



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

MR. ALEXANDER "LEX" ADONIS,
 represented by the **CENTER FOR**
MEDIA FREEDOM AND
RESPONSIBILITY (CMFR), through
 its Executive Director, **MRS.**
MELINDA QUINTOS-DE JESUS;
 and the **NATIONAL UNION OF**
JOURNALISTS OF THE
PHILIPPINES (NUJP), through its
 Chairperson, **MR. JOSE TORRES,**
JR.,

Petitioners,

G.R. No. 182855

Present:

SERENO, C.J.,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, JJ.

- versus -

SUPERINTENDENT VENANCIO
TESORO, DIRECTOR, DAVAO
PRISONS AND PENAL FARM,
PANABO CITY, Digos, DAVAO
DEL NORTE,

Respondent.

Promulgated:

JUN 05 2013

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RESOLUTION

REYES, J.:

This is a Petition for the Issuance of the Writ of *Habeas Corpus*¹ under Rule 102 of the 1997 Rules of Court filed by petitioner Alexander Adonis (Adonis), praying that the Court directs respondent Superintendent Venancio Tesoro (respondent), Director of the Davao Prisons and Penal

¹ Rollo, pp. 3-21.

Farm, to have the body of the former brought before this Court and in the alternative, praying for the application of the Supreme Court Administrative Circular No. 08-2008,² which imposes the penalty of a fine instead of imprisonment in Criminal Case No. 48679-2001.³

Antecedent Facts

In Criminal Case No. 48679-2001, Adonis was convicted by the Regional Trial Court of Davao City (RTC), Branch 17 for Libel, filed against him by then Representative Prospero Nograles. He was sentenced to an indeterminate sentence of five (5) months and one (1) day of *arresto mayor* maximum, as minimum penalty, to four (4) years, six (6) months and one (1) day of *prision correccional* medium, as maximum penalty.⁴ He began serving his sentence at the Davao Prisons and Penal Farm on February 20, 2007.⁵

A second libel case, docketed as Criminal Case No. 48719-2001 was likewise filed against Adonis by Jeanette L. Leuterio, pending before the RTC of Davao City, Branch 14.⁶

On December 11, 2007, the Board of Pardons and Parole (BPP) issued an order for the Discharge on Parole of seven (7) inmates in various jails in the country, which included Adonis. The said document was received by the City Parole and Probation Office of Davao on May 2, 2008.⁷

Meanwhile, on January 25, 2008, this Court issued Administrative Circular No. 08-2008, the subject of which is the “Guidelines in the Observance of a Rule of Preference in the Imposition of Penalties in Libel Cases.”

In view of these developments, Adonis, on April 18, 2008 filed with the RTC Branch 17 a Motion to Reopen Case (With Leave of Court),⁸ praying for his immediate release from detention and for the modification of his sentence to payment of fine pursuant to the said Circular.

On May 26, 2008, in Criminal Case No. 48719-2001 before the RTC Branch 14, Adonis moved for his provisional release from detention. The motion was granted by Presiding Judge George Omelio in open court and he

² Id. at 36-37.

³ Id. at 15.

⁴ Id. at 4.

⁵ Id. at 5.

⁶ Id.

⁷ Id. at 5, 22-23.

⁸ Id. at 27-35.

was allowed to post bail in the amount of ₱5,000.⁹ Subsequently on even date and after Adonis filed a cash bond and an undertaking,¹⁰ the trial court issued an Order directing the Chief of Davao Penal Colony “to release the accused Alexis Adonis unless he is being held for some other crimes or offenses.”¹¹ On the same date, the said order was served to the respondent,¹² but the release of Adonis was not effected.

On May 30, 2008, Adonis filed the instant petition for the issuance of a writ of *habeas corpus* alleging that his liberty was restrained by the respondent for no valid reason.¹³

The respondent consequently filed his Comment.¹⁴ Adonis then filed on October 27, 2008 an Urgent Motion to Resolve¹⁵ and on November 7, 2008 a Manifestation and Motion,¹⁶ reiterating all his previous prayers.

On February 11, 2009, the Court received the letter from the respondent, informing the Court that Adonis had been released from confinement on December 23, 2008 after accepting the conditions set forth in his parole and with the advise to report to the City Parole and Probation Officer of Davao.¹⁷

The Court’s Ruling

The petition is without merit.

The ultimate purpose of the writ of *habeas corpus* is to relieve a person from unlawful restraint. The writ exists as a speedy and effectual remedy to relieve persons from unlawful restraint and as an effective defense of personal freedom. It is issued only for the lone purpose of obtaining relief for those illegally confined or imprisoned without sufficient legal basis. It is not issued when the person is in custody because of a judicial process or a valid judgment.¹⁸

Section 4, Rule 102 of the Revised Rules of Court provides when a writ must not be allowed or discharge authorized, to wit:

⁹ Id. at 24.

¹⁰ Id. at 26.

¹¹ Id. at 25.

¹² Id. at 6.

¹³ Id. at 3-21.

¹⁴ Id. at 62-73.

¹⁵ Id. at 81-85.

¹⁶ Id. at 86-89.

¹⁷ Id. at 92.

¹⁸ *Fletcher v. Director of Bureau of Corrections*, UDK-14071, July 17, 2009, 593 SCRA 265, 270, citing *Barredo v. Hon. Vinarao*, 555 Phil. 823, 827 (2007).

SEC. 4. *When writ not allowed or discharge authorized.*—If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment.

In the instant case, Adonis was convicted for libel by the RTC Branch 17, in Criminal Case No. 48679-2001. Since his detention was by virtue of a final judgment, he is not entitled to the Writ of *Habeas Corpus*. He was serving his sentence when the BPP granted him parole, along with six (6) others, on December 11, 2007.¹⁹ While it is true that a convict may be released from prison on parole when he had served the minimum period of his sentence; the pendency of another criminal case, however, is a ground for the disqualification of such convict from being released on parole.²⁰ Notably, at the time he was granted the parole, the second libel case was pending before the RTC Branch 14.²¹ In fact, even when the instant petition was filed, Criminal Case No. 48719-01 was still pending. The issuance of the writ under such circumstance was, therefore, proscribed. There was basis for the respondent to deny his immediate release at that time.

Further, Adonis seeks the retroactive application of Administrative Circular No. 08-2008, citing *Fermin v. People*,²² where the Court preferred the imposition of the fine rather than imprisonment under the circumstances of the case. Administrative Circular No. 08-2008, was issued on January 25, 2008 and provides the “guidelines in the observance of a rule of preference in the imposition of penalties in libel cases.” The pertinent portions read as follows:

All courts and judges concerned should **henceforth** take note of the foregoing rule of preference set by the Supreme Court on the matter of the imposition of penalties for the crime of libel bearing in mind the following principles:

1. This Administrative Circular does not remove imprisonment as an alternative penalty for the crime libel under Article 355 of the Revised Penal Code;

¹⁹ *Rollo*, pp. 5, 22-23.

²⁰ *Supra* note 18, at 271.

²¹ *Rollo*, p. 5.

²² G.R. No. 157643, March 28, 2008, 550 SCRA 132.

2. The Judges concerned may, in the exercise of sound discretion, and taking into consideration the peculiar circumstances of each case, determine whether the imposition of a fine alone would best serve the interests of justice or whether forbearing to impose imprisonment would depreciate the seriousness of the offense, work violence on the social order, or otherwise be contrary to the imperative of justice;
3. Should only a fine be imposed and the accused be unable to pay the fine, there is no legal obstacle to the application of the *Revised Penal Code* provision on subsidiary imprisonment.²³ (Emphasis ours)

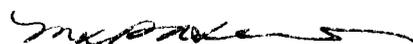
A clear reading of the Administrative Circular No. 08-2008 and considering the attendant circumstances of the case, the benefits of the administrative circular can not be given retroactive effect in Criminal Case No. 48679-2001. It is too late in the day for Adonis to raise such argument considering that Criminal Case No. 48679-2001 has already become final and executory; and he had, in fact, already commenced serving his sentence. Eventually, he was released from confinement on December 23, 2008 after accepting the conditions of the parole granted to him.

WHEREFORE, the petition is **DISMISSED**.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

Lucas P. Bersamin
LUCAS P. BERSAMIN
Associate Justice

Martin S. Villarama, Jr.
MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

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

Maria Lourdes P. A. Sereno
MARIA LOURDES P. A. SERENO
Chief Justice