


Republic of the Philippines  
**COURT OF APPEALS**  
Manila

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*Special First Division*

RECEIVED  


**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 -

**CA GR SP NO. 112695**  
(G.R. No. 191003)  
Petition for 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 2<sup>ND</sup> INFANTRY DIVISION,  
PHILIPPINE ARMY; COL. AURELIO  
BALADAD, COMMANDER OF THE 202<sup>ND</sup>  
INFANTRY BRIGADE, PHILIPPINE  
ARMY; PHILIPPINE NATIONAL POLICE  
DIRECTOR GENERAL JESUS A.  
VERZOSA; AND P/SUPT. MARION  
BALONGLONG, RIZAL PHILIPPINE  
NATIONAL POLICE,**

*Respondents.*

X-----X

**MANIFESTATION  
WITH URGENT MOTION TO TRANSFER DETENTION**

The petitioners, through the undersigned counsel, unto this Honorable Court, respectfully move for the transfer of the place of detention of the 43 doctors, nurses and health workers at Camp Capinpin.

Tanay, Rizal, to Camp Crame, Quezon City, while the matter herein is still pending, and state: That -

“After a person is arrested and his custodial investigation begins, a confrontation arises which at best may be termed unequal. The detainee is brought to an army camp or police headquarters and there questioned and cross-examined not only by one but as many investigators as may be necessary to break down his morale. He finds himself in strange and unfamiliar surroundings and every person he meets he considers hostile to him. The investigators are well-trained and seasoned in their work. They employ all the methods and means that experience and study have taught them to extract the truth, or what may pass for it, out of the detainee. Most detainees are unlettered and are not aware of their constitutional rights, and even if they were, the intimidating and coercive presence of the officers of the law in such an atmosphere overwhelm them into silence.”<sup>1</sup>

1. The foregoing sums up the suffering and tribulation that the 43 doctors, nurses and health workers at Camp Capinpin, Tanay, Rizal, have experienced and continue to experience in the hands of the respondents especially the military officers and members of the 2<sup>nd</sup> Infantry Division (ID) of the Philippine Army (PA) who has taken illegal custody of the 43 health workers since their unlawful arrest on February 6, 2010.

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<sup>1</sup> People vs Ayson, 175 SCRA 218.

2. Instead of bringing the 43 health workers to the nearest police station or jail as mandated by Section 5, Rule 113 of the New Rules of Criminal Procedure, the respondents illegally brought them to Camp Capinpin, Tanay, Rizal. There is no justification whatsoever to validate the respondent military officers and members' stubborn insistence to take custody of the 43 health workers.
  
3. To guide the Honorable Court in its resolution of the instant petition and motion to transfer detention, herein petitioners respectfully inform the Honorable Court of the continuing violation of constitutional rights that the 43 health workers suffer in the hands of their military custodians.
  
4. Despite the fact that charges have already been filed against the 43 health workers based on clearly "planted" evidence, they continue to experience prolonged interrogation during the late hours of the night. Even after the hearing on this case where the petitioners raised the brazen violations of the health workers' constitutional rights, the military officers and members arrogantly continue to impose fear and threats to the detainees' lives and their relatives. The military officers and members were able to freely and continuously do these acts because they have physical custody of the 43 health workers. The detainees cannot fully assert their rights without fear of reprisal from their military custodians.

5. The statements, some were in handwritten form, executed by the detainees attest to the suffering, anguish, terror and humiliation they have experienced and continue to experience while in the custody of the military in Camp Capinpin, Tanay, Rizal. The following are the most notable violations of the detainees' rights:

**The continuing psychological torture, threats, prolonged interrogation and other violations of constitutional rights of Valentino Paulino.<sup>2</sup>**

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5.1. It was only on February 9, 2010, or three (3) days after his illegal arrest that Valentino Paulino was visited by his mother. Upon seeing her son's condition, Mrs. Adoracion Paulino broke into tears. Mr. Valentino Paulino's face was hardly recognizable due to swelling as he was severely beaten up. His wrists and arms had numerous wounds. She did not have time to ask her son any questions as the military guards told her the time for visiting was over after three (3) minutes.

5.2. On February 10, 2010, Mrs. Adoracion Paulino again visited her son at around 4:00 in the afternoon. This time she was able to ask her son what happened to him and

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<sup>2</sup> A copy of the handwritten statement of Valentino Paulino is hereto attached as ANNEX "A". A copy of the sworn statement of Adoracion Paulino is hereto attached as ANNEX "B".

whether the soldiers had laid hands on him. All Mr. Valentino Paulino could say was that he was fine. No matter what Mrs. Adoracion Paulino asked her son, he would say that he was okay even though it was quite evident on his face that he was not. Mrs. Adoracion Paulino then noticed why her son could not say what he truly felt as there was a soldier standing guard not farther than three (3) paces from where they were. She was given only three to five (3-5) minutes to see her son that time.

- 5.3. On February 11, 2010 or five (5) days after the illegal arrest, the military allowed for the first time the lawyers to visit the 43 health workers. But Valentino Paulino was not allowed to talk to his lawyers. He was secretly removed from his detention cell. Despite demands from his lawyers to see him, the military refused; they also refused to say where he was brought. On the same date, Mrs. Adoracion Paulino also went to Camp Capinpin. However, she was not allowed to enter immediately and had to wait until her batch, consisting of ten (10) other visitors, was called. When her turn came to enter the camp, the military told her that she should not enter anymore as her son was no longer there and that they did not know where he was taken. Mrs. Adoracion Paulino was distraught over this turn of events as she had no idea whether the military had

already killed her son. She left without having seen her son that day.

5.4. The next day, February 12, 2010, someone had told Mrs. Adoracion Paulino that her son was seen on television; that his son Valentino spoke to the media and admitted that all of the 43 doctors, nurses and medical workers were all members of the New People's Army (NPA). It was also the day that the military was to present the 43 doctors, nurses and medical workers at the Court of Appeals upon its orders. But the military did not present them during the hearing and Mrs. Adoracion Paulino herself was not permitted to enter the premises of the Court of Appeals.

5.5. On February 13, 2010, Mrs. Adoracion Paulino once again went to Camp Capinpin to visit her son. On that occasion, the guards stayed some distance away and she was able to talk to her son with some degree of freedom. Mrs. Adoracion Paulino asked her son as to what happened to him since he was missing the other day and where was he taken. Valentino Paulino asked for her forgiveness as the military forced him to lie during the press conference and tell the media that all of the 43 doctors, nurses and medical workers were members of the NPA. Mr. Valentino Paulino told her that the soldiers tortured him and threatened him

that they would harm his mother if he would not go along with their schemes.

- 5.6. On February 16, 2010, Mrs. Adoracion Paulino visited her son again and he intimated that the military people were really exerting efforts to convince him to cooperate and work with the military; and that he was promised many things. The soldiers were rushing Valentino Paulino to make a statement. He asked his mother if she could have him transferred to Crame since a military officer surnamed Zaragoza had evil designs upon him. He was told that he would get transferred to an unknown place and this caused him a great degree of consternation as to what would happen to his life.
- 5.7. On February 21, 2010 or fifteen (15) days after his illegal arrest, Valentino was allowed to talk to his lawyers. He narrated in detail his ordeal. He issued a handwritten statement wherein he stated that he was threatened and pressured by the military to admit that he and his fellow health workers are members of the NPA.<sup>3</sup>

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<sup>3</sup> See Annex "A" herein

- 5.8. On 22 February 2010, when Mrs. Adoracion Paulino saw her son, he said that he was already very tired and that he could no longer bear his suffering. It was 3:00 p.m. at that time and he mentioned that the soldiers just brought him in. Indeed, he looked so red that it was obvious that was left to burn under the heat of the sun. He recounted that several other detainees were given the same treatment.
- 5.9. Mr. Valentino Paulino recounted that the military offered him Fifty Thousand Pesos (₱ 50,000.00) and that Mrs. Adoracion Paulino herself would get employment if they would go along with the military's plans. The soldiers would get a reward if any one of them could speak with and convince Mrs. Adoracion Paulino to go over to the side of the military. One of them attempted to speak with her but she refused.
- 5.10. On 1 March 2010, Mrs. Adoracion Paulino again visited Camp Capinpin but her son was no longer there. No one explained to her where he went and, until now, she does not know where he was taken.

**The continuing psychological torture, threats, prolonged interrogation and other violations of constitutional rights of Eleonor Carandang and Chenilyn Tawagon.**

5.11. It should be stressed that human rights workers Eleonor Carandang and Chenilyn Tawagon both voluntarily executed statements narrating their ordeal in the hands of their military captors. After reviewing their respective statements and making corrections to make their statements more accurate, they included additional accounts of the continuing violations being committed by the military against their persons.<sup>4</sup>

5.12. On February 28, 2010, at around 11:00 – 12:00 m.n., Carandang was taken out from her detention cell and interrogated.

5.13. On March 1, 2010, the interrogation on Tawagon continued. She was interrogated around 12-12:45 AM and again around 2-4 AM. According to the other detainees, she was not returned to her cell. Similarly, Carandang was interrogated around 8:30-10 AM of the same date. She was also not returned to her cell.

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<sup>4</sup> A copy of the statements of Eleonor Carandang and Chenilyn Tawagon are hereto attached as ANNEXES "C" and "D" respectively.

5.14. Atty. Jun Oliva, one of the lawyers of the detainees demanded to see Paulino, Carandang and Tawagon. He was informed by the jail warden that the three were allegedly brought to the fiscal's office. Atty. Oliva waited up to 5:00 p.m. to be able to talk to the three (3) detainees but the military refused to let him see the detainees saying that they are now being represented by a new counsel. <sup>5</sup>

**The continuing violations of constitutional rights of the 43 health workers.** <sup>6</sup>

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5.15. Military officers in civilian clothes regularly visit them at night in their cells. But the military men simply look at them without uttering any word which strikes a chord of fear and fright to the detainees.

5.16. During interrogation, the detainees were taken out of their cells; some were even taken out of the custodial center compound of Camp Capinpin; victim Samson Castillo was

<sup>5</sup> A copy of the Affidavit of Atty. Jun Oliva is hereto attached as **ANNEX "E"**.

<sup>6</sup> Copies of the handwritten statements of Samson M. Castillo, Franco B. Romeroso, Gary A. Liberal, Julius Duano, Jovy Q. Ortiz, Ramon dela Cruz, John Mark Barrientos, Reynaldo T. Macabenta, Eulogio "Ely" Castillo, Ronilo Ezpera, Mark Escartin, Edwin B. Dematera, Ace Capillo Millena, Danny L. Piñero are hereto attached as **ANNEXES "F" to "Q"**. And the statements of Lilibeth Donasco, Ramon dela Cruz, Jenilyn B. Pizarro, Edwin Dematera, Leah Cristine De Luna, Jacquelin M. Gonzales, Samson Castillo, Ronilo Espera, Carina "Judelyn" Oliveros, Ray-on Among, Emelia Marquez, Julios Duano, Yolanda Yaun, John Mark Barrientos, Marvin Ortiz, Linda Otanez, Mercy Castro, Maria Elena Serato, Mark Escartin, Oscala, Obreo, attached as **ANNEXES "R" to "MM"**.

even asked to run for his life; the detainees were asked personal questions particularly details about their families; they were forced to admit membership in the New People's Army; they were offered monetary reward in exchange of their admission or confession.

5.17. The detainees were being forced to change their lawyers and that the military will provide them new lawyers; they were threatened with multiple new trumped-up charges if they refused to make any admission or change their lawyers; they continue to experience psychological torture to make them cower in fear and subjection.

6. Verily, to allow the respondent military officers and members to continue taking illegal custody of the 43 victims is to sanction the brazen disregard of the laws and the Constitution. It behooves the Honorable Court to immediately PUT A STOP to the respondents' shameless violations of human rights protected by the fundamental law and to rectify the injustice committed against the 43 health workers.
7. The petitioners have no other recourse but to seek immediate reliefs and remedy from this Honorable Court. It should be noted that Acting Presiding Judge Amorfinia Cerrado-Cezar of RTC Branch 78 and MTC Judge Rodrigo Posadas both issued commitment orders

dated February 12 &15, 2010, ordering the Jail Warden of Camp Capinpin and/or his duly authorized deputy to "commit to his custody" the person of the 43 health workers. There was no motion from the public prosecutors or any reason given by the said honorable judges why custody should be given to the military in Camp Capinpin and not to police authorities in a police station or jail.

8. The military's adamant insistence to have custody over the persons of the 43 health workers contravene Section 3, Article II of the 1987 Philippine Constitution which states –

SECTION 3. Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.

9. The military, in taking custody over persons charged with a crime, is clearly usurping a civilian function that the police may better perform. The 2<sup>nd</sup> ID PA is, without a doubt, flouting the fundamental law of the land.
10. In view of the fact that the particular circumstances of this case is that the 2<sup>nd</sup> ID PA also has in its sphere of influence the law enforcement authorities at Morong, Rizal, the petitioners pray that the Honorable Court order the transfer of the 43 doctors, nurses and health workers to Camp Crame, Quezon City which is distant from the military officers and members in Camp Capinpin, and therefore makes the environment less hostile

11. Finally, in situations where the people's basic constitutional rights are being trampled upon, it is well to go back to the ruling of the Honorable Supreme Court in the case of *Allado vs Diokno*<sup>7</sup> where the High Court emphasized the importance of the Bill of Rights.

Thus -

X x x

*The purpose of the Bill of Rights is to protect the people against arbitrary and discriminatory use of political power. This bundle of rights guarantees the preservation of our natural rights which include personal liberty and security against invasion by the government or any of its branches or instrumentalities. Certainly, in the hierarchy of rights, the Bill of Rights takes precedence over the right of the State to prosecute, and when weighed against each other, the scales of justice tilt towards the former. Thus, relief may be availed of to stop the purported enforcement of criminal law where it is necessary to provide for an orderly administration of justice, to prevent the use of the strong arm of the law in an oppressive and vindictive manner, and to afford adequate protection to constitutional rights.*<sup>49</sup>

X x x

*Let this then be a constant reminder to judges, prosecutors and other government agents tasked with the enforcement of the law that in the performance of their duties they must act with circumspection, lest their thoughtless ways, methods and practices cause a disservice to their office and maim their countrymen they are sworn to serve and protect. We thus caution government agents, particularly the law enforcers, to be more prudent in the prosecution of cases and not to be oblivious of human rights protected by the fundamental law. While we greatly applaud their determined efforts to weed society of felons, let not their impetuous eagerness violate constitutional precepts which circumscribe the structure of a civilized community.*

12. It is therefore prayed that in resolving the instant petition and motion, the Honorable Court takes principal consideration on ensuring protection and respect of the people's Bill of Rights. This is necessary in order to maintain the rule of law in our society.

### PRAYER

**WHEREFORE**, premises considered, it is respectfully prayed that the instant manifestation BE DULY NOTED and the Honorable Court **issue** an Order – in the interim while it has not yet resolved the instant Petition – (a) directing the transfer of the illegal detention of the 43 doctors, nurses and health workers at Camp Capinpin, Tanay, Rizal, to Camp Crame, Quezon City.

Other reliefs just and equitable under the premises are likewise prayed for.

Makati City for Manila City. 4 March 2010.

#### PUBLIC INTEREST LAW CENTER

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 08-05-08

*Manifestation with Urgent Motion to Transfer Detention CA GR SP NO. 112695*  
*Roneo S. Clamor, et al. vs. Ge. Victor S. Ibrado, et al. (G.R. No. 191003)*

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**AMYLYN B. SATO**

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**FRANCIS ANTHONY PRINCIPE**  
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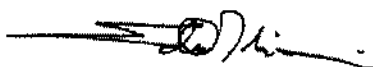
**And**

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 MCLE Compliance No. II-  
 0008441

*Manifestation with Urgent Motion to Transfer Detention CA GR SP NO. 112695*  
*Roneo S. Clamor, et al. vs. Ge. Victor S. Ibrado, et al. (G.R. No. 191003)*

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**NOTICE AND COPY FURNISHED:**

**OFFICE OF THE SOLICITOR GENERAL**

Counsel for all the respondents  
134 Amorsolo St., Legazpi Village  
Makati City

RR 005749  
Makati City Hall PP  
March 4, 2010

**The Clerk of Court**

Court of Appeals

**GREETINGS:**

Please take notice that undersigned counsel will submit as she hereby submits the foregoing motion for the consideration and resolution of the Honorable Court immediately upon receipt hereof.

  
**RACHEL F. PASTORES**

**EXPLANATION OF SERVICE BY REGISTERED MAIL**

A copy of the foregoing manifestation with motion was served upon the counsel for the respondents by registered mail because of unavailability of messenger in the office of the undersigned to serve it personally.

  
**RACHEL F. PASTORES**

Republic of the Philippines }  
Makati City, Metro Manila } S.S.

**AFFIDAVIT OF SERVICE BY REGISTERED MAIL**

I, **RUEL MENORIAS**, of legal age, Filipino, with office address at 4/F KAIJA Bldg., 7836 Makati Avenue corner Valdez St., Makati City, after having been duly sworn to in accordance with law, do hereby depose and state that:

1. I am a paralegal at the Public Interest Law Center, counsel for herein petitioners.
2. Upon the instructions of the law office, I served a copy of this Manifestation with Urgent Motion to Transfer by registered mail to the following:

Name & Address:

Registry Receipt No.

**THE SOLICITOR GENERAL**  
Office of the Solicitor General  
134 Amorsolo St., Legaspi Village  
Makati City


3. On March 4, 2010, I deposited a copy of the said pleading in Makati City Hall Post Office, in a sealed envelope, plainly addressed to the persons named above at the addresses indicated with postage fully prepaid, as evidenced by the Registry Receipt hereto attached, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

Makati City, March 4, 2010.

  
**RUEL MENORIAS**  
Affiant

**SUBSCRIBED AND SWORN TO** before me this 4<sup>th</sup> day of March 2010 in Makati City, affiant Mr. RUEL M. MENORIAS, who is personally known to me to be the same person who executed the foregoing Affidavit of Service and who appeared before me and declared that the execution of this Affidavit is his free and voluntary act and deed. The affiant presented to me his Social Security System ID numbered 33-5675322-8.

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Page No. 58  
Book No. 11  
Series of 2010.

  
**AMYLYN B. SATO**  
Commission No. M-340

Notary Public  
Until December 31, 2010

4/F KAIJA Bldg., # 7836 Makati Ave.  
cor. Valdez St., Makati City

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