



Republic of the Philippines
Court of Appeals
Manila

PUBLIC INTEREST LAW CENTER

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10 MAR 2010

SPECIAL DIVISION OF FIVE

**IN THE MATTER OF THE PETITION
FOR THE HABEAS CORPUS OF:**

CA-G.R. SP NO. 112695

**DR. MERRY MIA-CLAMOR, DR. ALEX MONTES
GARY LIBERAL, TERESA QUINAWAYAN
LYDIA OBERA, REYNALDO MACABENTA
ANGELA DOLORICON, DELIA OCASIA
JANICE JAVIER, FRANCO REMOROSO
AILENE MONASTERYO, PEARL IRENEMARTINEZ
ELEN CARANDANG, DANY PANERO
RAYOM AMONG, EMILY MARQUEZ
EMELIA MARQUEZ, JANE BALLETA
GLENDA MURILLO, ACE MILLENA
ELY CASTILLO, LALYN SALIGUMBA
JOVY ORTIZ, SAMSUNG CASTILLO
MARK ESTRELLADO, MIANN OSEO
SELVIA PAJANOSTAN, LOLIBETH DONASCO
JENELYN PIZARO, RAMON DE LA CRUZ
JACQUELINE GONZALES, MARIA ELENA SERATO
MERCY CASTRO, LEA DE LUNA
JUDILYN OLIVEROS, VALENTINO PAULINO
YOLANDA YAUN, EDWIN DEMATERA
SHERILYN RIOCASA TAWAGON, GERRY SUSTINO
JENMARK BARRIENTOS, MARK ESCARTIN**

RONEO S. CLAMOR, ET AL.,
Petitioners,

- versus -

GEN. VICTOR S. IBRADO, ET. AL.,
Respondents.

X-----X


Notice of DECISION

Sir:

Please take notice that on **March 9, 2010**, a **Decision**, copy hereto attached, was rendered by the **Special Division of Five** of the Court of Appeals in the above-entitled case, the original copy of which is on file with this Office.

You are hereby required to inform this Court, within five (5) days from receipt hereof, of the date when you received this notice and a copy of the **Decision**.

Very truly yours,


Marie Claire Victoria Mabutas-Sordan
Division Clerk of Court

Copy Furnished:

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Chief - 2nd Infantry Division Philippine Army
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Commander - 202nd Infantry Brigade Philippine Army
Camp Capinpin, Tanay, Rizal

P/SUPT. MARION BALONGLONG – per.
Rizal Philippine National Police
Rizal Provincial PNP

/rfl

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CA-G.R. SP NO. 112695

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PANERO, RAYOM AMONG,
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LALYN SALIGUMBA, JOVY ORTIZ,
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ESTRELLADO, MIANN OSEO,
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LOLIBETH DONASCO, JENELYN
PIZARO, RAMON DELA CRUZ,
JACQUELINE GONZALES, MARIA
ELENA SERATO, MERCY CASTRO,
LEA DE LUNA, JUDILYN OLIVEROS,
VALENTINO PAULINO, YOLANDA
YAUN, EDWIN DEMATERA,

Members:

ALIÑO-HORMACHUELOS,
Chairperson,
DE LEON,
VILLON,
PIZARRO¹, and
ACOSTA², JJ.

1 vice Justice Isaias P. Dican.

2 vice Justice Antonio L. Villamor.

**SHERILYN RIOCASA TAWAGON,
GERRY SUSTINO, JENMARK
BARRIENTOS, MARK ESCARTIN,
RONEO S. CLAMOR, LEONILO
DOLORICON, OFELIA B. BALLETA,
RAYMUNDO L. APUHIN, MARGIE M.
OCASLA, REYNAN A. GABAN,
MA. LUCRESIA QUINAWAYAN,
ROY S. MONTES, MARIA CHRISTINA
S. MACABENTA, EDGARDO GONZALES
and COMMUNITY MEDICINE
DEVELOPMENT FOUNDATION
(COMMED) represented by its Secretary
DR. JULIE P. CAGUIAT,
Petitioners,**

- versus -

**GEN. VICTOR S. IBRADO, AFP
CHIEF OF STAFF; LT. GEN. DELFIN
N. BANGIT, COMMANDING GENERAL,
PHILIPPINE ARMY; BRIG. GEN. JORGE
SEGOVIA, CHIEF OF THE 2nd INFANTRY
DIVISION, PHILIPPINE ARMY;
COL. AURELIO BALADAD, COMMANDER
OF THE 202nd INFANTRY BRIGADE,
PHILIPPINE ARMY, DIRECTOR-GENERAL
JESUS A. VERSOZA, PHILIPPINE
NATIONAL POLICE ; and
P/SUPT. MARION BALONGLONG,
RIZAL PHILIPPINE NATIONAL POLICE,
Respondents.**

Promulgated:

09 MAR 2010

AP

X-----X

U. S. ...

DECISION

ALIÑO-HORMACHUELOS, J.:

PREFATORY STATEMENT

For resolution is a Very Urgent Petition for Habeas Corpus³ filed by the petitioners in behalf of their family members who are being detained by respondents at Camp Capinpin in Tanay, Rizal.

On February 10, 2010, the First Division of the Supreme Court through Chief Justice Reynato S. Puno issued a writ of habeas corpus directing the respondents to produce the bodies of the 43 detainees and required respondents to make a return of the writ and show cause of the restraint. The Supreme Court delegated the hearing and resolution of the merits of the petition to the undersigned ponente.⁴ Hearings were conducted on February 12 and 15, 2010.

On February 26, 2010, the undersigned submitted a Report to the members of the Division for consultation pursuant to Section 9, Rule VI (Process of Adjudication) of the 2009 Internal Rules of the Court of Appeals (IRCA).

On March 3, 2010, the Division met for its consultation and deliberation.

On even date, Justice Francisco P. Acosta filed a Dissenting Opinion, thus the unanimous vote of the members of the Division could not be attained. Hence, on March 5, 2010, a Special

³ Rollo, pp. 2-28.

⁴ Rollo, pp. 37-44

Division of Five was formed with the addition of Justice Magdangal M. de Leon and Justice Sesinando E. Villon to the Division.

On March 8, 2010, the Special Division of Five met in consultation. Justice Pizarro joined Justice Acosta in the latter's dissent. However, the two additional members of the Division namely, Justice de Leon and Justice Villon concurred with the findings and conclusion reached in the Report which then became the herein majority opinion and **DECISION**.

After the consultation/deliberation, the Division members whose opinions constitute the majority, agreed to assign this case to the undersigned ponente for the writing of the opinion of the Court.

THE FACTUAL ANTECEDENTS:

Forty-three (43) detainees, subjects of this petition, are allegedly leaders and members of Community Medicine Development Foundation (COMMED) and Community for Health Development (CHD), non-government organizations composed of people from the medical profession as well as volunteer health workers from various communities that train and educate people on how to respond to natural disasters and calamities and provide free health services to destitute communities. On February 1 to 7, 2010, COMMED conducted a Community First Responders Health Training at a training facility inside the farmhouse owned by Dr. Melecia Velmonte, an infectious disease specialist and COMMED's Chair of the Board. The farmhouse is located at 266 Dela Paz Street, Brgy. Maybangcal, Morong, Rizal.⁵

Respondents, who are in the highest ranks of the Armed

⁵ Id., Petition, p. 3.

Forces and the National Police in the Philippines, alleged that they received an information from a reliable source that the premises were being occupied by communist rebels and members of the New People's Army (NPA)⁶. On February 6, 2010, at around 6:15 a.m., a raiding team consisting of elements from the 16th Infantry Battalion, 202nd Brigade of the Philippine Army, the Rizal Criminal and Detection Team and Rizal Police Provincial Office headed by respondents Col. Aurelio Baladad, Commander of the 202nd Infantry Brigade and P/Supt. Marion Balonglong, Commanding Officer of Rizal Provincial Public Safety Management Company, entered and searched the farmhouse owned by Dr. Velmonte.⁷ Respondents were armed with Search Warrant No. 1565-10⁸ issued by Judge Cesar A. Mangrobang of the Regional Trial Court, Branch 22 of Imus, Cavite. The warrant reads as follows:

“Republic of the Philippines
REGIONAL TRIAL COURT
FOURTH JUDICIAL REGION
Branch 22
IMUS, CAVITE

PEOPLE OF THE PHILIPPINES
Plaintiff,

- versus-

SEARCH WARRANT NO. 1565-10
For: Violation of RA 8294 (Illegal
Possession of Firearms)

MARIO CONDES of Brgy. Maybangcal,
Morong, Rizal,
Accused.

x-----x

SEARCH WARRANT

THIS SEARCH WARRANT IS VALID

6 Record, Annex "A-16", pp 178-183

7 Id., p. 181.

8 Id., Annex "A", p. 156.

ONLY UNTIL 14 FEBRUARY 2010.

TO ANY PEACE OFFICER:

GREETINGS:

It appearing to the satisfaction of the undersigned after examining under oath P/Supt. MARION D. BALONGLONG and his witness PO1 ARNEL TARASONA that there is a probable cause to believed (sic) that Violation of RA 8294 (Illegal Possession of Firearms and Ammunition) has been committed and that there are good sufficient reason to believed (sic) that MARIO CONDES has in his possession or control at Brgy. Maybangcal, Morong, Rizal the following described properties to be seized to wit:

- a. M16 Rifle
- b. Caliber 9mm Pistol
- c. 12 Gauge Shotgun
- d. Caliber 45 Pistol

You are hereby commanded to make an immediate search at any time in the day and night of the premises above described and forthwith seize and take possession of the above described properties and bring said properties to the undersigned to be dealt as the law directs.

WITNESS IN MY HAND this 5th day of February, 2010 at Imus, Cavite, Philippines.

(Sgd.)
CESAR A. MANGOBANG
Judge"

The search, conducted in the presence of Dr. Velmonte's son Jose Manuel Velmonte and Barangay Kagawads Eduardo G. Manalo and Ariel Guzon⁹, led to the discovery of the following

⁹ Id., Annex "A-12", p. 172.

items:

Confiscated from possession and control of Romeo dela Cruz:

One (1) pc Caliber 45 Colt Mr IV with Serial Number 041362
One (1) pc pistol Magazine for caliber .45; and
Six (6) pcs live ammunition for caliber .45

Confiscated from possession and control of Del Ayo Avera:

One (1) pc Caliber 38 no serial number; and
Six (6) pcs live ammunition for caliber 38

Confiscated from possession and control of Reynaldo Macabenta

One (1) caliber .45 Armscor with Serial No. 1055923;
One (1) pc pistol magazine for caliber .45; and
Six (6) pcs live ammunition for caliber .45

Also seized during the implementation of the search warrant were the following:

Three (3) pcs hand grenades;
One (1) canister 10x12 improvised landmine;
Five (5) pcs improvised claymore mines;
Two (2) kg Ammonium Nitrate; and
Thirty-seven (37) pcs improvised explosive sticks.¹⁰

None of the foregoing was covered by a license to carry or possess.

As proofs of the search, a Receipt of Property Seized/Confiscated¹¹ and a Certification of Orderly Search¹² both dated February 6, 2010 were signed by barangay Kagawads Manalo and Guzon. Jose Manuel Velmonte refused to sign the

¹⁰ Id., Annex "A-10", pp. 169-170.

¹¹ Id., Annex "A-11", p. 171.

¹² Id., Annex "A-12", p. 172.

documents.

As a consequence, the forty-three detainees were arrested and brought to Camp Capinpin in Tanay, Rizal for investigation. Mario Condes who was named in the warrant was not one of those arrested.

Petitioners alleged that during the search, the military and police brought with them eight (8) 6 x 6 military trucks; two (2) armored personnel carriers; one (1) ambulance; one (1) Kia Pride vehicle and several PNP vehicles, the plate numbers of which were covered; that respondents ordered Dr. Velmonte's helper at gunpoint to open the gate; that Dr. Velmonte and her son Jose Manuel vigorously protested the validity of the search warrant but their objections were ignored; that the detainees did not witness the search conducted by the respondents as they were confined in one area; and that they were forcibly taken from the farmhouse without informing them of the reason for their arrest.¹³

On February 7, 2010, State Prosecutor Romeo B. Senson of the Department of Justice conducted inquest proceedings on the 43 detainees.¹⁴ In a Resolution dated February 8, 2010, State Prosecutor Senson recommended the filing of Informations against the 43 medical workers for Violations of PD 1866 as amended by RA 8294¹⁵ and RA 9516¹⁶ and Comelec Resolution No. 8714¹⁷ in

13 Id., Petitioners' Memorandum, pp 108-110.

14 Id., Respondents' Memorandum, p 349.

15 An Act Amending the Provisions of Presidential Decree No. 1866, as amended, entitled "Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of firearms, ammunition or explosives, and Imposing Stiffer Penalties for Certain Violations Thereof, and for Relevant Purposes", approved on June 6, 1997

16 An Act Further Amending the Provisions of Presidential Decree No. 1866, As Amended, Entitled Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof, and For Other Relevant Purposes, approved on December 22, 2008.

17 Rules and Regulations on the: (1) Bearing, Carrying or Transporting of Firearms or Other

relation to Article 261 (q) of the Election Code¹⁸ before the Regional Trial Court (RTC) of Morong, Rizal. The dispositive portion of the Resolution provides:

"WHEREFORE, it is respectfully recommended that the above resolution be approved charging the forty (40) persons, to wit: Gary Liberal y Apuhin, Samson Castillo y Mayoga, Rogelio Villarisi y Valino, Valentino Paulino y Abela, Alexis Montes y Sulinap, Aldrin Garcia y Sagrino, Linda Racel Otañez y Reyes, Janice Javier Y Quatchon, Edwin Detera y Bustamante, Jhon Mark Barrientos y Roldan, Antonio de Dios y Capile, Marvin Ortiz y Quidor, Mark Escartins y Espenida, Ramon dela Cruz y Santos, Renz Capillo y Mediavillo, Franco Romeroso y Bilogan, Mario delos Santos y Cerin, Yolanda Yaun y Billesa, Angela Loricon y Manogan, Ria de Luna y Bautista, Ma. Mercedes Castro y Icban, Jennylyn Vatar y Pizaro, Jane Ballea y Beltran, Cherrylyn Rico y Len, Teresa Quinadad y Roncales, Miann Oseo y Idjao, Janna Mendoza y Mejares, Delia Ocasla y Medrano, Glenda Murillo y Cervantes, Pearl Irene Martinez y delos Reyes, Judilyn Oliveros y Abuyan, Lilibeth Donasco y Candelario, Cristine Ann Evangelista y de Leon, Claire Cruz y Delos Reyes, Sylvia Labrador y Pajanustan, Jeans Trinidad y De

Deadly Weapons, and (2) Employment, Availment or Engagement of the Services of Security Personnel or Bodyguards, During the Election Period for the May 10, 2010 National and Local Elections

18 Article XXII (ELECTION OFFENSES)

Sec. 261. Prohibited Acts. - The following shall be guilty of an election offense:

(q) Carrying firearms outside residence or place of business. - Any person who, although possessing a permit to carry firearms, carries any firearms outside his residence or place of business during the election period, unless authorized in writing by the Commission: Provided, That a motor vehicle, water or air craft shall not be considered a residence or place of business or extension hereof.

This prohibition shall not apply to cashiers and disbursing officers while in the performance of their duties or to persons who by nature of their official duties, profession, business or occupation habitually carry large sums of money or valuables

Leon, Helen Carandang y Orjena, Ma. Elena Serato y Ecleo, Mary Clamor y Mia and Emilia Marquez y Manguba for illegal possession of explosives with no bail recommended under P.D. 1866 and amended by R.A. No. 6516 (sic).

Respondent Romeo dele Cruz for illegal possession of .45 pistol with bail recommended of P80,000.00 as provided by PD 1866 as amended by R.A. 8294 and 9516 and also for violation of Comelec Resolution No. 8714, with bail recommended at P60,000.00.

Respondent Reynaldo Macabenta for illegal possession of 45 pistol with bail recommended of P80,000.00 as provided by PD 1866 as amended by R.A. 8294 and 9516 and also for violation of Comelec Resolution No. 8714, with bail recommended at P60,000.00.

Respondent Del Ayo Overa for illegal possession of .45 pistol with bail recommended of P60,000.00 as provided by PD 1866 as amended by R.A. 8294 and 9516 and also for violation of Comelec Resolution No. 8714, with bail recommended at P60,000.00 and the attached informations be filed with the appropriate court.”

On February 9, 2010, petitioners, who are members of the immediate families of the detainees, filed the herein Very Urgent Petition for Habeas Corpus before the Supreme Court alleging that the search made on the farmhouse of Dr. Velmonte was illegal since the search warrant was directed against one Mario Condes who is not a resident of the farmhouse and the place to be searched was not particularly described therein; that the explosives and firearms allegedly found inside the farmhouse were planted; that the detainees were illegally arrested and detained at Camp Capinpin; and that the detainees' constitutional rights to life,

liberty, security and due process were repeatedly and unabashedly transgressed by respondents.¹⁹

On February 11, 2010, Criminal Case No. 10-9079-M²⁰ for Violation of PD 1866, as amended by RA 8294 and RA 9516, for Illegal Possession of explosives, grenades and improvised land mine was filed against forty of the detainees. The remaining three detainees were separately charged. Del Ayo Avera was charged in Criminal Case No. 10-9080-M²¹ for Illegal Possession of homemade caliber 38 with four (4) live ammunitions and Criminal Case No. 7082²² for Violation of Comelec Resolution 8714 in relation to Article 261 (q) of the Election Code. Romeo dela Cruz was charged in Criminal Case No. 7083²³ for Illegal Possession of caliber 45 pistol with one magazine and seven (7) live ammunitions and Criminal Case No. 10-9081-M²⁴ for Violation of Comelec Resolution 8714 in relation to Article 261 (q) of the Election Code. Reynaldo Macabenta was charged in Criminal Case No. 10-9078-M²⁵ for Illegal Possession of caliber 45 pistol with magazine loaded with six (6) live ammunitions and Criminal Case No. 7084²⁶ for Violation of Comelec Resolution 8714 in relation to Article 261 (q) of the Election Code.

On February 12, 2010, the Regional Trial Court (RTC), Branch 78 of Morong, Rizal presided by Acting Presiding Judge Amorfin Cerrado-Cezar issued Commitment Orders in Criminal Cases No. 10-9078-M²⁷, 10-9079-M²⁸ 10-9080-M²⁹ and 10-9081-

19 Rollo, Petition, p. 1-14.

20 Record, Annex "5", pp 87-91.

21 Id., Annex "1", pp. 75-77.

22 Id., Annex "6", pp. 92-94.

23 Id., Annex "4", pp. 84-86.

24 Id., Annex "7", pp. 95-97.

25 Id., Annex "2", pp. 78-80.

26 Id., Annex "3", pp. 81-83.

27 Id., Annex "4", p. 387.

28 Id., Annex "3", pp 385-386.

29 Id., Annex "2", p. 384.

M³⁰ directing the jail warden of Camp Capinpin to take custody of the forty-three (43) detainees pursuant to Sections 5 and 7, Rule 112 of the Rules of Criminal Procedure. On February 15, 2010, the Municipal Trial Court (MTC) of Morong, Rizal presided by Judge Rodrigo L. Posadas issued Commitment Orders in Criminal Cases No. 7082³¹, 7083³² and 7084³³ likewise directing the jail warden of Camp Capinpin to take custody of detainees Del Ayo Avera, Romeo dela Cruz and Reynaldo Macabenta.

On February 12, 2010 respondents, represented by the Office of the Solicitor-General (OSG), filed a Return of the Writ affirming the validity of the seizure and arrests conducted by the respondents on the farmhouse of Dr. Velmonte. The OSG also argued that the writ of habeas corpus does not lie since several Informations had already been filed against the forty-three workers.³⁴

On February 15, 2010, the forty-three detainees were presented before this Court. Petitioners, represented by their lead counsel Atty. Romeo T. Capulong, presented the testimony of Dr. Alexis Montes, who was allowed to render his testimony by way of observance of the ruling in the case of *Umil vs. Ramos*³⁵ invoked by petitioners. OSG's Assistant-Solicitor Renan E. Ramos vehemently objected to the presentation of said testimony.

This Court then directed the parties to submit their respective Memoranda on or before February 17, 2010 after which the case would be submitted for decision.

This petition raises the following issues³⁶:

30 Id., Annex "1", p. 383.

31 Id., Annex "7", p. 390.

32 Id., Annex "6", p. 389.

33 Id., Annex "5", p. 388.

34 Id., Exhibit "1", pp. 66-74.

35 187 SCRA 311.

36 Id., Petitioners' Memorandum, pp. 118-119.

I.

WHETHER OR NOT THE SEARCH CONDUCTED BY THE MILITARY AND POLICE RAIDING TEAM ON THE FARMHOUSE/COMPOUND OWNED BY DR. MELECIA VELMONTE LOCATED AT 266 DELA PAZ ST., BRGY. MAYBANGCAL, MORONG, RIZAL IS VALID.

II.

WHETHER OR NOT THE WARRANTLESS ARRESTS MADE ON THE 43 DOCTORS AND MEDICAL WORKERS ARE VALID ON FEBRUARY 6, 2010.

III.

WHETHER OR NOT THE CONSTITUTIONAL RIGHT TO DUE PROCESS AND OTHER CONSTITUTIONAL RIGHTS OF THE 43 DOCTORS AND MEDICAL WORKERS HAVE BEEN VIOLATED DURING THE CONDUCT OF THE SEARCH, ARREST AND WHILE UNDER DETENTION.

IV.

WHETHER OR NOT THE HONORABLE COURT MUST AND SHOULD INQUIRE

**INTO THE LEGALITY OF THE
PETITIONERS' ARREST AND
CONTINUED DETENTION TO ENSURE
THAT DUE PROCESS CLAUSE OF THE
CONSTITUTION HAS IN FACT BEEN
SATISFIED.**

The fundamental issue before Us is whether this petition for *habeas corpus* can prosper and whether the detainees subject thereof are entitled to be discharged.

We rule in the negative.

Petitioners can no longer seek relief *via* this petition for *habeas corpus* in view of the filing of Informations against the 43 detainees which has placed them under the legal custody of the RTC, Branch 78 of Morong, Rizal and the MTC of Morong, Rizal.³⁷

Section 1, Rule 102 of the Rules of Court states that the writ of *habeas corpus* extends to all case 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. The function of the special proceeding of *habeas corpus* is to inquire into the legality of one's detention³⁸ and if found illegal, the court shall order the release of the detainee.³⁹ If, however, the detention is proven lawful, then the *habeas corpus* proceedings terminate.⁴⁰

37 Bernarte vs. Court of Appeals, 263 SCRA 323 (1996).

38 In the Matter of the Petition for Habeas Corpus of Capt. Gary Alejano, et al., G.R. No. 160792, August 25, 2005, 468 SCRA 188; Ilagan v. Enrile, G.R. No. 70748, October 21, 1985, 139 SCRA 349, 364.

39 In Re: Azucena L. Garcia, G.R. No. 141443, August 30, 2000, 339 SCRA 292.

40 Martin Gibbs Fletcher vs. The Director of Bureau of Corrections, UDK-14071, July 17, 2009; Barredo v. Hon. Vinarao, Director, Bureau of Corrections, G.R. No. 168728, 02 August 2007, 529 SCRA 120.

Settled is the rule that even if the arrest of a person is illegal at the inception, supervening events may bar his release or discharge from custody. Section 4, Rule 102 of the Rules of Court provides:

Sec. 4. When writ not allowed or discharge authorized – If it appears that the person 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 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. (emphasis supplied)

Be that as it may, after due consultation in the manner of collegiate appellate courts, We resolved to hear the testimony of Dr. Alexis Montes pursuant to the opinion in *Morales, Jr. vs. Enrile*⁴¹ and *Umil vs. Ramos*,⁴² invoked by the petitioners, that in all petitions for habeas corpus, the court must inquire into every phase and aspect of petitioner's detention – from the moment petitioner was taken into custody up to the moment the court passes upon the merits of the petition, and that only after such a scrutiny can the court satisfy itself that the due process clause of our Constitution has been satisfied.⁴³ Dr. Montes testified on his arrest and his feelings relative thereto; that he and the other

41 121 SCRA 538

42 Supra

43 Supra.

detainees were handcuffed, blindfolded, questioned and fingerprinted, and their movements were restricted.⁴⁴

However, notwithstanding the opinion in *Umil vs. Ramos*⁴⁵, the long-standing doctrine enunciated by the Supreme Court in *Ilagan vs. Enrile*⁴⁶ that a writ of habeas corpus is no longer available after an information is filed against the person detained and a warrant of arrest or an order of commitment has been issued by the court where said information has been filed, has not been overturned and is still controlling.

Accordingly, the subsequent filing of criminal charges against the detainees and the issuance of commitment orders for their continued detention at Camp Capinpin cured whatever irregularities or infirmities were attendant to their arrest, even assuming *arguendo* that their warrantless arrest and detention were initially illegal.⁴⁷ Indeed, it has been held in a long line of cases that even if the detention is at its inception illegal, it may, by reason of some supervening event, be no longer illegal at the time of the filing of the application.⁴⁸

The writ will not issue where the person in whose behalf the writ is sought 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 the court or judge had jurisdiction to issue the process, render the judgment, or make the order.⁴⁹

The Supreme Court has uniformly ruled that the filing of a charge, and the issuance of the corresponding warrant of arrest, against a person invalidly detained will cure the defect of that

44 Record, TSN, Dr. Alex Montes, February 15, 2010, pp. 758-876

45 *Supra*

46 G.R. No. 70748, October 21, 1985, 139 SCRA 349.

47 *Bernarte vs. Court of Appeals*, *supra*.

48 *Office of the Solicitor General v. De Castro*, A.M. No. RTJ-06-2018, August 3, 2007, 529 SCRA 157, 168-169; *Velasco v. Court of Appeals*, 245 SCRA 677 (1995).

49 Section 4, Rule 102 of the Rules of Court *supra*.

detention or at least deny him the right to be released because of such defect.⁵⁰

In *Kiani vs. Bureau of Immigration and Deportation*⁵¹ citing *Caballes v. Court of Appeals*⁵², the Supreme Court categorically held:

"Habeas corpus is not in the nature of a writ of error; nor intended as substitute for the trial court's function. It cannot take the place of appeal, certiorari or writ of error. The writ cannot be used to investigate and consider questions of error that might be raised relating to procedure or on the merits. The inquiry in a *habeas corpus* proceeding is addressed to the question of whether the proceedings and the assailed order are, for any reason, null and void. The writ is not ordinarily granted where the law provides for other remedies in the regular course, and in the absence of exceptional circumstances. Moreover, *habeas corpus* should not be granted in advance of trial. The orderly course of trial must be pursued and the usual remedies exhausted before resorting to the writ where exceptional circumstances are extant. In another case, it was held that *habeas corpus* cannot be issued as a writ of error or as a means of reviewing errors of law and irregularities not involving the questions of jurisdiction occurring during the course of the trial, subject to the caveat that constitutional safeguards of human life and liberty must be preserved, and not destroyed. It has also been held that where restraint is under legal process, mere errors and irregularities, which do not render the proceedings void, are not grounds for relief by *habeas corpus* because in such cases, the restraint is not illegal.

50 Larranaga vs Court of Appeals, G.R. No. 130644, March 13, 1998, 287 SCRA 581.

51 G.R. No. 160922, February 27, 2006, 483 SCRA 341.

52 G.R. No. 163108, February 23, 2005, 452 SCRA 312

Once a person detained is duly charged in court, he may no longer question his detention through a petition for issuance of a writ of habeas corpus. The privilege of the writ of habeas corpus shall not be allowed after the party sought to be released had been charged before any court.⁵³

The detainees are not without any remedy. The issues raised by the petitioners may be properly threshed out in the trial courts before which the criminal charges against the detainees have been filed - i.e. the RTC, Branch 78, and the MTC, both of Morong, Rizal. This Court is satisfied that these issues⁵⁴, which are not pivotal in this petition for habeas corpus by virtue of the Rule and settled jurisprudence aforesaid⁵⁵, may be more fully and properly ventilated in the said criminal cases.

Corollarily, petitioners' motion for the transfer of custody of the detainees from Camp Capinpin to Camp Crame is to be submitted to the sound discretion of the criminal courts which now exercise jurisdiction over them. Hence, petitioners' Urgent Motion to Transfer Detention filed before this Court must likewise be denied. As already noted, both the RTC and MTC have directed the jail warden of Camp Capinpin to take custody of the detainees.⁵⁶ The Motion may of course be refiled in the aforementioned trial courts.

Having established that the detainees' continued imprisonment is by virtue of a valid court process, We find it unnecessary to dwell on the other issues raised by the petitioners.

53 Carlos T. Go, Sr. vs. Luis T. Ramos, G.R. Nos. 167569, 167570, 171946, September 4, 2009, In the Matter of the Petition for Habeas Corpus of Engr. Ashraf Kunting, G.R. No. 167193, April 19, 2006, 487 SCRA 602, 607, Commissioner Rodriguez vs. Judge Bonifacio, 344 SCRA 519 (2000)

54 Id., Petitioners' Memorandum, pp. 118-119

55 Note 53

56 Record, Annexes "1" to "7", pp. 383-390.

WHEREFORE, premises considered, the petitioners are hereby **DENIED** the privilege of the Writ of Habeas Corpus. The instant petition is **DISMISSED**.

SO ORDERED.

ORIGINAL SIGNED

PORTIA ALINO-HORMACHUELOS
Senior Associate Justice

ORIGINAL SIGNED
MAGDANGAL DE LEON
Associate Justice

ORIGINAL SIGNED
SESINANDO E. VILLON
Associate Justice

ORIGINAL SIGNED
NORMANDIE B. PIZARRO
Associate Justice

ORIGINAL SIGNED
FRANCISCO P. ACOSTA
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court. (Sec. 5, Rule 8, RIRCA [a])

ORIGINAL SIGNED

PORTIA ALIÑO-HORMACHUELOS
Senior Associate Justice
Chairperson, Special Division of Five