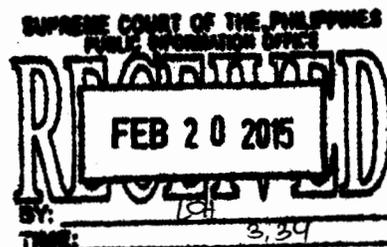




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated December 10, 2014 which reads as follows:

“UDK-15181 (Constantino Goña, Jr. y Eusebio alias “Mike dela Cruz”/and “Mike Goña” v. People of the Philippines).- After a judicious review of the records, the Court resolves to **DENY** the instant petition assailing the Metropolitan Trial Court of Manila, Branch 26’s (MTC) Orders¹ dated September 12, 2014 and October 1, 2014 in Criminal Case No. 393784-SA for failure of Constantino Goña, Jr. y Eusebio alias “Mike dela Cruz”/and “Mike Goña” (petitioner) to show that the MTC committed any reversible error in denying his application for probation.

It is beyond question that the petitioner filed his application for probation after he perfected his appeal before the Regional Trial Court of Manila, Branch 24. The latter affirmed the MTC’s ruling which had become final and executory. As such, he is precluded from availing of the privilege of probation pursuant to Section 4² of the Presidential Decree No. (PD) 968, otherwise known as the “Probation Law of 1976,” as amended.

- over – two (2) pages

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¹Rollo, pp. 34-35 and 41, respectively. Signed by Presiding Judge Jorge Emmanuel M. Lorredo.

² Section 4 of PD 968, as amended, provides:

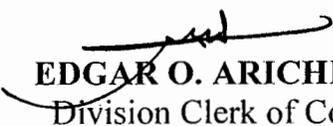
SEC. 4. *Grant of Probation.* – Subject to the provisions of this Decree, the trial court may, after it shall have convicted and sentenced a defendant, and upon application by said defendant within the period for perfecting an appeal, suspend the execution of the sentence and place the defendant on probation for such period and upon such terms and conditions as it may deem best; Provided, That no application for probation shall be entertained or granted if the defendant has perfected the appeal from the judgment of conviction.

The People of the Philippines is **IMPLEADED** herein as public respondent; and the Metropolitan Trial Court-National Judicial Region, Branch 26, Manila, is **DELETED** as party respondent in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

The petitioner is required: (a) to **FURNISH** the Office of the Solicitor General with a copy of the petition for review on certiorari and to **SUBMIT** to this Court a report of compliance herewith within ten (10) days from notice hereof; and (b) to **SUBMIT** within five (5) days from notice hereof, a soft copy in compact disc, USB or e-mail containing the PDF file of the signed petition for review on certiorari and its annexes pursuant to the Resolution dated February 25, 2014 in A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED. BERSAMIN, J., on official leave; REYES, J., designated acting member per S.O. No. 1892 dated November 28, 2014. PEREZ, J., on official leave; CARPIO, J., designated acting member per S.O. No. 1899 dated December 3, 2014.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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Mr. Constantino E. Goña, Jr.
Petitioner
No. 2788 Taladtag St.
Gagalangin, Tondo
Manila 1013

The Hon. Presiding Judge
Metropolitan Trial Court, Br. 26
1000 Manila
(Crim. Case No. 393784-SA)

The Solicitor General (x)
Makati City

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No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

SR