

Republic of the Philippines
REGIONAL TRIAL COURT
Fourth Judicial Region
BRANCH 78
Morong, Rizal

PEOPLE OF THE PHILIPPINES,

- versus -

CRIM CASE NO. 10-9078-M

REYNALDO MACABENTA,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,

- versus -

CRIM CASE NO. 10-9079-M

GARY LIBERAL, ET. AL,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,

- versus -

CRIM CASE NO. 10-9080-M

DEL AYO AVERA,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,

- versus -

CRIM CASE NO. 10-9081-M

ROMEO DELA CRUZ,
Accused.

X-----X

ORDER

Before this Court is a Manifestation with Motion to Transfer Place of Detention of Forty (40) Accused filed by Major General Jorge V. Segovia AFP, by way of special limited appearance for purposes of this motion, in his capacity as the Commanding General of the Second Infantry Division, Philippine Army through the Office of the Philippine Army Judge Advocate.

Gen. Segovia alleged that after the inquest proceedings, Special Prosecutor Senson ordered the 2ID PA to take temporary custody over the persons of the accused while the case is pending resolution due to lack of a secured and suitable detention facility in the area which is adequate to house

the forty three (43) arrested persons. Military camps as Camp Capinpin imposed stern restrictions to visitors of civilian detainees on account of camp rules and regulations and Gen. Segovia moved for immediate transfer of custody of the accused to the local jail in accordance with existing policies for purposes of preventive imprisonment. The transfer of the accused to other jail will erase doubt and malicious accusations pertaining to the personal safety and securities of detainees in the hands of military custodians and further free the military from any suspicious insinuation of harassment and other unwarranted accusations of interference. He prayed that forty (40) accused be immediately transferred from Camp Capinpin, Tanay, Rizal to the PNP Custodial Center in Camp Crame, Quezon City.

Gen. Segovia, however moved that accused Valentino Paulino, Eleanor Carandang, and Chereilyn Tawagon be allowed to remain under military custody until final determination of their cases.

The Public Interest Law Center in collaboration with National Union of Peoples Lawyers (NUPL) as counsel for all the accused concurred to the motion of the OPAJA to transferred accused to the PNP Custodial Center in Camp Crame but objected to the retention of the three (3) accused, namely, Valentino Paulino, Cherylyn Tawagon and Ellen Carandang in Camp Capinpin. They claimed that there is no justifiable reason for the military to insist on keeping the afore-named three (3) accused in its custody and reasoned out that said accused allegedly chose to remain in their custody which is highly preposterous. To allow them to remain in Camp Capinpin is tantamount to the idea that all detention prisoners have the right to choose their place of detention.

On March 18, 2010 a Supplemental Manifestation and Motion was filed by Gen. Jorge V. Segovia alleging that the two (2) accused namely John Mark R. Barrientos and Jenilyn Pizarro appealed to their custodial officer that they be included to the three (3) accused to be retained under military custody.

On March 19, 2010 Atty. Cyrus D. Jurado, counsel for accused Valentino Paulino, Elenor Carandang, Chereilyn Tawagon, John Mark R. Barrientos and Jenilyn B. Pizarro filed a motion that the above-named accused be detained at Camp Capinpin, Tanay, Rizal.

Section 3, Rule 114 of the Revised Rules of Criminal Procedure provides that:

Sec. 3. No release or transfer except on court order or bail. - No person under detention by legal process shall be released or transferred except upon order of the court or when he is admitted to bail.

In relation to the said rule, Administrative Circular No. 68-2005 issued on October 27, 2005 otherwise known as "Authorizing Executive Judges of

First and Second Level Courts to Approve Requests of the Bureau of Jail Management and Penology to Transfer or Change Place of Detention of High-Risk or High-Profile Detainees" provides that all requests for such transfer shall be submitted for appropriate action to the Executive Judge who has administrative supervision over the court in the place where the local jail which the prisoner is currently detained.

This Court after receipt of the instant motion brought it to the attention of the Honorable Executive Judge Candido O. Delos Santos for appropriate action.

The Hon. Executive Judge and this Court carefully deliberated on the arguments raised by both parties and finding that the thirty eight (38) accused interposed no objection to the transfer and pursuant to the Decision of the Court of Appeals, Special Division of Five dated March 9, 2010 in the case of " In the matter of the petition for Habeas Corpus, Dr. Merry Mia-Clamor, et. al., petitioners, vs. Gen. Victor S. Ibrado, et. al., respondents, CA-G.R. SP No. 112695" submitting to the sound discretion of the criminal courts which exercises jurisdiction over them the resolution of the Motion to Transfer of Detention, this Court with the concurrence of Honorable Executive Judge Candido O. Delos Santos hereby GRANTING the said motion.

WHEREFORE, Major General Jorge V. Segovia AFP, in his capacity as the Commanding General of the Second Infantry Division, Philippine Army, Camp Capinpin, Brgy. Sampaloc, Tanay, Rizal or his duly assigned representative is hereby ordered to transfer from his custody the herein below enumerated accused to PNP Custodial Center, Camp Crame, Quezon City immediately upon receipt of this order, to wit:


1. MA MERCEDES CASTRO Y ICBAN
2. GARY LIBERAL Y APUHIN
3. JANE VALLETA Y BELTRAN
4. SAMSON CASTILLO Y MAYOGA
5. REYNALDO MACABENTA Y TORRES
6. ROGELIO VILLAREAL Y VALINO
7. TERESA QUINADAN Y RONCALES
8. DEL AYO AVERA
9. MIANN OSEO Y IDJAO
10. ALEXIS MONTES Y SULINAP
11. JANNA MENDOZA Y MEJARES
12. ALDRIN GARCIA Y SAGRINO
13. DELIA OCASIA Y MEDRANO
14. LINDA ROCEL OTANEZ Y REYES
15. GLENDA MURILLO Y CERVANTES
16. JANICE JAVIER Y QUATCHON
17. PEARL IRENE MARTINEZ Y DELOS REYES
18. EDWIN DETERA Y BUSTAMANTE
19. JUDILYN OLIVEROS Y ABUYAN
20. ANTONIO DE DIOS Y CAPILE
21. LILIBETH DONASCO Y CANDELARIO
22. MARVIN ORTIZ Y QUIDOR

23. CHRISTINE ANN EVANGELISTA Y DE LEON
24. MARK ESCARTINS Y ESPENIDA
25. RAMON DELA CRUZ Y SANTOS
26. CLAIRE CRUZ DELOS REYES
27. RENZ CAPILLO Y MEDIAVILLO
28. SYLVIA LABRADOR Y PAJANUSTAN
29. FRANCO ROMEROSO Y BILOGAN
30. JEANS TRINIDAD Y DE LEON
31. MARIO DELOS SANTOS Y CERIN
32. ROMEO DELA CRUZ Y MENDOZA
33. YOLANDA YAUN Y BILLESA
34. MA. ELENA SERATO Y ECLEO
35. ANGELA LORICON Y MANOGAN
36. MARY CLAMOR Y ECLEO
37. RIA DE LUNA Y BAUTISTA and
38. EMILIA MARQUEZ Y MANGUBA


Accused JOHN MARK BARRIENTOS, JENILYN B. PIZZARO, VALENTINO A. PAULINO, ELEANOR CARANDANG and CHERELYN TAWAGON are ordered to be retained in the custody of Major General Jorge V. Segovia AFP, in his capacity as the Commanding General of the Second Infantry Division, Philippine Army, Camp Capinpin, Brgy. Sampaloc, Tanay, Rizal until further order of this Court.

SO ORDERED.

Morong, Rizal
April 7, 2010


AMORFINA CERRADO-CEZAR
Acting Presiding Judge

NOTED BY:


HON. CANDIDO O. DELOS SANTOS
Executive Judge