

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDITHA DE GUZMAN Y SUYAT, ACCUSED-APPELLANT.

G.R. No. 93628. August 04, 1995

Ponente: MELO, J.

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MELO, J.:

Accused was charged with Violation of Section 4, Article II, Republic Act No. 6425, The Dangerous Drug Act, for having sold and delivered one (1) brick of marijuana worth P500.00 to one Pat. Eduardo Fajardo.

In a decision dated January 3, 1990, the trial court found accused guilty, as follows:

ACCORDINGLY, judgment is hereby rendered finding the accused EDITHA DE GUZMAN Y SUYAT, guilty of Violation of Section 4, Article II, Republic Act No. 6425 as amended and is hereby sentenced as principal to suffer imprisonment of RECLUSION PERPETUA and to pay a fine of P30,000.00 without subsidiary imprisonment. Cost against the accused.

(p. 17, Rollo.)

which decision was affirmed by this Court, per Justice Melencio-Herrera in its decision dated July 9, 1991, thusly:

WHEREFORE, the judgment under review is hereby AFFIRMED in toto., for being in accord with the evidence and the law. Costs against accused-appellant Editha de Guzman y Suyat.

(p. 72, Rollo.)

Under the provisions of Section 20, Republic Act No. 6425, as last amended by Republic Act No. 7659, which became effective on December 31, 1993, and as interpreted by this Court in the case of *People v. Simon* (234 SCRA 555 [1994]) and restated in *Ordonez vs. Vinarao* (239 SCRA 114 [1994]), if the quantity of the marijuana involved is below 250 grams, the imposable penalty, in the event that the conviction should be affirmed, shall be within the range of prision correccional which has a duration of six (6) months and one (1) day to six (6) years.

Since accused has been committed to jail since November 16, 1988, per report of the Director of the Bureau of Corrections (p. 80, rollo), it is manifest that her continued detention beyond the maximum imprisonment term of 6 years would be a violation of her basic human rights. Consequently, she should be released from prision without further delay.

WHEREFORE, the Director of the Bureau of Corrections is hereby ordered to immediately release accused Editha de Guzman y Suyat, unless she is being detained for some other lawful cause.

SO ORDERED.

Feliciano, (Chairman), Romero, and Vitug, JJ., concur.

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