

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

SPECIAL THIRD DIVISION

PEOPLE OF THE
PHILIPPINES,

THE
Plaintiff,

Criminal Case No. SB-07-
CRM-0020

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

- versus -

DIONISIO B. COLOMA, JR.,
Accused.

Present:

CABOTAJE-TANG, P.J.,
Chairperson,
MARTIRES,¹ J. and
FERNANDEZ, J.

Promulgated:

CABOTAJE-TANG 13, 2016

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RESOLUTION

CABOTAJE-TANG, PJ:

For resolution is accused Dionisio B. Coloma, Jr.'s *Urgent Motion for Reconsideration as to the Commitment of Accused in San Ramon Prison and Penal Farm in Zamboanga City, Zamboanga del Sur* dated September 1, 2016.²

In his subject motion, the accused asserts that he is a resident of Davao City. Allegedly, Sultan Kudarat is only his business address and his stay therein is only temporary.

¹ J. Martires is one of the signatories to the resolution sought to be reconsidered.

² pp. 596-598, Record, Vol. 3

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Thus, he moves that he be committed to the Davao Penal Farm in Davao del Norte, instead of the San Ramon Prison and Penal Farm in Zamboanga City. In support thereof, the accused attached a copy of the Certification dated August 26, 2016,³ issued by the *Punong Barangay* of Catalunan Grande, Davao City, to the effect that the accused is a resident of the said *barangay*. According to the accused, his immediate family that is residing in Davao City could easily visit him and provide his medicines and personal necessities considering his advanced age and frail health if he is committed to the Davao Penal Farm.⁴

The prosecution filed its Comment dated September 19, 2016. The prosecution points out that the accused expressly stated in his Manifestation and Motion dated September 2, 2015 that he is a resident of Sultan Kudarat and even prayed that he be allowed to serve his sentence in the Provincial Jail of Sultan Kudarat. Thus, according to the prosecution, there is a good reason to believe that the accused is from the Province of Sultan Kudarat. It, however, manifests that it is submitting the subject motion to the sound discretion of the Court.⁵

The Court finds the motion devoid of merit.

In his Manifestation and Motion dated September 2, 2015, the accused explicitly stated that he be allowed to serve his prison term in the Provincial Jail of Sultan Kudarat because he is a resident of said province and that he is undergoing treatment in a local hospital in the same province.⁶

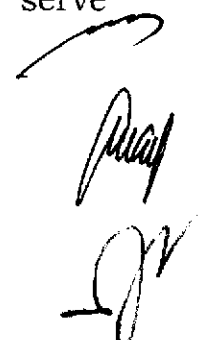
2. Accused while waiting for the issuance of warrant of arrest will surrender before the competent authority, the governor of Sultan Kudarat DATU SUHARTO T. MANGUDADATU where he is currently residing. In connection therewith, he intends to serve

³ Annex A; p. 599, Record, Vol. 3

⁴ pp. 596-598, Record, Vol. 3

⁵ pp. 614-616, Record, Vol. 3

⁶ pp. 556-557, Record, Vol. 3

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his term in the BJMP (Provincial Jail of Sultan Kudarat) and respectfully requests that he will be under the custody of the Honorable Governor.

3. The reason for his request to be detained in BJMP (Provincial Jail of Sultan Kudarat) is because of frail health and partial physical disability because of mild heart attack. He is suffering from severe gout, hypertension, diabetes, and prostate cancer (stage 2) and he is undergoing treatment in a local hospital in the province.

On the other hand, in his letter dated October 24, 2015 addressed to the Court, the accused requested to be committed to the Davao Penal Colony, instead of Bureau of Prisons in Muntinlupa City, for security reasons:⁷

For security reasons, further that I'll be committed to the Bureau of Prisons, Davao Penal Colony. During my tour of duty as:

... ..

I've caused the arrests/conviction of criminals particularly core members of the notorious KURATONG BALELENG GROUPS and KIDNAP-FOR-RANSON WARAY-WARAY GROUPS operating in Metro Manila/other key cities of Visayas and Mindanao and now serving prison sentence in the Bureau of Prisons, Muntinlupa, Metro Manila.

In the same letter, the accused attached copies of certifications issued by the doctors in the hospitals located in Tacurong City.

⁷ p. 569, Record, Vol. 3

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Obviously, the accused's earlier request to be committed to the Davao Penal Colony has nothing to do with his being a resident of Davao City. The subject motion is a clear attempt by the accused to serve his sentence in the penal institution of his own choice.

Considering the above circumstances, there is no sound reason to warrant a reversal of the Court's Resolution promulgated on August 15, 2016. Pursuant to OCA Circular No. 63-97 dated October 6, 2007,⁸ the Court reiterates its order that accused should be committed to the San Ramon Prison and Penal Farm in Zamboanga City, Zamboanga del Sur as embodied in its Resolution promulgated on August 15, 2016.

WHEREFORE, the Court **DENIES** accused Dionisio B. Coloma, Jr.'s *Urgent Motion for Reconsideration as to the Commitment of Accused in San Ramon Prison and Penal Farm in Zamboanga City, Zamboanga del Sur* dated September 1, 2016, for lack of merit.


SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG

Presiding Justice
Chairperson

WE CONCUR:


SAMUEL R. MARTIRES
Associate Justice


SARAH JANE T. FERNANDEZ
Associate Justice

⁸ Modification of Circular No. 4-92-A on the Transfer of National Prisoners to the Bureau of Corrections in Muntinlupa City, Metro Manila