

**REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY**

SPECIAL THIRD DIVISION

**PEOPLE OF THE PHILIPPINES,
Plaintiff,**

**Criminal Case No. SB-07-
CRM-0020**

For: Violation of Section 3(e) of
Republic Act (R. A.) No. 3019

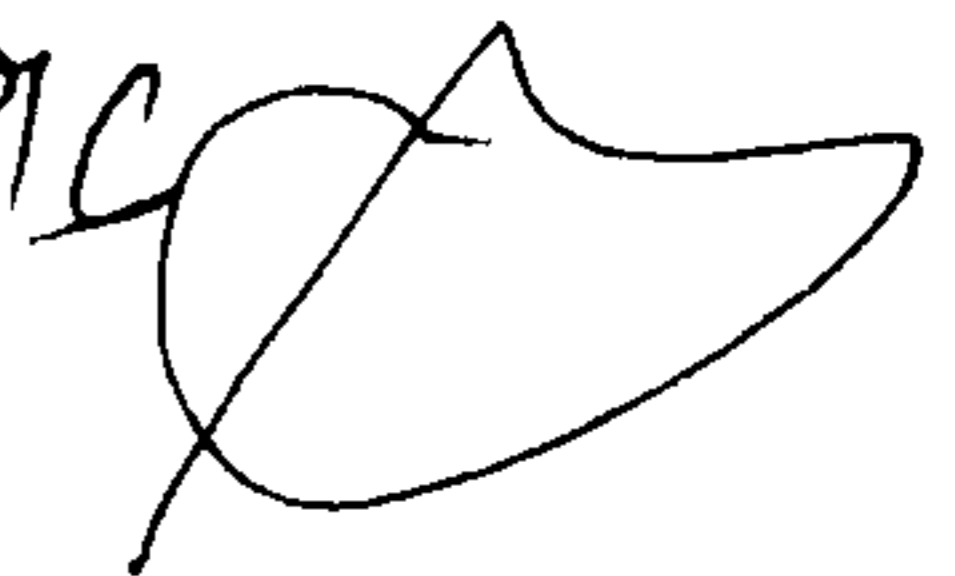
-versus-

**DIONISIO B. COLOMA, JR.
Accused.**

Present:

CABOTAJE-TANG, PJ,
Chairperson
**MARTIRES,¹ J. and
FERNANDEZ, J.**

Promulgated

AUGUST 15, 2016 

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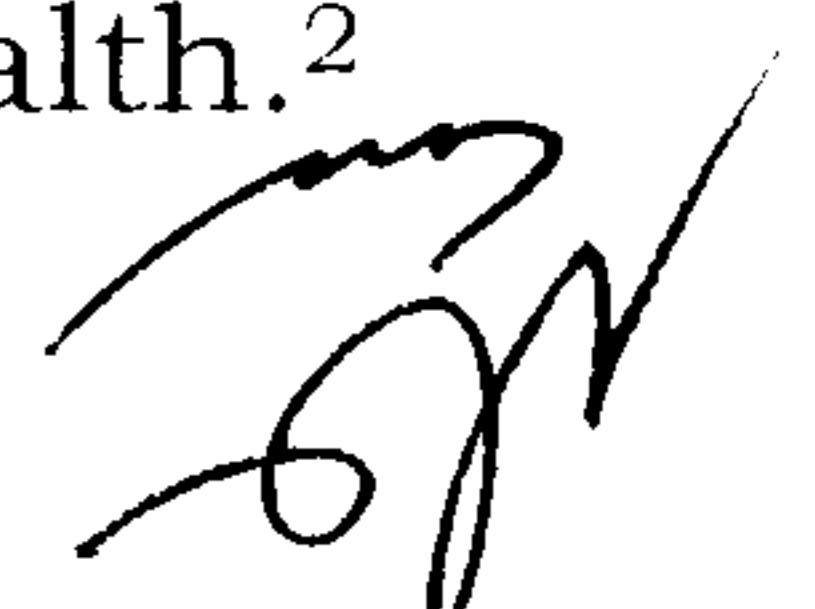
RESOLUTION

CABOTAJE-TANG, P.J.

For resolution is accused Dionisio B. Coloma, Jr.'s Manifestation and Motion dated September 2, 2015. According to the accused, he received an Entry of Judgment dated July 31, 2015 in this case. Thus, he prays that the Court no longer issue a warrant of arrest in view of his intent to surrender voluntarily to the provincial Governor of Sultan Kudarat and that he be allowed to serve his sentence in the Provincial Jail of Sultan Kudarat considering his frail health.²

¹ The motion was submitted for resolution when J. Martires, now Chairperson of the Second Division, was still a senior member of the Third Division.

² pp. 556-557, Record, Vol. 3



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The prosecution opposed subject manifestation and motion. It argues that the issuance of a warrant of arrest is but a logical consequence of the execution and enforcement of a final judgment. It also argues that the accused is classified as a national prisoner because he was sentenced to more than three (3) years of imprisonment; hence, he should be under the Bureau of Corrections.³

The Court finds the accused's motion bereft of merit.

Once a judgment of conviction becomes final and executory, the trial court has the ministerial duty to immediately execute the penalty of imprisonment and/or pecuniary penalty (fine). A motion to execute judgment of conviction is not necessary. With respect to the penalty of imprisonment, the trial court should cancel the bail bond and issue a warrant of arrest, if the accused is not yet under detention.⁴

While alleging that he has frail health, the accused expresses his intent to surrender himself to the Court and his request to be committed to the Davao Penal Colony as indicated in his letter dated October 24, 2015 addressed to the Court.⁵

Thus, there is no sound reason why the judgment against the accused, which became final and executory on February 18, 2015, should not be executed.

Parenthetically, OCA Circular No. 63-97 dated October 6, 2007⁶ enumerates the national penal institutions where national prisoners are to be committed depending on the regions where they belong to:

1. National prisoners in Regions X and XI – to be committed to the Davao Prison and Penal Farm at Panabo, Davao del Norte;

³ pp. 559-562, Record, Vol. 3

⁴ *Basilonia vs. Villaruz*, G.R. Nos. 191370-71, August 10, 2015

⁵ p. 569, Record, Vol. 3

⁶ Modification of Circular No. 4-92-A on the Transfer of National Prisoners to the Bureau of Corrections in Muntinlupa City, Metro Manila



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2. National prisoners in Region IX and XII – to be committed to the San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur;
3. National prisoners in Region VIII – to be committed to the Leyte Regional Prison at Abuyog, Leyte;
4. National prisoners in Palawan and Puerto Princesa City – to be committed to the Iwahig Prison and Penal Farm at Puerto Princesa, Palawan; and
5. National prisoners in Mindoro Oriental and Mindoro Occidental – to be committed to the Sablayan Prison and Penal Farm at Sablayan, Mindoro Occidental.

... ..

It is understood that: (1) all female national prisoners shall continue to be committed to the Correctional Institution for Women at Mandaluyong, Metro Manila; and (2) all other national male prisoners not included in the foregoing enumeration shall be committed to the New Bilibid Prison at Muntinlupa City.

The accused is from the Province of Sultan Kudarat; hence, he is a national prisoner in Region XII. Consequently, he should be committed to the San Ramon Prison and Penal Farm in Zamboanga City, Zamboanga del Sur.

WHEREFORE, the Court DENIES accused Dionisio B. Coloma's motion asking the Court not to issue anymore a warrant for his arrest considering his purported intent to surrender voluntarily.

Accordingly, let a warrant of arrest against accused Dionisio B. Coloma, Jr. be issued for the execution of judgment and the Philippine National Police (PNP), Chief of Police of Tacurong City, Sultan Kudarat is hereby ordered to make a return within ten (10) days from notice hereof.


SO ORDERED.

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Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

WE CONCUR:


SAMUEL R. MARTIRES
Associate Justice


SARAH JANE T. FERNANDEZ
Associate Justice