

Title:

Enrile vs. Salazar et al. - The Reaffirmation of the Hernandez Doctrine on the Absorption of Common Crimes in the Crime of Rebellion

Facts:

In the afternoon of February 27, 1990, Senator Juan Ponce Enrile was arrested by National Bureau of Investigation officers led by Director Alfredo Lim, pursuant to a warrant issued by Judge Jaime Salazar of the Regional Trial Court of Quezon City, Branch 103. The arrest was made in connection with Criminal Case No. 90-10941 for the crime of rebellion with murder and multiple frustrated murder allegedly committed during the failed coup attempt from November 29 to December 10, 1990.

Senator Enrile was detained overnight at the NBI headquarters without bail, since none was recommended in the information or fixed in the arrest warrant. The next day, he was transferred to Camp Tomas Karingal and handed over to the custody of the Superintendent of the Northern Police District.

On February 28, 1990, Senator Enrile, through his counsel, filed a petition for habeas corpus, asserting that his constitutional rights were infringed upon because he was: (a) held for a crime which did not exist in law, (b) charged without preliminary investigation, hence denied due process, (c) denied his right to bail, and (d) arrested with a warrant issued without the judge first personally determining probable cause.

The Supreme Court issued the writ of habeas corpus returnable on March 5, 1990, and the plea hearing was set for March 6, 1990. The Solicitor General filed a consolidated return for respondents arguing that the case did not fall within the Hernandez ruling because the information charged murder and frustrated murder committed on the occasion, but not in furtherance, of rebellion. The Court, without passing judgment on the legal issues raised, granted provisional liberty to Senator Enrile and the Panlilio spouses (his co-accused) under cash or surety bonds.

Issues:

1. Whether the Hernandez doctrine should be abandoned or limited to offenses committed as a necessary means for the commission of rebellion.
2. Whether the crime charged against Senator Enrile exists in law.
3. Whether Senator Enrile was denied the right to preliminary investigation.
4. Whether the issuance of the arrest warrant for Enrile was proper.

5. Whether Senator Enrile was denied the right to bail.
6. Whether habeas corpus was the appropriate remedy for Senator Enrile.

Court's Decision:

1. The Court unanimously voted against abandoning the Hernandez doctrine and resolved that it remains good law. The majority also rejected the notion that Hernandez should only apply to offenses committed as a necessary means for the commission of rebellion. The Court declared that Hernandez prohibits the complexing of rebellion with any other offense committed on the occasion of rebellion.
2. The Court ruled that the information filed against Senator Enrile, which complexed rebellion with murder and multiple frustrated murder, should be read as charging simple rebellion.
3. It was found that a preliminary investigation was conducted by the respondent prosecutors.
4. The warrant of arrest was deemed to have been properly issued, with the presumption that the judge followed established procedures.
5. Based on Hernandez, the Information should be seen as charging simple rebellion, which is bailable, hence, Senator Enrile was entitled to the right to bail.
6. The Court took cognizance of the habeas corpus petition due to the peculiar circumstances, but noted it will not entertain similar future petitions that sidestep the hierarchy of courts.

Doctrine:

The Court reiterated the doctrine established in *People vs. Hernandez*, which holds that the crime of rebellion absorbs all common crimes committed in its course, such as murder and frustrated murder, whether necessary to its commission or as an unintended effect. Accordingly, charges should be treated as simple rebellion only, a bailable offense before final conviction.

Class Notes:

- Habeas corpus can be an appropriate remedy when a petitioner is held for an alleged crime that does not exist in law or when constitutional rights, such as the right to bail, are violated.
- The Hernandez doctrine precludes charges of complex crimes when the offenses are committed in furtherance of rebellion.
- Preliminary investigations are required before filing charges in court to afford due process.

- The issuance of arrest warrants requires the judge to personally determine probable cause, though following prosecutor's reports and documents is acceptable.
- Rebellion is bailable before final conviction.

Historical Background:

The Enrile vs. Salazar case occurred in the context of frequent coup attempts and law enforcement actions in the late 20th century Philippines. The reaffirmation of the Hernandez doctrine was significant against this backdrop, where the state struggled with internal security challenges and the protection of constitutional rights amidst political unrest. The legal landscape during this period was marked by a reevaluation of rebellion-related jurisprudence, reflecting the complex interplay between law, societal stability, and individual liberties in the Philippines.