SAMUEL BARREDO Y GOLANI, PETITIONER, VS. HON. VICENTE VINARAO, DIRECTOR, BUREAU OF CORRECTIONS, RESPONDENT.

G.R. NO. 168728. August 02, 2007

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-168728/

CORONA, J.:

This is a petition for the issuance of a writ of habeas corpus. Petitioner Samuel Barredo y Golani prays for his release from the maximum security compound of the New Bilibid Prison in Muntinlupa City on the ground that he has already served the sentence imposed on him in Criminal Case Nos. Q-92-38559 and Q-92-38560.

Criminal Case No. Q-92-38559[1] was for carnapping[2] while Criminal Case No. Q-92-38560 was for illegal possession of firearms.[3] Both cases were filed in the Regional Trial Court (RTC) of Quezon City, Branch 103.[4]

The cases were tried jointly. After trial, the court rendered a joint decision finding petitioner guilty of both charges. Relevant parts of the dispositive portion read:

> ACCORDINGLY, judgment is hereby rendered in Q-92-38559 finding Samuel Barredo,[5] xxx GUILTY beyond reasonable doubt xxx of the crime of Carnapping aggravated and qualified by the frustrated killing of Ciriaco Rosales and [he is] hereby sentenced to undergo an imprisonment term of THIRTY (30) YEARS;
>
> xxx xxx xxx
> In Q-92-38560, Samuel Barredo is hereby found GUILTY as principal beyond reasonable doubt of the crime of violation of P.D. 1866 and he is hereby sentenced to an imprisonment term of EIGHTEEN (18) YEARS and ONE (1) DAY of Reclusion Temporal.
>
> xxx xxx xxx
> SO ORDERED.[6]

No appeal was made, hence, the decision became final and executory.

Petitioner was committed to the custody of the Quezon City Jail (as detention prisoner) on March 15, 1993.[7] After conviction, he was transferred to and confined at the maximum security compound of the New Bilibid Prison in Muntinlupa City on July 23, 1994[8] where he is now still detained.

According to petitioner, as of August 2, 2004, he already served a total of 18 years. He claims that, on October 9, 2001, the Board of Pardons and Parole passed a resolution recommending the commutation of his sentence to a period of from 15 to 20 years. He further points out that, based on the Bureau of Corrections' revised computation table for determining the time to be credited prisoners for good conduct while serving sentence, he should only serve 14 years, 9 months and 18 days. Thus, this petition.

Is petitioner entitled to the writ of habeas corpus? No.

WRIT OF HABEAS CORPUS WILL NOTISSUE IF DETENTION IS BY VIRTUE OF VALID JUDGMENT

The writ of habeas corpus applies to all cases of illegal confinement, detention or deprivation of liberty.[9] It was devised as a speedy and effective remedy to relieve persons from unlawful restraint.[10] More specifically, it is a remedy to obtain immediate relief for those who may have been illegally confined or imprisoned without sufficient cause and thus deliver them from unlawful custody.[11] It is therefore a writ of inquiry intended to test the circumstances under which a person is detained.[12]

The writ may not be availed of when the person in custody is under a judicial process or by virtue of a valid judgment.[13] However, the writ may be allowed as a post-conviction remedy when the proceedings leading to the conviction were attended by any of the following exceptional circumstances:

- there was a deprivation of a constitutional right resulting in the restraint of a person;

- the court had no jurisdiction to impose the sentence or

- the imposed penalty was excessive, thus voiding the sentence as to such excess.[14]

The rule is that if a person alleged to be restrained of his liberty is in custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record the writ of habeas corpus will not be allowed.[15] Thus, Section 4, Rule 102 of the Rules of Court provides:

> Sec. 4. When writ not allowed or discharge authorized. - If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment. (emphasis supplied)

Petitioner was detained pursuant to a final judgment of the Quezon City RTC convicting him for the crimes of carnapping and illegal possession of firearms. He is therefore not entitled to the writ of habeas corpus.

SENTENCE IS VOID INSOFAR AS IT FAILED TO IMPOSE AN INDETERMINATE SENTENCE

As correctly pointed out by the Solicitor General, however, the trial court erred in imposing a straight penalty of imprisonment for 30 years in the carnapping case. The sentence imposed by the trial court deprived petitioner of the benefits of the Indeterminate Sentence Law.[16] Hence, it was void insofar as it failed to impose an indeterminate sentence.

Since the crime was committed by means of violence against or intimidation of persons, the imposable penalty under the Anti-Carnapping Act of 1972 was imprisonment for not less than 17 years and 4 months and not more than 30 years.[17] Furthermore, pursuant to the Indeterminate Sentence Law, the court should have imposed an indeterminate sentence with a maximum term not exceeding the maximum fixed by the special penal law and a minimum term not less than the minimum term prescribed by the same law.[18] Therefore, the proper imposable penalty is imprisonment not for 30 years but for an indeterminate sentence of 17 years and 4 months as minimum to 30 years as maximum.[19]

REDUCTION OF PENALTY UNDERAMENDATORY LAW SHOULD BE APPLIED RETROACTIVELY

Petitioner is likewise entitled to a reduction of the penalty imposed upon him in the illegal possession of firearms case in view of the passage of RA 8294. The law reduced the penalty for simple illegal possession of firearms to prision correccional in its maximum period and a fine of not less than P15,000. Being favorable to petitioner, RA 8294 should be applied retroactively to benefit him.[20] Further applying the Indeterminate Sentence Law, the

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

proper imposable penalty is imprisonment for 4 years, 2 months and 1 day as minimum to 6 years as maximum.[21]

PETITIONER HAS NOT YET SERVED THE PENALTIES IMPOSED ON HIM

Petitioner has to serve the penalties imposed on him successively in the order of their severity.[22] Hence, he has to first serve the more severe penalty, i.e., that imposed in the carnapping case: imprisonment for 17 years and 4 months as minimum to 30 years as maximum. Only after he has served this will he commence serving the less severe penalty imposed in the illegal possession of firearms case: imprisonment for 4 years, 2 months and 1 day as minimum to 6 years as maximum.[23]

Per the certification issued by the Bureau of Corrections,[24] as of April 3, 2007, petitioner has served a total of 18 years, 4 months and 26 days, inclusive of his good conduct time allowance and preventive imprisonment. Thus, while he has already served the minimum penalty in the carnapping case, he has not yet served the minimum penalty in the illegal possession of firearms case. Consequently, petitioner is not entitled to the issuance of a writ of habeas corpus. Neither is he eligible for parole because only prisoners who have served the minimum penalty imposed on them may be released on parole on such terms and conditions as may be prescribed by the Board of Pardons and Parole.[25]

Petitioner's claim that the Board of Pardons and Parole passed a resolution recommending the commutation of his sentence does not justify the issuance of the writ of habeas corpus. Commutation of sentence is a prerogative of the Chief Executive.[26] Hence, even if petitioner's claim were true, the recommendation of the Bureau of Pardons and Parole was just that, a mere recommendation. Until and unless approved by the President, there is no commutation to speak of.

Accordingly, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, CJ., (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

---

[1] In this case, he was charged together with Romeo Camacho and Isaias Solsona.

[2] Penalized under RA 6539, otherwise known as "The Anti-Carnapping Act of 1972."

[3] Penalized under PD 1866, as amended.

[4] Presided by Judge Jaime N. Salazar, Jr.

[5] His co-accused, Camacho and Solsona, were likewise convicted as they were found to have conspired with each other.

[6] Joint Decision dated June 30, 1994 promulgated on July 21, 1994. Rollo, pp. 7-13.

[7] Per certification dated August 17, 1994, issued by the Bureau of Jail Management and Penology, Quezon City Jail. Id., p. 15.

[8] Per certification dated August 2, 2004, issued by the Bureau of Corrections. Id., p. 16.

[9] Go v. Dimagiba, G.R. No. 151876, 21 June 2005, 460 SCRA 451.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

[10] Id.

[11] Id.

[12] Id.

[13] Id.

[14] Id.

[15] De Joya v. The Jail Warden of Batangas City, G.R. No. 159418-19, 10 December 2003, 417 SCRA 636.

[16] Act No. 4103.

[17] RA 6539, Section 14.

[18] Id., Section 1. xxx; and if the offense is punished by [a special] law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same.

[19] People v. Viente, G.R. No. 103299, 17 August 1993, 225 SCRA 361.

[20] See Revised Penal Code, Article 22. Gonzales v. Court of Appeals, 343 Phil. 297 (1997).

[21] Id.

[22] See Revised Penal Code, Article 70.

[23] Thus, petitioner has to serve a total of 21 years, 6 months and 1 day as minimum and 36 years as maximum.

[24] Rollo, p. 90.

[25] Act No. 4103, Section 5.

[26] People v. Nardo, G.R. No. 133888, 01 March 2001, 353 SCRA 339.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.