follows:

In celebration of Law Day on September 18, 1999, the Integrated Bar of the Philippines National Committee on Legal Aid (NCLA) initiated a jail visitation program. IBP volunteer lawyers and law students visited various jails in Metro Manila. In the City Jail of Manila, they found thirty-four (34) prisoners, herein respondents, whom they believed were entitled to be released after deducting time allowances for good conduct in the service of their respective sentences. The thirty-four (34) prisoners and their sentences are the following:

1. Raymond Estrella y Serdan

six (6) years for carnapping[1]

2. Ronel[2] Amparo y Nuñez

six (6) years for carnapping [3]

3 Alfred Lehner y Feichti

six (6) months of arresto mayor, as minimum, to two (2) years, four (4) months, and one (1) day of prision correccional, as maximum, for serious physical injuries[4]

two sentences of six (6) months of arresto mayor, as minimum, to one (1) year of prision correccional, as maximum, for illegal possession of drugs[5]

4. Ronald C. Rodrigo

two (2) years imprisonment for illegal possession of drugs[6]

5. Anthony Munsayac y Gonzales six

(6) months and one (1) day to two (2) years for illegal possession of drugs[7]

6. Ariel del Rosario y Aguilar

one (1) year imprisonment for illegal possession of fire-arms[8]

7. Orlando Del Rosario y Dela Cruz

one (1) year imprisonment for illegal possession of drugs[9]

8. Victor Samson y Bustos

six (6) months of arresto mayor, as minimum, to one (1) year of prision correccional, as maximum, and to pay the costs.[10]

9. Richard Nacua y Sanchez

one (1) month and one (1) day of arresto mayor, as minimum, to one (1) year of prision correccional, as maximum, for illegal possession of drugs[11]

10. Alfonso Relloso y Barrantes[12]

two (2) years and six (6) months of prision correccional for illegal possession of drugs[13]

11. Armando Reyes y Alvarez

two (2) years imprisonment for illegal possession of drugs[14]

12. Mary Grace Tanusan y Habaro

one (1) year of prision correccional minimum for illegal possession of drugs[15]

13. Gary Zalde Velarde y Concepcion

two (2) months for theft[16] seven (7) months imprisonment for theft[17]

14. Eliseo Perez y Gutierrez

eight (8) months imprisonment for illegal possession of drugs[18]

15. Federico Malonzo y Perez

six (6) months imprisonment for illegal possession of drugs[19]

16. Romeo Dapat y David

six (6) months imprisonment for illegal possession of drugs[20]

17. Leticia Santos y Malorina

six (6) months imprisonment for illegal possession of drugs[21]

18. Nagamura Macabuat y Ali

six (6) months imprisonment for illegal possession of drugs[22]

19. Sulaiman Macaalin y Malawani[23]

six (6) months imprisonment for illegal possession of drugs[24]

20. Renato Manlapig y Saulo

six (6) months imprisonment for illegal possession of drugs.[25]

21. Jose Reyes y Punzalan

six (6) months imprisonment for illegal possession of drugs[26]

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22. Jocelyn Ibañez[27] y Villejo

three (3) months of arresto mayor for theft[28]

23. Joel Aguilar y Dagalan

three (3) months imprisonment for violation of P.D. No. 9, par. 3 as amended by B.P. Blg. 6[29]

24. Isagani Manzo y Rio

six (6) months imprisonment for illegal possession of drugs[30]

25. Marvin Padrones y Quintana

six (6) months imprisonment for illegal possession of drugs[31]

26. Charlie Quirmit y Quintana

six (6) months imprisonment for illegal possession of drugs.[32]

27. Andrew Salcedo y Arcega

six (6) months imprisonment for illegal possession of drugs[33]

28. Eduardo Gineta y Embuedo

one (1) year imprisonment for illegal possession of drugs[34]

29. Eduardo Martinez y Salva

six (6) months imprisonment for illegal possession of drugs[35]

30. Molly Lalik y Gabunada

six (6) months imprisonment for illegal possession of drugs[36]

31. Gerado Maloga y Jacinto

six (6) months imprisonment for illegal possession of drugs[37]

32. Henry Mancilla y Barquin

six (6) months and one (1) day of imprisonment for illegal possession of drugs.[38]

33. Armando Buelas y Clares

six (6) months and one (1) day of imprisonment for illegal possession of drugs[39]

34. Richard Magallon y Clarito

six (6) months imprisonment for illegal possession of drugs[40]

Respondents asked herein petitioner Rosendo M. Dial, City Warden of the Manila City Jail, to effect their release on the ground that they had already served their sentences, less time allowances for good conduct. Respondents invoked Arts. 97 and 99 of the Revised Penal Code which provide:

> Art. 97. Allowance for good conduct. ¾ The good conduct of any prisoner in any penal institution shall entitle him to the following deduction from the period of his sentence:
>
> 1. During the first two years of his imprisonment, he shall be allowed a deduction of five days for each month of good behavior;

2. During the third to the fifth year, inclusive, of his imprisonment, he shall be allowed a deduction of eight days for each month of good behavior;

3. During the following years until the tenth year, inclusive, of his imprisonment, he shall be allowed a deduction of ten days for each month of good behavior; and

4. During the eleventh and successive years of his imprisonment, he shall be allowed a deduction of fifteen days for each month of good behavior.

Art. 99. Who grants time allowances. ¾ Whenever lawfully justified, the Director of Prisons shall grant allowances for good conduct. Such allowances once granted shall not be revoked.

However, petitioner City Warden denied respondents' request on the ground that only the Director of the Bureau of Corrections can grant them allowances for good conduct under Art. 99 of the Revised Penal Code. Nonetheless, on October 11, 1999, petitioner City Warden issued certifications of good behavior to respondents stating that had respondents been credited time allowances for good conduct, they should have been released on the following dates indicated opposite their names:

Date of
Confinement

Date of
Decision

Date of Release
after Deducting
Good Conduct
Time
Allowances

1. Raymond S. Estrella

March 28, 1994

April 19, 1999

Feb. 22, 1999[41]

2. Ronel N. Amparo

March 29, 1994

June 27, 1994

Feb. 23, 1999[42]

3. Alfred F. Lehner

June 21, 1996

Aug. 26, 1998

April 16, 1999[43]

4. Ronald C. Rodrigo

Oct. 28, 1997

Dec. 10, 1997

June 28, 1999[44]

5. Anthony G. Munsayac

Oct. 12, 1997

Feb. 20, 1998

Aug. 2, 1999[45]

6. Ariel A. Del Rosario

Oct. 2, 1998

April 7, 1999

Aug. 2, 1999[46]

7. Orlando D. Del Rosario

Oct. 31, 1998

Feb. 9, 1999

Aug. 2, 1999[47]

8. Victor B. Samson

Oct. 16, 1998

Nov. 17, 1998

Aug. 8, 1999[48]

9. Richard S. Nacua

Oct. 15, 1998

Jan. 27, 1999

Aug. 15, 1999[49]

10. Alfonso B. Relloso

May 23, 1997

Aug. 24, 1999

Aug. 23, 1999[50]

11. Armando A. Reyes

Oct. 25, 1997

Aug. 4, 1999

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Aug. 25, 1999[51]

12. Mary Grace H. Tanauan

Oct. 10, 1998

Feb. 8, 1999

Aug. 30, 1999[52]

13. Gary Zalde C. Velarde

Jan. 21, 1999

Feb. 9, 1999

Sept. 6, 1999[53]

14. Eliseo G. Perez

Feb. 22. 1999

June 25, 1999

Sept. 12, 1999[54]

15. Federico G. Malonzo

April 18, 1999

Sept. 1, 1999

Sept. 18, 1999[55]

16. Romeo D. Dapat

April 18, 1999

Sept. 1, 1999

Sept. 18, 1999[56]

17. Leticia M. Santos

April 30, 1999

Sept. 1, 1999

Sept. 30, 1999[57]

18. Nagamura A. Macabuat

May 4, 1999

Sept. 9, 1999

Oct. 4, 1999[58]

19. Sulaiman M. Macalim

May 4, 1999

Sept. 9, 1999

Oct. 4, 1999[59]

20. Renato S. Manlupig

May 5, 1999

Sept. 2, 1999

Oct. 5, 1999[60]

21. Jose P. Reyes

May 10, 1999

Aug. 26, 1999

Oct. 10, 1999[61]

22. Jocelyn V. Ibañez

July 28, 1999

Aug. 20, 1999

Oct. 13, 1999[62]

23. Joel D. Aguilar

Aug. 29, 1999

Sept. 16, 1999

Oct. 14, 1999[63]

24. Isagani R. Manzo

May 21, 1999

Aug. 25, 1999

Oct. 21, 1999[64]

25. Marvin Q. Padrones

May 21, 1999

Aug. 25, 1999

Oct. 21, 1999[65]

26. Charlie Q. Quirmit

May 21, 1999

Aug. 25, 1999

Oct. 21, 1999[66]

27. Andrew A. Salcedo

June 1, 1999

Sept. 1, 1999

Nov. 1, 1999[67]

28. Eduardo E. Gineta

June 17, 1998

March 15, 1999

Nov. 17, 1999[68]

29. Eduardo S. Martinez

June 20, 1999 A

ug. 26, 1999

Nov. 20, 1999[69]

30. Molly G. Lalik

June 21, 1999

Aug. 26, 1999

Nov. 21, 1999[70]

31. Gerardo J. Maloga

June 26, 1999

Aug. 26, 1999

Nov. 26, 1999[71]

32. Henry B. Mancilla

June 24, 1999

Aug. 26, 1999

Nov. 26, 1999[72]

33. Armando C. Buelas

June 24, 1999

Aug. 26, 1999

Nov. 26, 1999[73]

34. Richard C. Magallon

June 29, 1999

Aug. 25, 1999

Nov. 29, 1999[74]

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On October 15, 1999, respondents, represented by the IBP National Committee on Legal Aid, filed in this Court a petition for habeas corpus, alleging that ¾

> 4.4 [Petitioner] Manila City Jail Warden has issued verified certifications to the effect that the [respondents] have exhibited good behavior and exemplary conduct in the service of their sentences. These grant [respondents] an irrevocable good conduct time allowance pursuant to Article 99 of the same Code.
>
> 4.5. By virtue of the good behavior and exemplary conduct of the [respondents] as duly recognized by the [petitioner], the former are now entitled to demand as a matter of right, and the latter is justified in granting, their release from their present confinement considering the fact that they are deemed to have fully served the period of their respective sentences.
>
> 4.6 [Respondents], however, remain in confinement at the MCJ and are continually deprived of their liberty because of the refusal of the [petitioner] Manila City Jail Warden, or other wardens other than the Director of Prisons, to grant their release;
>
> 4.7 [Petitioner] justifies his refusal to release the prisoners from confinement with this Honorable Court's ruling in the case of People vs. Tan, G.R. No. 1-21805, February 25, 1967, a pertinent portion of which reads:
>
> There is no justification in the provincial warden's usurping the authority of the Director of Prisons in crediting the prisoner with good conduct time allowance. Such authority is exclusively vested in the Director.

4.8. Under the present organization of the jail system, all city, provincial, and municipal jails are now under the Bureau of Jail Management, which in turn is under the supervision of the Department of Interior and Local Government (DILG). On the other hand, the Director of Prisons (now the Director of the National Bureau of Corrections) is under the jurisdiction of the Department of Justice (DOJ) and has no authority over jail wardens in the cities, provinces, and municipalities;

4.9 It appears that the provisions of Articles 97 and 99 of the Revised Penal Code, in the absence of a concurrent change in the designation of the officer authorized to grant the time allowance from the National Director (formerly the Director of Prisons) to the Jail Wardens, was rendered ineffective and inapplicable as far as the prisoners confined in the city, provincial, and municipal jails are concerned.

4.10 The above interpretation, if sustained, would favor some prisoners to the detriment and prejudice of [respondents], who are detained at the Manila City Jail, clearly a palpable violation of the constitutional mandate to equal protection of the law.

4.11 On the other hand, Articles 97 and 99 should be construed in a manner consistent with the Constitution and favorable to herein [respondents] to the effect that the authority to grant the good conduct allowances has been shifted to the respective jail wardens, who, despite the different nomenclature of their position, perform the same function and responsibility as custodians of the [respondents] while in the service of their respective sentences.

4.12 It is most respectfully submitted that the above provisions shall be construed in a manner that would not lead to absurdity, contradiction, injustice or would defeat the clear purpose of the lawmakers (People vs. Manantan, 5 SCRA 684). In one case, it was held by this Honorable Supreme Court that a "Legal provision being susceptible of two interpretations, the Supreme Court adopts the one in consonance with the presumed intention of the legislature to give its enactments the most reasonable and beneficial construction, the one that will render them operative and effective and harmonious with other provisions of law" (Sesbreno vs. Central Board of Assessment Appeals, 270 SCRA 360).

4.13 Thus, [respondents] cannot be deprived of their liberty simply because Articles 97 and 99 of the Revised Penal Code were rendered obscure, silent, and insufficient by the reorganization of the jail management without

the correlative revisions on the title or name of the proper officer to be vested with the authority to grant the mandated allowance for good behavior. Verily, it was never intended in the reorganization to deny the grant of good conduct allowance as an incentive to hasten the reformation and rehabilitation of the [respondents];

4.14 Pending remedial legislation to address the resulting violation of the constitutional right of [respondents] and those similarly affected, [respondents] seek their release by praying that this Honorable Court order the [petitioner] Chief Inspector Rosendo M. Dial, in his capacity as City Warden of the Manila City Jail, to release herein [respondents], in the exercise of its judicial power and pursuant to Article 9 of the New Civil Code which states:

> Art. 9. No judge or court shall decline to render judgment by reason of the silence, obscurity or insufficiency of the law.[75]

In the resolution of November 15, 1999,[76] the Court issued the writ of habeas corpus which it made returnable to the Regional Trial Court, Manila. The case was eventually raffled to Branch 52 of that court. In his return,[77] petitioner City Warden, through the Solicitor General, opposed the release of respondents, arguing that while the Director of the Bureau of Corrections no longer exercises authority over city and municipal prisoners, he remains the sole authority under Art. 99 of the Revised Penal Code who can grant time allowances for good conduct to prisoners.

It turned out that 22 of the 34 respondents had already been released.[78] These were Ronald C. Rodrigo, Anthony G. Munsayac, Ariel A. Del Rosario, Orlando D. Del Rosario, Victor B. Samson, Richard S. Nacua, Armando A. Reyes, Mary Grace H. Tanusan, Gary Zalde C. Velarde, Eliseo G. Perez, Federico P. Malonzo, Romeo D. Dapat, Leticia M. Santos, Nagamura A. Macabuat, Sulaiman M. Macalim, Renato S. Manlapig, Jose P. Reyes, Jocelyn V. Ibañez, Joel D. Aguilar, Charlie Q. Quirmit, Andrew A. Salcedo, and Molly G. Lalik. On November 22, 1999, the trial court issued its challenged order directing petitioner City Warden to release from confinement respondents Raymond S. Estrella, Ronel N. Amparo, Alfred F. Lehner, Alfonso B. Relloso, Isagani R. Manzo, Marvin Q. Padrones, Eduardo E. Gineta, and Eduardo S. Martinez, while deferring the release of respondents Gerardo J. Maloga, Henry B. Mancilla, and Armando C. Buelas until November 26, 1999 and respondent Richard C. Magallon until November 29, 1999.[79]

The trial court held that (1) the Director of the Bureau of Corrections no longer has jurisdiction over city and municipal jails, and it is thus legally impossible for him to grant time allowances for good conduct to herein respondents who are inmates of the Manila City Jail; (2) respondents had been denied the equal protection of the laws because "national prisoners, who are still under the authority of the Director of the Bureau of Corrections, may be dispensed benefits by him under Art. 97, whereas local prisoners, over whom he lost authority, control, and supervision, are left with no one to dispense benefits under Art. 97";[80] and (3) that the certifications issued by petitioner City Warden constituted sufficient basis to grant respondents' release under Art. 97. It held that in the exercise of its "equity jurisdiction" under Art. 9 of the Civil Code, it could fill in "the hiatus or gap [in the law] on who is to grant local prisoners good conduct time allowance under Art. 97."

Hence this petition for review on certiorari filed by the Solicitor General.

I.

Before considering the merits of the petition, we will first deal with the technical objections raised by respondents.

First. Respondents contend that the petition was filed late on December 2, 1999 because both petitioner City Warden and the Office of the Solicitor General received the questioned release order on November 22, 1999.[81]

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The contention is without merit. Under B.P. Blg. 129, §39, the period of appeal in habeas corpus cases shall be forty-eight (48) hours from the notice of the judgment appealed from.[82] Petitioner thus had until November 24, 1999 to appeal. However, on November 23, 1999, prior to the expiration of the period to appeal, the Solicitor General asked for an extension of fifteen (15) days from November 24, 1999, or until December 9, 1999, within which to file the present petition. The Court having granted the motion,[83] the instant petition was timely filed on December 2, 1999.

Second. Respondents contend that the City Warden did not authorize the filing of the present petition, and that the City Warden in fact ordered the release of all of the respondents a few days after the issuance of the assailed order of November 22, 1999. Corollary to this, they contend that the petition should be verified by the City Warden, who is the real party in interest, and not by the Solicitor General or the latter's assistants.

This contention likewise lacks merit. Under P.D. No. 78, §1,[84] the Office of the Solicitor General is the legal representative of the Government of the Republic of the Philippines and its agencies and instrumentalities, and its officials and agents in any litigation, proceeding, investigation, or matter requiring the services of a lawyer, excepting only as may otherwise be provided by law. That the City Warden appears to have acquiesced in the release order of the trial court by his compliance therewith does not preclude the Solicitor General from taking a contrary position and appealing the same. The Solicitor General's duty is to present what he considers would legally uphold the best interest of the Government.[85]

With respect to respondents' objection to the verification of the petition for review filed in this case, Rule 7, §4 of the 1997 Rules of Civil Procedure provides:

> A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his knowledge and belief.[86]

The verification in this case, by Associate Solicitor Rico Sebastian D. Liwanag, states:

> 2. I was involved in the preparation of the foregoing Petition For Review on Certiorari.
>
> 3. I have read the same, the contents of which are true and correct based on my knowledge and belief.[87]

This complies with the requirement of Rule 7, §4 as above quoted.

II.

With respect to the merits, the Solicitor General contends that the trial court erred ¾

> IN RULING THAT CITY WARDENS MAY GRANT GOOD CONDUCT TIME ALLOWANCE UNDER ARTICLES 97 AND 99 OF THE REVISED PENAL CODE.

The Solicitor General contends that despite changes in the organizational structure of the prison system, the Director of the Bureau of Corrections remains the exclusive authority for granting good conduct time allowances and, therefore, it was error for the lower court to order the release of respondents on the basis of certifications issued by the City Warden as to time allowances for good conduct that respondents are entitled to.

Respondents argue that the trial court did not actually rule that the City Warden can grant good conduct time allowances under Art. 97 but merely relied on the City Warden's certifications regarding the prison records of respondent, thus:

> While it appears that the recent reorganization in the structure and management of the jail system created a hiatus or gap on who is to grant local prisoners good conduct time allowance under Art. 97, however, this Court opines and must hold that does not stop, deter, prevent this Court from extending reliefs to petitioners on

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> their benefits under Art. 97, since after all, they became and remained entitled thereto. In his certifications (Exhs. A to A-33) issued, respondent Warden confirmed that petitioners behaved properly and exhibited conduct during their entire incarceration in the jail and that if Art. 97 be applied in their favor, they are already eligible for release. Considering the clear pronouncement of the Warden himself, who has immediate control and supervision over petitioners, this Court, thus, sees no valid and justifiable reason/ground why such certifications would not be enough, under the present circumstances, to grant petitioners their entitled benefits under Art. 97, ergo, their immediate release, even in the absence of a new law or rule designating the authority which shall determine and grant such benefits on good conduct time allowance on local prisoner. Parenthetically, it cannot be denied that the Warden is in a better position than the Director of the Bureau of Corrections to determine who among the prisoners behaved well to be entitled under Art. 97. Obviously, the Director, in performing his tasks under Art. 99, has to refer, rely and depend on the report and recommendations of the warden of subject prisoners.[88]

We hold that the trial court erred in ordering the release of respondents before full service of their sentences without the certification at least of the Director of the Bureau of Corrections as to their good conduct time allowances.

First. The trial court held that the Director of the Bureau of Prisons, now the Bureau of Corrections,[89] no longer has the authority to grant good conduct time allowances to inmates in the provincial, city, and municipal jails in view of the enactment of R.A. No. 6975, otherwise known as the Department of the Interior and Local Government Act of 1990, which places provincial, city, and municipal jails under the supervision and control of the Bureau of Jail Management.[90]

The flaw in this argument is that it assumes that the authority to grant good conduct time allowances flows from the grant of the power of supervision and control, so that only those vested with this power can grant good conduct time allowances to prisoners. But this is not so. Under the Revised Charter of the City of Manila (R.A. No. 409), the Director of Prisons did not have control and supervision of the city jails of Manila. It was the Chief of Police of Manila who under §34 of the Charter "shall exercise supervision, administration, and control over the city jail and municipal prisoners." And yet, the Director of Prisons was acknowledged as the authority for granting good conduct time allowances to all prisoners regardless of their place of detention.

Neither is there any inconsistency between Art. 99 and R.A. No. 6975. Repeals by implication are not favored. To the contrary, every statute must be so interpreted and brought in accord with other laws as to form a uniform system of jurisprudence. Interpretare et concordare leqibus est optimus interpretendi.[91] For there to be an implied repeal, there must be a clear showing of repugnance. The language used in the later statute must be such as to render it irreconcilable with what has been formerly enacted. An inconsistency that falls short of that standard does not suffice.[92]

Second. Nor is there any basis for the conclusion of the trial court that it could rely on the certifications issued by the City Warden as to the good conduct time allowances of respondents because the Director of the Bureau of Corrections would also have to depend on the same anyway as respondents are not under his control and supervision. The question here is who has authority to grant good conduct time allowances, not on what basis such allowances should be made.

In Kabigting v. Director of Prisons,[93] it was held that in habeas corpus proceedings, the trial court has no power to grant the petitioner time allowances for good conduct "[because] in accordance with Article 99 of the Revised Penal Code it is the Director of the Prisons who shall grant allowances for good conduct if such good conduct has been observed by the prisoner concerned." In People v. Tan,[94] it was emphatically held that a provincial warden cannot grant credit for good conduct to a prisoner and order his release because Art. 99 of the Revised Penal Code

vests the authority to grant prisoners good conduct time allowances "exclusively in the Director and [in] no one else." In that case, the prisoner was under the supervision and control of the provincial warden, but the authority of the Director to grant good conduct time allowances was upheld. Indeed, there is nothing in R.A. No. 6975 which repeals Art. 99 of the Revised Penal Code.

Moreover, there are good reasons for holding in this case that the trial court could not rely on the certifications issued by the City Warden in crediting respondents with time allowances for good conduct. In the first place, the certifications issued by the City Warden lacked data on the dates when respondents started serving sentence.[95] Such data are important because, as has been observed, good conduct time allowances under Art. 97 may only be earned by prisoners while serving their sentence.[96] While Art. 29 of the Revised Penal Code provides that time spent in preventive imprisonment shall be credited in full or four-fifths in service of sentence, it does not say that the prisoners shall earn the credit for good behavior under Art. 97 during such period of preventive detention.

In the second place, the certifications issued by the City Warden contain errors. Some of the data stated therein are contrary to those stated in the documents submitted by respondents in support of their petition for habeas corpus. For example, in the case of respondent Alfred F. Lehner, the City Warden's certification states that he was sentenced on August 26, 1998 to imprisonment for "three (3) years to four (4) months and one (1) day" in Criminal Case Nos. 96-150703-04. However, Lehner's sentence in each of those cases was actually a prison term of six (6) months of arresto mayor, as minimum, to one (1) year of prision correccional, as maximum,[97] and the decision was rendered on August 30, 1996, not August 26, 1998 as stated in the certification. In the case of Gary Zalde Velarde y Concepcion, the City Warden's certification erroneously states Velarde's sentence in Criminal Case No. 314691-SA to be for seven (7) months to two (2) months imprisonment[98] when his sentence was actually two (2) months.[99] He was sentenced to seven (7) months for theft in another case,[100] which fact was not disclosed in the certification.

Needless to say, the writ of habeas corpus remains available as a remedy against any abuse of the authority granted by Art. 99 of the Revised Penal Code to the Director of Prisons, but that is altogether a different kettle of fish from the question posed in this case. Here, the question is whether a court may rely on the certification of the City Warden as to good conduct time allowances in ordering the release of prisoners by writ of habeas corpus. We hold that it cannot, in view of Art. 99 of the Revised Penal Code vesting the authority to grant good conduct time allowances solely in the Director of Prisons.

In view of the foregoing, we are constrained to order the re-arrest of all of respondents. This can be done without placing them in double jeopardy of being punished for the same offense because their re-incarceration is merely a continuation of the penalties that they had not completely served due to the invalid crediting of good conduct time allowances in their favor.[101]

WHEREFORE, the appealed order is SET ASIDE and the case is hereby REMANDED to the trial judge for further proceedings, taking into account the certification of the Director of the Bureau of Corrections as to the good conduct time allowances to which respondents may be entitled, by either granting the writ of habeas corpus with respect to some of the respondents or ordering the re-arrest of others, as the facts may warrant.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

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[1] Exh. B-1; Records, pp. 46-48.

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[2] Also spelled "Ronnel" in the Records.

[3] Id.

[4] This sentence was imposed in a decision, dated August 26, 1998 in Criminal Case No. 96-853 by the RTC, Branch 27 of Manila. Records, pp. 50-61.

[5] Per the decision, dated April 6, 1998, also by the RTC, Branch 27, Manila in Criminal Case Nos. 96-150703 and 96-0150704. Exh. B-2; Records, p. 49.

[6] Exh. B-3; Records, p. 62.

[7] Exh. B-4; id., p. 63.

[8] Exh. B-5; id., pp. 64-66.

[9] Exh. B-6; id., p. 67.

[10] Exh. B-7; id.; pp. 68-69.

[11] Exh. B-8; id., pp. 70-71.

[12] Also spelled "Barante" in the Records.

[13] Exh. A-9; Records, p. 21. See also Annex B-9 of Petition; Rollo, pp. 207-208.

[14] Exh. B-10; Records, p. 74.

[15] Records, p. 73. See also Exhs. A-11 and B-11; Records, pp. 23 and 75.

[16] Id., p. 72. See also Exh. A-12; id., p. 24.

[17] Exh. B-12; id., p. 76.

[18] Exh. B-13; id., p. 77.

[19] Exh. B-14; id., p. 78.

[20] Exh. B-15; id., p. 79.

[21] Exh. B-16; id., p. 80.

[22] Exh. B-17; id., p. 81.

[23] Also spelled "Mabawani" in the Records.

[24] Supra note 22.

[25] Exh. B-18; Records, p. 82.

[26] Exh. B-19; id., p. 83.

[27] Also spelled "Ibañez" and "Ibanes" in the Records.

[28] Exh. B-20; Records, p. 84.

[29] Exh. B-21; id., p. 85.

[30] Exh. B-22; id., p. 86.

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[31] Id.

[32] Id.

[33] Exh. B-23; Records, p. 87.

[34] Exh. B-24; id., p. 88.

[35] Exh. B-25; id., p. 89.

[36] Exh. B-26; id., p. 90.

[37] Exh. B-27; id., p. 91.

[38] Exh. B-28; id., p. 92.

[39] Exh. B-29; id., p. 93.

[40] Exh. B-30; id., p. 94.

[41] Exh. A; id., p. 12.

[42] Exh. A-1; id., p. 13.

[43] Exh. A-2; id., p. 14.

[44] Exh. A-3; id., p. 15.

[45] Exh. A-4; id., p. 16.

[46] Exh. A-5; id., p. 17.

[47] Exh. A-6; id., p. 18.

[48] Exh. A-7; id., p. 19.

[49] Exh. A-8; id., p. 20.

[50] Exh. A-9; id., p. 21.

[51] Exh. A-10; id., p. 22.

[52] Exh. A-11; id., p. 23.

[53] Exh. A-12; id., p. 24.

[54] Exh. A-13; id., p. 25

[55] Exh. A-14; id., p. 26.

[56] Exh. A-15; id., p. 27.

[57] Exh. A-16; id., p. 28.

[58] Exh. A-17; id., p. 29.

[59] Exh. A-18; id., p. 30.

[60] Exh. A-19; id., p. 31.

[61] Exh. A-20; id., p. 32.

[62] Exh. A-21; id., p. 33.

[63] Exh. A-22; id., p. 34.

[64] Exh. A-23; id., p. 35.

[65] Exh. A-24; id., p. 36.

[66] Exh. A-25; id., p. 37.

[67] Exh. A-26; id., p. 38.

[68] Exh. A-27; id., p. 39.

[69] Exh. A-28; id., p. 40.

[70] Exh. A-29; id., p. 41.

[71] Exh. A-30; id., p. 42.

[72] Exh. A-31; id., p. 43.

[73] Exh. A-32; id., p. 44

[74] Exh. A-33; id., p. 45

[75] Petition (G.R. No. 140194), pp. 6-8; Records, pp. 6-8.

[76] Id., pp. 95-96.

[77] Id., pp. 102-107.

[78] Per Order, dated November 19, 1999; id., p. 109.

[79] Per Judge Edgardo F. Sundiam. Records, pp. 110-115; Rollo, pp. 131-136.

[80] Prisoners are classified either as municipal, provincial, or national depending on the length of their sentence under the Revised Administrative Code of 1917, as amended by P.D. No. 29, which provides:

> SEC. 1739. Persons deemed to be municipal prisoners. ¾ The following persons are to be considered municipal prisoners:
>
> (a) Persons detained or sentenced for violation of municipal or city ordinances.
>
> (b) Persons detained pending trial before justices of the peace or before municipal courts.
>
> (c) Persons detained by order of a justice of the peace or judge of a municipal court pending preliminary investigation of the crime charged, until the court shall remand them to the Court of First Instance.
>
> (d) Persons who by reasons of their sentence may be deprived of liberty for not more than six months. The imposition of subsidiary imprisonment shall not be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.
>
> SEC. 1740. Persons deemed to be provincial prisoners. ¾ The following persons, not being municipal prisoners, shall be considered provincial prisoners.
>
> (a) Persons detained pending preliminary investigation before the Court of First Instance.
>
> (b) Persons who by reason of their sentence may be deprived of liberty for not more than three years or are subjected to a fine of not more than one thousand pesos, or are subjected to both penalties; but if a prisoner

> receives two or more sentences in the aggregate exceeding the period of three years, he shall not be considered a provincial prisoner. The imposition of subsidiary imprisonment shall not be taken into consideration in fixing the status of a prisoner hereunder except when the sentence imposes a fine only.
>
> SEC. 1741. National Prisoners. ¾ Prisoners who are neither municipal nor provincial prisoners shall be considered national prisoners, among whom shall be reckoned, in any event, all persons sentenced for violation of the Customs Law or other law within the jurisdiction of the Bureau of Customs or enforceable by it.

As the Solicitor General points out, respondents Raymond S. Estrella and Ronel N. Amparo are national prisoners. It likewise appears that respondent Alfred F. Lehner is a national prisoner by reason of his multiple sentences.

[81] Respondents' Memorandum, p. 4; Rollo, p. 397.

[82] Now part of Rule 41, §3 of the 1997 Rules of Civil Procedure per A.M. No. 0-1-1-03-SC- Re Amendment to Section 3, Rule 41 of the 1997 Rules of Civil Procedure, effective July 15, 2001.

[83] Resolution of December 15, 1999; Rollo, p. 244.

[84] Now in ADM. CODE, Book IV, Title III, Chapter 12, §35.

[85] See Pimentel, Jr. v. Commission on Elections, 289 SCRA 586 (1998) citing Martinez v. Court of Appeals, 237 SCRA 575 (1994); Orbos v. Civil Service Commission, 189 SCRA 459 (1990).

[86] Under A.M. No. 00-2-10-SC, effective May 1, 2000, the same now reads:

> A pleading is verified by an affidavit that the affiant has read the pleading and that the allegations therein are true and correct of his personal knowledge or based on authentic records.

[87] Petition, p. 13; Rollo, p. 128.

[88] RTC Release Order, p. 3; Rollo, p. 133.

[89] ADM. CODE, Book IV, Title III, Chapter 8, §26 provides that the Bureau of Corrections under the Department of Justice "shall exercise such powers and functions as are now provided for by the Bureau of Prisons or may hereafter provided by law."

[90] The pertinent provisions of R.A. No. 6975 read:

> SEC. 60. Composition. ¾ The Bureau of Jail Management and Penology, hereinafter referred to as the Jail Bureau, is hereby created initially consisting of officers and uniformed members of the Jail Management and Penology Service as constituted under Presidential Decree No. 765.
>
> SEC. 61. Powers and Functions. ¾ The Jail Bureau shall exercise supervision and control over all city and municipal jails. The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses shall be subsidized by the National Government for not more than three (3) years after the effectivity of this Act.

[91] Republic of the Philippines v. Marcopper Mining Corporation, G.R. No. 137174, July 10, 2000 citing Hagad v. Gozo-Dadole, 251 SCRA 242 (1995).

[92] Agujetas v. Court of Appeals, 261 SCRA 17 (1996) citing AGPALO, STATUTORY CONSTRUCTION 287-288 (1990).

[93] G.R. No. L-12276, Aug. 26, 1958.

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[94] 19 SCRA 433 (1967).

[95] What the certifications only stated are the dates of confinement which in the case of all of the respondents antedated the dates judgment was rendered against them.

[96] Baking v. Director of Prisons, 28 SCRA 851 (1969). Detention prisoners can earn good conduct allowances under Act 1533, §5 if they "voluntarily offer in writing to perform such labor as may be assigned by them."

[97] Exh. B-2; Records, p. 49.

[98] Exh. A-12; id., p. 24.

[99] Id., p. 72.

[100] Id., p. 76.

[101] People v. Tan, 19 SCRA 433 (1967).

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