



Republic of the Philippines
Supreme Court
Manila

First Division

G.R. No. 191003

RONEO S. CLAMOR, LEONILO
DOLORICON, OFELIA B. BALLETA,
RAYMUNDO L. APUHIN, MARGIE M.
OCASLA, REYNAN A. GABAN, MA.
LUCRECIA 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 -

WRIT OF HABEAS
CORPUS

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; PHILIPPINE NATIONAL POLICE
DIRECTOR GENERAL JESUS A. VERZOSA;
AND P/SUPT. MARION BALONGLONG, RIZAL
PHILIPPINE NATIONAL POLICE,
Respondents.

x.....x

TO: HON. PORTIA ALIÑO HORMACHUELOS
Acting Presiding Justice
Court of Appeals
Manila

GEN. VICTOR S. IBRADO
 AFP Chief of Staff
 Camp General Emilio Aguinaldo
 EDSA, Quezon City, Philippines

LT. GEN. DELFIN N. BANGIT
 Commanding General
 Philippine Army
 Fort Andres Bonifacio, Metro Manila

BRIG. GEN. JORGE SEGOVIA
 Chief, 2nd Infantry Division
 Philippine Army
 Camp Capinpin, Tanay, Rizal

COL. AURELIO BALADAD
 Commander, 202nd Infantry Brigade
 Philippine Army
 Camp Capinpin, Tanay, Rizal

DIRECTOR GENERAL JESUS A. VERZOSA
 Philippine National Police
 Camp Crame, EDSA corner Boni Serrano Avenue
 Quezon City, Philippines

P Supt. MARION BALONGLONG
 R-22 Philippine National Police
 Rizal Provincial PNP

GREETINGS:

WHEREAS, the Supreme Court on 10 February 2010, adopted a resolution in the above-entitled case, to wit:

"G.R. No. 191003 (Roneo S. Clamor, Leonilo Doloricon, Ofelia B. Ballea, Raymundo L. Apuhin, Margie M. Ocasla, Reynan A. Gaban, Ma. Lucrecia Quinawayan, Roy S. Montes, Maria Christina S. Macabenta, Edgardo Gonzales and Community Medicine Development Foundation (COMMED) represented by its Secretary Dr. Julie P. Caguiat vs. 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; Philippine National Police Director

General Jesus A. Verzosa; and P/Supt. Marion Balonglong, Rizal Philippine National Police).- Before the Court is a very urgent petition for *habeas corpus* with prayer that the same be given due course; that a writ of *habeas corpus* be granted commanding respondents to take and have the body of 43 men and women¹ of the medical profession illegally and unconstitutionally detained at Camp Capinpin, Tanay, Rizal, before this Court; and that thereafter the privilege of the writ of *habeas corpus* be granted ordering the release of said 43 persons.

Petitioner-individuals are filing the petition on behalf of their relatives among the 43. Petitioner COMMED is filing the petition on behalf of the 43 who are its leaders and members. Petitioners allege that respondents Gen. Segovia, Col. Baladad and P/Supt. Balonglong are the ones responsible for the illegal arrest and illegal and unconstitutional detention of the 43. The other respondents are sued under the doctrine of command responsibility.

In support of their prayer, petitioners allege that starting February 1, 2010, leaders and members of COMMED and Community for Health Development (CHD) have been conducting a Community First Responders Health Training at a training facility within the farmhouse owned by Dr. Melecia Velmonte, COMMED's chairperson. The farmhouse is located at 266 De la Paz Street, Brgy. Maybangcal, Morong, Rizal. The training was scheduled until February 7, 2010.

But on February 6, 2010, around 6:15 a.m., at least 300 heavily-armed soldiers and policemen headed by Col. Baladad and P/Supt. Balonglong entered the farmhouse. Petitioners allege that Dr. Velmonte's helper was held at gunpoint to open the farmhouse gate; that an illegal search was conducted within the "house" and training facility; and that 43 men and women found within the premises were hand-tied, blindfolded and forced to line up. Dr. Velmonte protested, asked the reasons for the search and arrests and demanded a search warrant. Later, upon the intervention of Dr. Velmonte's son, Jose Manuel, Col. Baladad presented a search warrant.

¹ Dr. Merry Mia-Clamor, Dr. Alex Montes, Gary Liberal, Tereza Quinawayan, Lydia Obara, Reynaldo Macabenta, Angela Doloricon, Delia Ocasia, Janice Javier, Franco Remoroso, Ailene Monasteryo, Pearl Irene Martinez, Elen Carandang, Dany Panero, Rayom Among, Emily Marquez, Emelia Marquez, Jane Balleta, Glenda Murillo, Ace Millena, Fly Castillo, Lalyn Saligumba, Jovy Ortiz, Samsung Castillo, Mark Escobedo, Miana Osco, Selvia Pajanostan, Lolibeth Donasco, Jenelyn Pizaro, Rerran de la Cruz, Jacqueline Gonzales, Maria Elena Serato, Mercy Castro, Lea de Luna, Judylyn Oliveros, Valentino Paulino, Yolanda Yaun, Edwin Dematera, Sheryn Rincosa Tawagon, Gerry Sustinto, Jenmark Barrientos, Mark Escartin, and one whose name cannot be determined with certainty as of the filing of this petition.

The search warrant, however, is directed against Mario Condes who is not a resident of the farmhouse and who is not known by Dr. Velmonte and by the training participants. The search warrant also did not describe with particularity the place to be searched as it only indicated Brgy. Maybangcal, Morong, Rizal. The search warrant did not state that the house to be searched is the farmhouse of Dr. Velmonte at 266 Dela Paz Street, Brgy. Maybangcal, Morong, Rizal. Thus, petitioners say that the search warrant issued by Judge Cesar A. Mangrobang is a blatant violation of Section 2, Article III of the 1987 Constitution.

Dr. Velmonte and her son protested the validity of the search warrant but their protest "fell on deaf ears" as the military and police searched the premises without the presence of Dr. Velmonte and the occupants thereof, in violation also of Section 8, Rule 126 of the Revised Rules of Criminal Procedure, as amended. Moreover, petitioners note that the search warrant was issued by Judge Mangrobang of the Regional Trial Court of Imus, Cavite, Branch 22, "which is outside the jurisdiction of Morong, Rizal." Petitioners further say that the military and police had no intention to search and apprehend Mario Condes for illegal possession of firearms and ammunition considering that Mario Condes is not a resident nor an occupant of the farmhouse and that the military and police had brought eight (8) military trucks, two (2) armored personnel carriers, one (1) ambulance, one (1) Kia Pride, and an undetermined number of PNP vehicles to search and apprehend one person. According to petitioners, the real intention is to harass, illegally search the farmhouse, plant pieces of evidence and illegally arrest the training participants.

Petitioners also allege that at past 8:00 a.m., the 43 persons were forcibly taken and removed from the farmhouse without informing them of the reason for their arrest. The 43 were forcibly placed inside the military vehicles. No one (1) among the 43 is Mario Condes. Col. Baladad did not bother to say the destination of the 43 when asked by Dr. Velmonte and her son. Later, they heard that the 43 will be brought to Camp Capinpin, Tanay, Rizal.

Dr. Velmonte was later informed by the military and police "about their ridiculous and absurd claim that grenades and landmines were allegedly recovered from one (1) of the beds within the premises." That "campaign materials of the party-list Bayan Muna" were included in the list of materials allegedly found in the premises "was obviously made by Col. Baladad

apparently to discredit Bayan Muna party-list for the forthcoming May 10, 2010 elections.”

Petitioners further allege that hours after the illegal search and arrest, Atty. Ephraim Cortez who was engaged by COMMED and by the families of some of the 43, colleagues of the 43 namely Dr. Edelina Dela Paz and Dr. Geneve Rivera, petitioners Roneo S. Clamor and Atty. Raymundo L. Apuhin, and human rights defender Olivia Bernardo were prevented and not allowed entry by respondents to Camp Capinpin. The 43 were held incommunicado. Entry to the camp was likewise denied on February 7, 2010. Similarly, Commission on Human Rights (CHR) Chairperson Leila de Lima was not allowed to enter the camp on February 7, 2010.

It was only on February 8, 2010 that petitioners, relatives of some of the 43, and CHR Chairperson de Lima were allowed to enter the camp and confer with some of the 43. Of the 43, only those with relatives as visitors were presented. Allegedly, those with no relatives were not presented. Those allowed to meet with relatives said that they were forcibly interrogated and tortured.

Hence, petitioners filed this urgent petition on behalf of the 43 for their present detention at Camp Capinpin, Tanay, Rizal, and the unconstitutional deprivation of their liberty.

The Court hereby grants the writ of *habeas corpus* prayed for.

The Court finds that the requisites² for the application of the writ are present. The instant petition was signed and verified by relatives and the Secretary of COMMED on behalf of the 43 who are restrained of their liberty. The petition has named the respondents by whom the 43 are so restrained and has specified the place where the 43 are restrained. Also attached to the

² Rules of Court, Rule 102 (Habeas Corpus), Section 3. *Requisites of application therefor* - Application for the writ shall be by petition signed and verified either by the party for whose relief it is intended, or by some person on his behalf, and shall set forth:

(a) That the person in whose behalf the application is made is imprisoned or restrained of his liberty;

(b) The officer or name of the person by whom he is so imprisoned or restrained; or, if both are unknown or uncertain, such officer or person may be described by an assumed appellation, and the person who is served with the writ shall be deemed the person intended;

(c) The place where he is so imprisoned or restrained, if known;

(d) A copy of the commitment or cause of detention of such person, if it can be procured without impairing the efficiency of the remedy; or, if the imprisonment or restraint is without any legal authority, such fact shall appear.

petition as Annex B is a copy of the search warrant. We find that petitioners' verified allegations provide sufficient justification for the Court to issue the writ of *habeas corpus* which extends to all cases of illegal confinement or detention by which any person is deprived of his liberty.³

WHEREFORE, let a writ of *habeas corpus* be issued immediately by the First Division Clerk of Court and require the respondents to make a return of the writ and to show cause of the restraint on Friday, February 12, 2010 at 2:00 p.m. before the Honorable Associate Justice Portia Aliño Hormachuelos, Acting Presiding Justice, Court of Appeals, Manila, who is also directed to hear the case on said time and date and thereafter decide the case on the merits.

Considering the number of persons involved, the Court of Appeals is advised to prepare an appropriate facility for the hearing.

Let service of this Resolution upon all the parties be effected by personal delivery.

SO ORDERED.

WITNESS the Honorable Chief Justice Reynato S. Puno, Chairperson, Honorable Justice Conchita Carpio Morales, Working Chairperson, Honorable Justices Teresita Leonardo de Castro, Lucas P. Bersamin, and Martin S. Villarama, Jr., Members, First Division, this 10th day of February 2010."

NOW, THEREFORE, pursuant to Rule 102 of the Rules of Court, the Writ of Habeas Corpus is hereby issued and You (respondents) are hereby required:

(1) to make a **RETURN OF THE WRIT** and to show **CAUSE OF THE RESTRAINT** on Friday, 12 February 2010 at 2:00 p.m. before the Honorable Associate Justice Portia Aliño Hormachuelos, Acting Presiding Justice, Court of Appeals, Manila; and

(2) to **PRODUCE** the following persons during the hearing of this case:

- (1) Dr. Merry Mia-Clamor, medical doctor;
- (2) Dr. Alex Montes, medical doctor;
- (3) Gary Liberal, registered nurse;

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- (4) Teresa Quinawayan, midwife;
- (5) Lydia Obera, community health worker;
- (6) Reynaldo Macabenta, community health worker;
- (7) Angela Doloricon, community health worker;
- (8) Delia Ocasia, community health worker;
- (9) Janice Javier, community health worker;
- (10) Franco Remoroso, community health worker;
- (11) Ailene Monasteryo, community health worker;
- (12) Pearl Irene Martinez, community health worker;
- (13) Elen Carandang, community health worker;
- (14) Dany Panero, community health worker;
- (15) Rayom Among, community health worker;
- (16) Emily Marquez, community health worker;
- (17) Emelia Marquez, community health worker;
- (18) Jane Balleta, community health worker;
- (19) Glenda Murillo, community health worker (pregnant);
- (20) Ace Millena, community health worker;
- (21) Ely Castillo, community health worker;
- (22) Lalyn Saligumba, community health worker;
- (23) Jovy Ortiz, community health worker;
- (24) Samsung Castillo, community health worker;
- (25) Mark Estrellado, community health worker;
- (26) Miann Oseo, community health worker;
- (27) Selvia Pajanostan, community health worker;
- (28) Lollheth Donasco, community health worker;
- (29) Jenelyn Pizaro, community health worker;
- (30) Ramon de la Cruz, community health worker;
- (31) Jacqueline Gonzales, community health worker;
- (32) Maria Elena Serato, community health worker;
- (33) Mercy Castro, community health worker;
- (34) Lea de Luna, community health worker;
- (35) Judilyn Oliveros, community health worker;
- (36) Valentino Paulino, community health worker;
- (37) Yolanda Yaun, community health worker;
- (38) Edwin Dematera, community health worker;
- (39) Sherilyn Riocasa Tawagon;
- (40) Gerry Sustinto;
- (41) Jenmark Barrientos;
- (42) Mark Escartin; and
- (43) one community health worker whose name cannot be determined with certainty as of the filing of this petition.

The aforesaid Acting Presiding Justice is likewise directed to *HEAR* the case on said time and date and thereafter *DECIDE* the case on the merits.

Jos

GIVEN by the *Honorable Chief Justice Reynato S. Puno*,
Chairperson of the First Division, Supreme Court of the Philippines, this
10th day of February, year two thousand ten.

Very truly yours,


ENRIQUETA ESGUERRA-VIDAL
Clerk of Court *from the*
First Division

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