Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

GIL MIGUEL,
Petitioner,

- versus -

THE DIRECTOR OF THE BUREAU OF PRISONS,
Respondent.

UDK-15368

Present:

PERLAS-BERNABE, *SAJ.*,
Chairperson,
HERNANDO,
INTING,
GAERLAN, and
ROSARIO,* *JJ.*

Promulgated:
SEP 15 2021

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DECISION

HERNANDO, *J.*:

This is a Petition for the Issuance of the Writ of *Habeas Corpus*[1] filed by petitioner Gil Miguel (Miguel), praying for the Court to order the Director of the Bureau of Prisons (now Director General of the Bureau of Corrections) to bring petitioner before this Court, and after due proceedings, to restore his liberty.

The Factual Antecedents:

On February 26, 1991, Miguel was charged[2] with the crime of Murder before the Regional Trial Court (RTC) of Quezon City, docketed as Criminal Case No. Q-91-18506. After trial, Miguel was found guilty as charged and sentenced to suffer the penalty of *reclusion perpetua*. Pursuant to his

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* Designated as additional Member per Special Order No. 2835 dated July 15, 2021.
1 *Rollo*, pp. 2-4.
2 Id. at 36.

conviction, Miguel was delivered to the National Bilibid Prison in Muntinlupa City on January 15, 1994.[3] Miguel's conviction was affirmed by this Court in a Decision[4] dated March 7, 1996.

Alleging that his continued detention no longer holds legal basis in view of Republic Act No. (RA) 10592,[5] otherwise known as the "Good Conduct Time Allowance Law" (GCTA Law), Miguel filed the present petition for the issuance of the Writ of *Habeas Corpus* on August 19, 2015.

The respondent Director General of the Bureau of Corrections, through the Office of the Solicitor General (OSG), filed his Comment[6] dated January 28, 2016.

In response, Miguel filed his Reply[7] dated May 11, 2018.

In a Resolution[8] dated September 30, 2020, this Court required the parties to file their respective Memoranda. In compliance with the said Resolution, respondent filed their Memorandum[9] dated February 9, 2021. Miguel failed to file his Memorandum.

Issue

The sole issue for the resolution of the Court is whether the Writ of *Habeas Corpus* may be issued.

Our Ruling

The petition is not meritorious.

Preliminarily, we wish to point out that Miguel failed to observe the principle of hierarchy of courts.

In *Cruz v. Gingoyon*,[10] the Court aptly explained the principle, thus:

> We also find the necessity to emphasize strict observance of the hierarchy of courts. "A becoming regard for that judicial hierarchy most certainly indicates that petitions for the issuance of extraordinary writs against first level

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3 Id. at 6.
4 324 Phil. 770 (1996).
5 Republic Act No. 10592, An Act Amending Articles 29, 94, 97, 98 and 99 of Act No. 3815, As Amended, Otherwise Known as the Revised Penal Code [GOOD CONDUCT TIME ALLOWANCE LAW] (2013).
6 *Rollo*, pp. 14-18.
7 Id. at 31-33.
8 Id. at 43.
9 Id. at 52-68.
10 674 Phil. 42 (2011).

> ('inferior') courts should be filed with the [RTC], and those against the latter, with the Court of Appeals (CA). **A direct invocation of the Supreme Court's original jurisdiction to issue extraordinary writs should be allowed only when there are special and important reasons therefor, clearly and specifically set out in the petition.**" For the guidance of the petitioner, "[t]his Court's original jurisdiction to issue writs of certiorari (as well as prohibition, mandamus, quo warranto, habeas corpus and injunction) is not exclusive." Its jurisdiction is concurrent with the CA, and with the RTC in proper cases. "However, this concurrence of jurisdiction does not grant upon a party seeking any of the extraordinary writs the absolute freedom to file his petition with the court of his choice. This Court is a court of last resort, and must so remain if it is to satisfactorily perform the functions assigned to it by the Constitution and immemorial tradition." Unwarranted demands upon this Court's attention must be prevented to allow time and devotion for pressing matters within its exclusive jurisdiction.[11] (Emphasis supplied)

As to which court may grant the writ, Section 2, Rule 102 of the Rules of Court provides:

> Section 2. *Who may grant the writ.* – The writ of *habeas corpus* may be granted by the Supreme Court, or any member thereof, on any day and at any time, or by the Court of Appeals or any member thereof in the instances authorized by law, and if so granted it shall be enforceable anywhere in the Philippines, and may be made returnable before the court or any member thereof, or before a Court of First Instance, or any judge thereof for hearing and decision on the merits. It may also be granted by a Court of First Instance, or a judge thereof, on any day and at any time, and returnable before himself, enforceable only within his judicial district.

From the foregoing, it is clear that the trial court, the appellate court, and this Court exercise concurrent jurisdiction over petitions for the issuance of the writ of *habeas corpus*. However, this does not mean that parties are absolutely free to choose before which court to file their petitions, thus:

> [M]ere concurrency of jurisdiction does not afford parties absolute freedom to choose the court with which the petition shall be filed. Petitioners should be directed by the hierarchy of courts. After all, the hierarchy of courts 'serves as a general determinant of the appropriate forum for petitioners for the extraordinary writs.'[12]

In sum, Miguel should have filed the present petition before the RTC, absent any showing of special and important reasons warranting a direct resort to this Court.

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[11] *Cruz v. Gingoyon*, 674 Phil. 42, 58 (2011).

[12] *In Re: In the Matter of the Issuance of a Writ of Habeas Corpus of inmates Raymundo Reyes and Vincent B. Evangelista vs. BuCor Chief Gerald Bantag*, G.R. No. 251954, June 10, 2020.

Procedural considerations aside, the Court still finds the petition wanting in merit.

Miguel's argument is two-fold: first, he anchors his claim on the assertion that applying the GCTA Law, he has served a total of "thirty-eight (38) years, ten (10) months, and one (1) day"[13] already. Second, he posits that Article 70 of the Revised Penal Code (RPC) caps the duration of the penalty of *reclusion perpetua* at thirty (30) years.[14] Having served a total of thirty-eight (38) years, which is eight (8) years more than the supposed maximum duration of *reclusion perpetua*, Miguel concludes that he has fully served his sentence and his detention no longer holds legal basis.

Miguel's contention is wrong.

On the first point, Miguel assumes that he is entitled to the benefits of the GCTA Law. However, a plain reading of the law would reveal otherwise.

The last paragraph of Section 1 of the GCTA Law reads:

> *Provided, finally*, That recidivists, habitual delinquents, escapees and **persons charged with heinous crimes are excluded from the coverage of this Act**. In case the maximum penalty to which the accused may be sentenced is *destierro*, he shall be released after thirty (30) days of preventive imprisonment. (Emphasis supplied)

This disqualification is further echoed in several provisions of the 2019 Revised Implementing Rules and Regulations of RA 10592 (2019 Revised IRR) which read:

> Rule III, Section 3. *Who are Disqualified.* – The following shall not be entitled to any credit for preventive imprisonment:
>
> a. Recidivists;
> b. An accused who has been convicted previously twice or more times of any crime;
> c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
> d. Habitual Delinquents;
> e. Escapees; and
> f. **PDL charged of Heinous Crimes**. (Emphasis supplied)

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[13] *Rollo*, p. 32.
[14] Id. at 3.

Rule IV, Section 1. *GCTA During Preventive Imprisonment.* – The good conduct of a detained PDL qualified for credit for preventive imprisonment shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the possible maximum penalty.

The following shall not be entitled to any GCTA during preventive imprisonment:

a. Recidivists;
b. An accused who has been convicted previously twice or more times of any crime;
c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
d. Habitual Delinquents;
e. Escapees; and
f. **PDL charged of Heinous Crimes**. (Emphasis supplied)

Rule IV, Section 2. *GCTA During Service of Sentence.* – The good conduct of a PDL convicted by final judgment in any penal institution, rehabilitation or detention center or any local jail shall entitle him to the deductions described in Section 3 hereunder, as GCTA, from the period of his sentence, pursuant to Section 3 of RA No. 10592.

The following shall not be entitled to any GCTA during service of sentence:

a. Recidivists;
b. Habitual Delinquents;
c. Escapees; and
d. **PDL convicted of Heinous Crimes**. (Emphasis supplied)

Rule V, Section 2. *Who are disqualified.* – The following shall not be entitled to TASTM (Time Allowance for Study, Teaching and Mentoring):

a. Recidivists;
b. Habitual delinquents;
c. Escapees; and
d. **PDL charged and convicted of heinous crimes**. (Emphasis supplied)

Rule VI, Section 2. *Who are disqualified.* – The following are not qualified to be released under this Rule:

a. Recidivists;
b. An accused who has been convicted previously twice or more times of any crime;
c. An accused who, upon being summoned for the execution of his sentence has failed to surrender voluntarily before a court of law;
d. Habitual Delinquents;
e. Escapees; and
f. **PDL charged of Heinous Crimes**. (Emphasis supplied)

> Rule VII, Section 2. *Who are disqualified.* – The following shall not be entitled to STAL (Special Time Allowance for Loyalty):
>
> a. Recidivists;
> b. Habitual Delinquents;
> c. Escapees; and
> d. **PDL charged or convicted of Heinous Crimes.** (Emphasis supplied)

The GCTA Law and the 2019 Revised IRR have made it abundantly clear that persons charged with and/or convicted of heinous crimes are not entitled to the benefits under the law. Thus, this begs the question: which crimes are considered heinous? More specifically, is murder considered a heinous crime for purposes of the application of the GCTA Law?

The 2019 Revised IRR defines "heinous crimes" as follows:

> "Heinous Crimes" — crimes which are grievous, odious and hateful to the senses and which, by reason of their inherent and or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society, including crimes which are mandatorily punishable by Death under the provisions of RA No. 7659, as amended, otherwise known as the Death Penalty Law, and those crimes specifically declared as such by the Supreme Court[.]

While the definition did not expressly enumerate crimes which are considered heinous, it made reference to "crimes which are mandatorily punishable by Death under the provisions of RA 7659, as amended x x x."

Section 6 of RA 7659,[15] otherwise known as the Death Penalty Law, states:

> Section 6. Article 248 of the same Code is hereby amended to read as follows:
>
> > Art. 248. Murder. – Any person who, not falling within the provisions of Article 246 shall kill another, shall be guilty of murder and shall be punished by *reclusion perpetua*, to death if committed with any of the following attendant circumstances:
> >
> > 1. With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity.
> >
> > 2. In consideration of a price, reward or promise.
> >
> > 3. By means of inundation, fire, poison, explosion, shipwreck, stranding of a vessel, derailment or assault upon a railroad, fall of an airship, or

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[15] An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, As Amended, Other Special Laws, and for Other Purposes [DEATH PENALTY LAW] (1993).

> by means of motor vehicles, or with the use of any other means involving great waste and ruin.
>
> 4. On occasion of any of the calamities enumerated in the preceding paragraph, or of an earthquake, eruption of a volcano, destructive cyclone, epidemic or other public calamity.
>
> 5. With evident premeditation.
>
> 6. With cruelty, by deliberately and inhumanly augmenting the suffering of the victim, or outraging or scoffing at his person or corpse."

From the discussion above, it is evident that the crime of Murder is one that is mandatorily punishable by death, in accordance with the Death Penalty Law. Being a such, it falls within the definition of "heinous crimes" in the 2019 Revised IRR and is therefore considered as a heinous crime.

In sum, Murder is considered a heinous crime in so far as the GCTA Law is concerned, and persons charged with and/or convicted of such are disqualified from availing of the benefits of the law.

On this point alone, the petition should already fail. However, Miguel further argues that Article 70 of the RPC caps the duration of the penalty of *reclusion perpetua* at thirty (30) years only. He is referring to the last paragraph of said provision, which states:

> In applying the provisions of this rule the duration of perpetual penalties *(pena perpetua)* shall be computed at thirty years. *(As amended by Com. Act No. 217.)*

Miguel is again mistaken.

Plainly, nowhere in the cited provision does it state that perpetual penalties, such as *reclusion perpetua*, are capped at thirty (30) years. Instead, what it only provides is that in applying the rules laid out in Article 70, such as the three-fold rule, the duration of perpetual penalties shall be computed at thirty (30) years, thus:

> In the case of *People v. Mendoza,* G.R. L-3271, May 5, 1950, it was held that the accused were guilty of murders and that each of them must be sentenced to suffer *reclusion perpetua* for each of the five murders, although the duration of the aggregate penalties shall not exceed 40 years. **In this case, after serving one *reclusion perpetua*, which is computed at 30 years, the accused will serve 10 years more. All the other penalties will not be served.**[16] (Emphasis supplied)

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[16] LUIS B. REYES, THE REVISED PENAL CODE CRIMINAL LAW BOOK ONE, at 769. (19th Ed., 2017).

In *People v. Reyes*,[17] Article 70 is further explained:

> The other applicable reference to *reclusion perpetua* is found in Article 70 of the Code which, in laying down the rule on successive service of sentences where the culprit has to serve more than three penalties, provides, that 'the maximum duration of the convict's sentence shall not be more than three-fold the length of time corresponding to the most severe of the penalties imposed upon him,' and '(i)n applying the provisions of this rule the duration of perpetual penalties (*pena perpetual*) shall be computed at thirty years.'
>
> **The imputed duration of thirty (30) years for *reclusion perpetua*, therefore, is only to serve as the basis for determining the convict's eligibility for pardon or for the application of the three-fold rule in the service of multiple penalties** x x x.[18] (Emphasis supplied)

Miguel's position is further negated by the pronouncement in *People v. Baguio*,[19] where the Court similarly held that "[*r*]*eclusion perpetua* entails imprisonment for at least thirty (30) years, after which the convict becomes eligible for pardon x x x."[20]

Guided by the foregoing jurisprudence, it is evident that the penalty of *reclusion perpetua* requires imprisonment of at least thirty (30) years, after which the convict becomes only eligible for pardon, and not for release. This is in stark contrast to Miguel's claim that a convict meted with the penalty of *reclusion perpetua* must serve only thirty (30) years.

To recap, Miguel was delivered to the National Bilibid Prison on January 15, 1994. Therefore, as of August 15, 2021, he has only served a total of twenty-seven (27) years and seven (7) months of his sentence. Hence, having been punished to suffer the penalty of *reclusion perpetua*, Miguel's continued detention is valid and justified. He has utterly failed to show that he is illegally confined or deprived of his liberty.

Accordingly, the Writ of *Habeas Corpus* may not be issued and the discharge of Miguel from imprisonment should not be authorized.

WHEREFORE, the Petition is hereby **DISMISSED**.

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[17] 287 Phil. 446 (1992).
[18] *People v. Reyes*, 287 Phil. 446, 453 (1992).
[19] 273 Phil. 704 (1991).
[20] *People v. Baguio*, 273 Phi. 704 (1991).

SO ORDERED.

RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

HENRI JEAN PAUL B. INTING
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice