



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

CRIM. CASE Nos. 26920-27100

**GONZALO DE PEDRO,
VICENTE CARLET,
ALVIN MALIFICIADO,**

CC#26920-27100
CC#26920-27100
CC#27003-27013; 27017-
22; 27029-31; 27041-46;
27056-64; 27068-70;
27074-91; 27095-27100

**ELIEZAR CAZAR,
JOEMAN AQUINO,
CORAZON FORRO,
VIRGILIO HALLEGADO,
TESSIE LAGNAODA,
AQUINO BALABAGNO,
EXPEDITO FADERAN,
DANIEL BEBING,
SERGIO CORBAL,
WILFREDO HAPITAN,
GUALTERIO SILVA,
DOROTEA WAJE,
EVANGELINE SOLITO,
ROLANDO HAPITAN,
CARLITO ABRERA,
JOLITO DE PEDRO,
JOCELYN FALSARIO,
RIZALDO SOLITO,
RODRIGO GENEROSO,
ALMA LABRADOR,**

CC#27014-19
CC#27020-25
CC#27026-28
CC#27029-34
CC#27035-37
CC#27038-40
CC#27041-43
CC#27044-49
CC#27050-58
CC#27059-67
CC#27068-73
CC#27074-76
CC#27077-79
CC#27080-82
CC#27083-85
CC#27086-88
CC#27089-91
CC#27092-94
CC#27095-97
CC#27098-100

Accused.

For: Malversation of

CC#26920-46; 27003-05;

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Public Funds

27014; 27017; 27020;
27023; 27026; 27029;
27032; 27035; 27038;
27041; 27044; 27047;
27050; 27053; 27056;
27059; 27062; 27065;
27068; 27071; 27074;
27077; 27080; 27083;
27086; 27089; 27092;
27095 and 27098.

Violation of Sec. 3(e) of R.A. 3019

CC#26947-74; 27006-09;
27015; 27018; 27021;
27024; 27027; 27030;
27033; 27036; 27039;
27042; 27045; 27048;
27051; 27054; 27057;
27060; 27063; 27066;
27069; 27072; 27075;
27078; 27081; 27084;
27087; 27090; 27093;
27096 and 27099.

Violation of Sec. 89 in relation
to Sec. 128 of PD 1445

CC#26975-27002;
27010-13; 27016; 27019;
27022; 27025; 27028;
27031; 27034; 27037;
27040; 27043; 27046;
27049; 27052; 27055;
27058; 27061; 27064;
27067; 27070; 27073;
27076; 27079; 27082;
27085; 27088; 27091;
27094; 27097 and 27100.

Present:

Lagos, J., Chairperson
Mendoza-Arcega, J. and
Corpus-Mañalac, J.

Promulgated:

January 17, 2019 led

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RESOLUTION

MENDOZA-ARCEGA, J.:

For Our resolution is the *Motion to Commit Accused to Davao Prison and Penal Farm*¹ dated December 28, 2018 filed by accused Vicente Carlet.

In the said motion, Vicente Carlet (“Carlet”) stated that on December 19, 2018, he was arrested pursuant to the warrant of arrest in relation to the instant cases. It was the stance of the accused that he religiously attended the hearings up to the promulgation despite of his age and medical condition of being hypertensive. Thus, it only proves that he respects the judicial process of the Court and he has no intention at all to evade the same. He maintained that he is already seventy years of age and a resident of Bagumbayan, Sultan Kudarat. Likewise, he has no relative residing near National Bilibid Prison or Manila, or even the adjoining regions to visit him if he will be committed to the National Bilibid Prison. Hence, Carlet prayed to be committed to Davao Prison and Penal Farm instead of the National Bilibid Prison since both are national penitentiary that cater to those who are convicted. Lastly, he manifested that he is currently detained at Bagumbayan Municipal Police Station.

By way of Comment,² the prosecution argued that as provided for by Article 86 of the Revised Penal Code, accused Carlet shall serve his sentence at the National Penitentiary in Muntinlupa City as provided for under Circular No. 4-92-A. However, Carlet may serve his sentence in Zamboanga City as provided for under Circular No. 63-97 dated October 6, 1997 since it stated that those national prisoners in Regions IX and XII shall be committed to San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur. Upon admission of Carlet and as stated in his motion, he is a resident of Sultan Kudarat. Therefore, he shall be committed to San Ramon Prison and Penal Farm since the province of Sultan Kudarat belongs to Region XII.

THE COURT’S RULING

After due consideration and in the interest of substantial justice, the Court finds the present motion partly meritorious.

¹ Records, Volume 14, pp. 197-198.

² Ibid., pp. 203-206.

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The transfer of national prisoners to the National Penitentiary at Muntinlupa is provided for in Circular No. 4-92-A.³ Circular No. 4-92-A dated April 20, 1992 provides:

“CIRCULAR NO. 4-92-A (Amending Circular No. 4-92)

TO: ALL JUDGES OF THE REGIONAL TRIAL COURTS, SHARI'A DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI'A CIRCUIT TRIAL COURTS

SUBJECT: TRANSFER OF NATIONAL PRISONERS TO THE BUREAU OF CORRECTIONS IN MUNTINLUPA, METRO MANILA

It has come to the attention of the Supreme Court that some judges refuse to issue mittimuses for the transfer of prisoners sentenced to imprisonment for more than three (3) years to the Bureau of Corrections in Muntinlupa, Metro Manila, for the reason that their cases are on appeal.

For this purpose, prisoners detained at provincial and municipal jails and sentenced by lower courts to prison terms exceeding three (3) years, whether or not they have appealed, are considered national prisoners (P.D. 29). (NOTE: Under Presidential Decree No. 29, prisoners sentenced to not more than one (1) year are classified as municipal prisoners; those sentenced to one (1) year and one (1) day to not more than three (3) years are classified as city/provincial prisoners; those sentenced for three (3) years and one (1) day and above are classified as national prisoners.)

In order to decongest provincial, city and municipal jails, and to effect better control and supervision over national prisoners, all trial judges concerned are hereby directed to issue the corresponding mittimuses or commitment orders of national prisoners immediately after their conviction so that they may be remitted or transferred to the Bureau of Corrections in Muntinlupa, Metro Manila.” (Emphasis supplied.)

Under the circular, judges are required to immediately issue orders of commitment only after the conviction of national prisoners.⁴

³ Obugan v. The People, et al., G.R. No. 116506, May 22, 1995.

⁴ Ibid.

RESOLUTION

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Meanwhile, on October 6, 1997, Circular No. 63-97 modified the foregoing circular clarifying, among others, the national penal institutions having jurisdiction over national prisoners aside from the National Penitentiary in Muntinlupa, to wit:

“CIRCULAR NO. 63-97 October 6, 1997

TO: ALL JUDGES OF THE REGIONAL TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT: MODIFICATION OF CIRCULAR NO. 4-92-A ON THE TRANSFER OF NATIONAL PRISONERS TO THE BUREAU OF CORRECTIONS IN MUNTINLUPA, METRO MANILA

Clarification has been sought by concerned Judges regarding their authority to allow the commitment of national prisoners to national penal institutions other than the main national penitentiary at the City of Muntinlupa considering that Circular No. 4-92-A which directs all trial judges to issue commitment orders of national prisoners immediately after their conviction mentions only the penitentiary in Muntinlupa as the institution to which these prisoners should be transferred. In the Department of Justice Circular No. 4 of January 15, 1991, the Secretary of Justice directed Provincial and City Prosecutors to file with the proper court, immediately after the promulgation of the judgment convicting a national prisoner, a manifestation requesting said court to commit the prisoner directly to the national penal institutions mentioned in his circular. These are:

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

2. **National prisoners in Regions IX and XII — to be committed to the San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur;**

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It is understood that: (a) 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.” (Emphasis supplied.)

As can be gleaned from the foregoing, national prisoners may likewise be committed to other national penal institutions aside from the New Bilibid Prison at Muntinlupa City, subject to the guidelines laid down in Circular No. 63-97 dated October 6, 1997. In line with this, national prisoners in Regions

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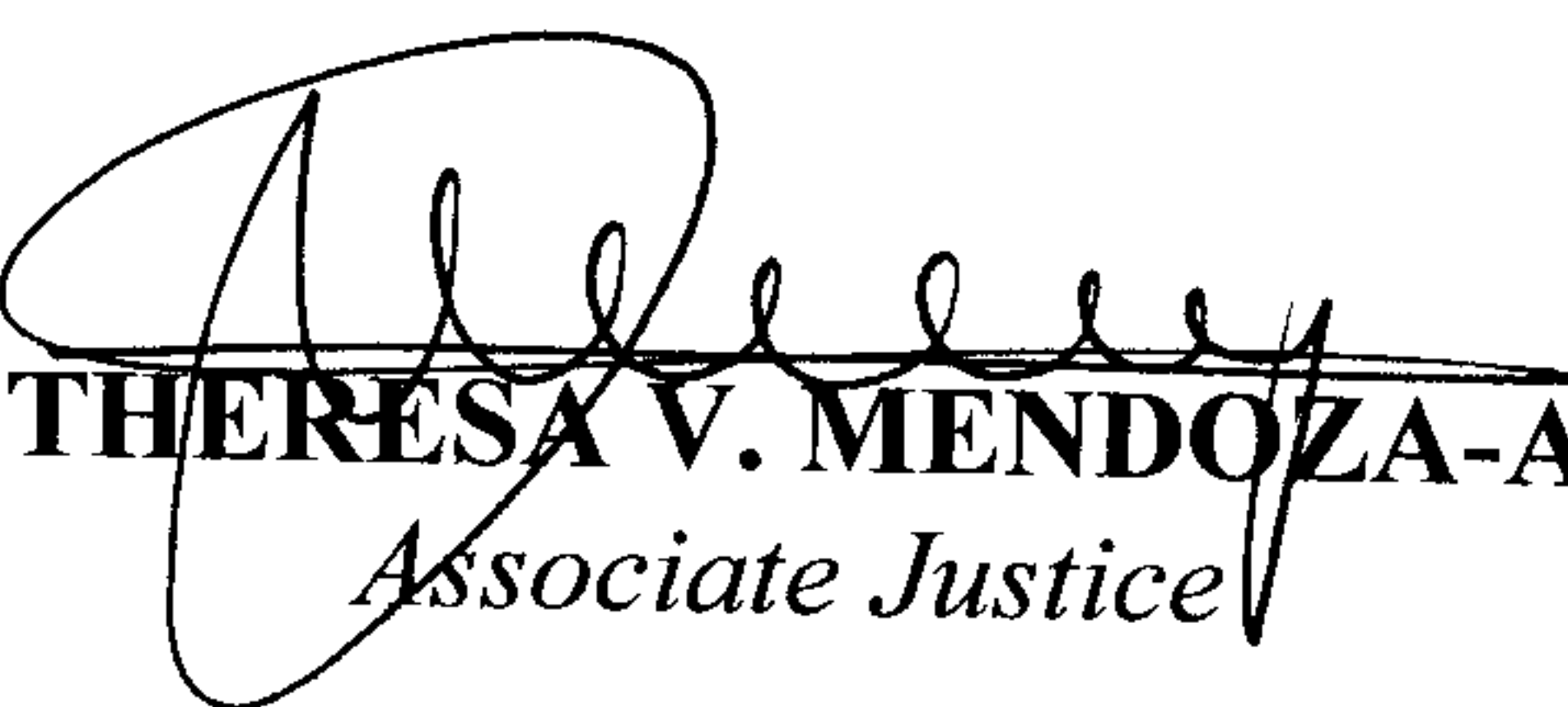
IX and XII can be committed to San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur. The prosecution fittingly observed that herein accused is a resident of Bagumbayan, Sultan Kudarat—a province which belongs to Region XII. Based on Circular 63-97, San Ramon Prison and Penal Farm has jurisdiction over the said region and not Davao Prison and Penal Farm.

WHEREFORE, clearly viewed in the light of all the foregoing considerations, the *Motion to Commit Accused to Davao Prison and Penal Farm* dated December 28, 2018 filed by accused Vicente Carlet is **PARTLY GRANTED**.

Pursuant to Circular No. 4-92-A dated April 20, 1992, as modified by Circular No. 63-97 dated October 6, 1997, accused Vicente Carlet is hereby ordered committed to San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur. The Jail Warden or the Officer-in-Charge in Bagumbayan Municipal Police Station is directed to immediately transfer accused Vicente Carlet to San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur. Moreover, the said Jail Warden or the Officer-in-Charge is ordered to report to this Court within fifteen (15) days from the transfer of accused Vicente Carlet.

Finally, let a copy of this resolution be furnished to the Jail Warden of San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur for his information, guidance and compliance.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARYANNE E. CORPUS-MAÑALAC
Associate Justice