

FIRST DIVISION

[G.R. No. 73399, February 21, 1997]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON ABEDES Y SALGADO, ACCUSED-APPELLANT.

R E S O L U T I O N

VITUG, J.:

Herein accused Ramon Abedes y Salgado was charged on 05 October 1984 with selling and delivering two small plastic bags, each containing dried marijuana leaves and seeds having a total weight of 6.5 grams, as well as a plastic bag of marijuana cake, weighing 17.5 grams, to a Narcom poseur-buyer^[1] in violation of Section 4, Article II, of Republic Act 6425, as amended.

In a decision, dated 27 June 1985, accused was convicted by the Regional Trial Court of Quezon City, Branch 102; viz:

"WHEREFORE, the Court finds accused Ramon Abedes y Salgado, guilty beyond reasonable doubt of the crime of violation of Sec. 4, Art. II, of Rep. Act No. 6425, as amended by P.D. 1675, otherwise known as the Dangerous Drugs Act of 1972, and pursuant to Sec. 4 of said law, hereby sentences him to suffer the penalty of life imprisonment (30 years) and to pay a fine of P20,000.00, with subsidiary imprisonment, in case of insolvency, and to pay the costs.

"The 2 tea bags of dried marijuana leaves and 1 tea bag of marijuana cake are ordered confiscated and forfeited in favor of the government, to be disposed of (destroyed) according to the law.

"SO ORDERED."^[2]

The judgment was affirmed by this Court^[3] in its decision, dated 28 November 1986, which concluded:

"WHEREFORE, this appeal is hereby DENIED. The trial court's decision is affirmed but the portion thereof which reads 30 years should be eliminated (People vs. Gonzales, 58 SCRA 266, 271)."^[4]

Invoking People vs. Simon^[5] which had ruled that the reduced penalties prescribed under the provisions of the Dangerous Drugs Act, as amended by R.A. No. 7659, could be retroactively applied, Ramon Abedes filed the instant "Urgent Motion to Modify Decision." Conformably with the second paragraph of Section 20, Article IV of R.A. No. 6425, as amended by Section 17 of R.A. No. 7659 and as construed and