

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. DAVID SUNGA Y BARRUT, RESPONDENT.

G.R. No. 74240. June 02, 1995

Ponente: VITUG, J.

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VITUG, J.:

David Sunga y Barrut was tried, convicted and sentenced to reclusion perpetua by the Regional Trial Court of Pasay City (Branch CXIII) for the offense he was charged with, i.e., sale of dried marijuana leaves. The decision was affirmed by this Court in G.R. No. 74240, entitled "People v. David Sunga y Barrut." [1] In a handwritten letter, dated 15 February 1995, addressed to the Chief Justice, Sunga petitions for his liberty.

In consonance with our pronouncement in Rolando Angeles y Bombita v. Director of New Bilibid Prison, [2] to the effect that in cases of this nature "the formalities required for petitions for habeas corpus shall be construed liberally, and such petition, although deficient in form (e.g. in letter-petition forms), may be entertained so long as they are sufficient in substance," the Court hereby considers the handwritten letter of Sunga as such a petition for habeas corpus.

The records show that in an information, [3] dated 26 June 1984, petitioner was charged with selling and delivering marijuana leaves in violation of Section 4, [4] Article II of Republic Act ("R.A.") No. 6425, as amended, in which the Assistant City Fiscal of Pasay City then rightly recommended no bail. The court a quo, in its 03 April 1986 decision, found petitioner guilty of having sold and delivered 25 grams of marijuana leaves worth P50.00 and imposed on him the penalty of reclusion perpetua [5] plus payment of P20,000.00 and costs. [6] This judgment was affirmed by this Court in G.R. No. 74240 on 24 September 1987.

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*, [7] the newly prescribed penalty for his offense would now be prision correccional. Applying the Indeterminate Sentence Law, the range of indeterminate penalty on David Sunga, modified accordingly, should thereby be only from six (6) months of arresto mayor as minimum to six (6) years of prision correccional as maximum.

It appears that Sunga has been incarcerated for almost eleven (11) years now which is well beyond the presently possible maximum sentence, in his particular case, of six (6) years of prision correccional.

WHEREFORE, the Director, Bureau of Corrections, is commanded to release David Sunga y Barrut from confinement unless he is being detained for some other lawful cause. Costs de oficio.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] 154 SCRA 264 (1987).

[2] G.R. No. 117568, 04 January 1995.

[3] Rollo, pp. 4-5.

[4] Sec. 4. Sale, Administration, Delivery, Distribution and Transportation of Prohibited Drugs -- x x x

[5] The appropriate designation of the penalty for violation of the Dangerous Drugs Act prior to its amendment by R.A. No. 7659 is life imprisonment.

[6] Rollo, pp. 21-31.

[7] 234 SCRA 555 (1994).

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