THIRD DIVISION

[G.R. No. 251954, June 10, 2020]

IN RE: IN THE MATTER OF THE ISSUANCE OF A WRIT OF HABEAS CORPUS OF INMATES RAYMUNDO REYES AND VINCENT B. EVANGELISTA, DULY REPRESENTED BY ATTY. RUBEE RUTH C. CAGASCA-EVANGELISTA, IN HER CAPACITY AS WIFE OF VINCENT B. EVANGELISTA AND COUNSEL OF BOTH INMATES, PETITIONER, V. BUCOR CHIEF GERALD BANTAG, IN HIS CAPACITY AS DIRECTOR GENERAL OF BUREAU OF CORRECTIONS OF NEW BILIBID PRISON, BUREAU OF CORRECTIONS AND ALL THOSE PERSONS IN CUSTODY OF THE INMATES RAYMUNDO REYES AND VINCENT B. EVANGELISTA, RESPONDENT.

R E S O L U T I O N

ZALAMEDA, J.:

Before the Court is a Petition for the Issuance of Writ of Habeas Corpus praying for: 1) the issuance of a writ of *habeas corpus* directing respondent Gerald Bantag, as Director General of the Bureau of Corrections, to make a return thereon, showing legal authority to detain Raymundo Reyes (Reyes) and Vincent B. Evangelista (Evangelista), persons deprived of liberty (PDLs), and to present them personally before the Court; and 2) for the release of Reyes and Evangelista from incarceration at the New Bilibid Prison in Muntinlupa City.

Petitioner, Atty. Rubee Ruth C. Cagasca-Evangelista (petitioner), the wife of Evangelista, filed the instant petition as counsel for her husband and Reyes. She alleges that Reyes and Evangelista were convicted[1] by Branch 103, Regional Trial Court (RTC) of Quezon City on 14 December 2001 for violation of Section 15, Article III, Republic Act No. (RA) 6425,[2] as amended, for the illegal sale of 974.12 grams of methylamphetamine hydrochloride, or *shabu*, acting in conspiracy with one another, and were sentenced to suffer the penalty of *reclusion perpetua* and to pay the amount of Php 500,000.00 each. The penalty was made in accordance with the amendment introduced by RA 7659,[3] which increased the penalty of imprisonment for illegal sale of drugs from six (6) years and one (1) day to twelve (12) years, to *reclusion pe1petua* to death for 200 grams or more of *shabu*. The said conviction was affirmed by the Supreme Court in a Decision[4] dated 27 September 2007.

More than a decade after the affirmation of Reyes and Evangelista's conviction by the Supreme Court, petitioner now claims that with the abolition of the death penalty,[5] and the repeal of the death penalty in RA 7659 as a consequence, the penalty for illegal sale of drugs should be reverted to that originally imposed in RA 6425, or from *reclusion perpetua* in RA 7659 to six (6) years and one (1) day to twelve (12) years in RA 6425. According to her, "if the convicts will serve the penalty of RECLUSION PERPETUA[,] it is as (sic) the same as punishing them to

(sic) a crime that is not existing anymore. And said [penalty] will [be] tantamount to deprivation of their life and liberty and will not be fair and just in the eyes of man and law."[6]

Further, petitioner insists that both Reyes and Evangelista have already served 19 years and 2 months, or more than 18 years if the benefit of Good Conduct Time Allowance (GCTA) under RA 10592[7] was to be considered. And, with the benefit of the GCTA, which may be applied retroactively,[8] both Reyes and Evangelista have already served more than the required sentence imposed by law.

The primary consideration is the propriety of the petition for the issuance of the writ of *habeas corpus*.

We answer in the negative.

As a preliminary matter, we point out that petitioner disregarded the basic rules of procedure. There is no verified declaration of electronic submission of the soft copy of the petition. The required written explanation of service or filing under Section 11, Rule 13 of the Rules of Court is also patently lacking.

Second, petitioner disregarded the hierarchy of courts.

The Rules of Court provide that "[e]xcept as otherwise expressly provided by law, the writ of *habeas corpus* shall extend to all cases of illegal confinement or detention by which any person is deprived of his liberty, or by which the rightful custody of any person is withheld from the person entitled thereto."[9]

An application for a writ of *habeas corpus* may be made through a petition filed before this Court or any of its members, the Court of Appeals (CA) or any of its members in instances authorized by law, or the RTC or any of its presiding judges. [10] In the absence of all the RTC judges in a province or city, any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge may hear and decide petitions for a writ of *habeas corpus* in the province or city where the absent RTC judges sit.[11]

Hence, this Court has concurrent jurisdiction, along with the CA and the trial courts, to issue a writ of *habeas corpus*. However, mere concurrency of jurisdiction does not afford parties absolute freedom to choose the court with which the petition shall be filed.[12] 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 petitions for the extraordinary writs."[13]

In the landmark case of *Gios-Samar, Inc., v. DOTC*,[14] the Supreme Court ruled that direct recourse to this Court is proper only to seek resolution of questions of law, and not issues that depend on the determination of questions of facts:

> In fine, while this Court has original and concurrent jurisdiction with the RTC and the CA in the issuance of writs of *certiorari*, prohibition, *mandamus, quo warranto,* and *habeas corpus* (extraordinary writs), direct recourse to this Court is proper only to seek resolution of questions

> of law. **Save for the single specific instance provided by the Constitution under Section 18, Article VII, cases the resolution of which depends on the determination of questions of fact cannot be brought directly before the Court because we arc not a trier of facts. We are not equipped, either by structure or rule, to receive and evaluate evidence in the first instance; these are the primary functions of the lower courts or regulatory agencies.** This is the *raison d'etre* behind the doctrine of hierarchy of courts. It operates as a constitutional filtering mechanism designed to enable this Court to focus on the more fundamental tasks assigned to it by the Constitution. It is a bright-line rule which cannot be brushed aside by an invocation of the transcendental importance or constitutional dimension of the issue or cause raised. (Emphasis supplied)

At first blush, petitioner seeks to raise a question of law - whether or not the abolition of the death penalty in RA 9346 reverted the penalty for illegal sale of *shabu* from RA 7659 to RA 6425 prior to its amendment, thus placing the question within the jurisdiction of this Court. The real question, however, is the release of Reyes and Evangelista from detention based on the alleged service of their sentences pursuant to RA 10592, which requires a determination of facts, *i.e.*, if said PDLs are entitled to the benefit of GCTA. On this ground alone, the petition must be dismissed.

At any rate, it must be stressed that as a matter of policy, direct resort to this Court will not be entertained unless the redress desired cannot be obtained in the appropriate lower courts, and exceptional and compelling circumstances, such as in cases involving national interest and those of serious implications, justify the availment of the extraordinary remedy of the writ of *certiorari*, calling for the exercise of its primary jurisdiction.[15] Not one of these exceptional and compelling circumstances, however, were even alleged or shown in order for the Court to disregard the sanctity of the hierarchy of courts.

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

A prime specification of an application for a writ of *habeas corpus* is restraint of liberty. The essential object and purpose of the writ of *habeas corpus* is to inquire into all manner of involuntary restraint as distinguished from voluntary, and to relieve a person therefrom if such restraint is illegal. Any restraint that will preclude freedom of action is sufficient.[16] The rule is that if a 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, the writ of *habeas corpus* will not be allowed.[17] Section 4, Rule 102 of the Revised Rules of Court provides:

> Section 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 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