

### Title: **\*\*Laude v. Ginez-Jabalde\*\***

### Facts:

Marilou S. Laude and Mesehilda S. Laude filed a Petition for Certiorari under Rule 65 with a prayer for a writ of mandatory injunction against several respondents, including Judge Roline M. Ginez-Jabalde and L/CPL Joseph Scott Pemberton. This stemmed from the death of Jeffrey “Jennifer” Laude on October 11, 2014, in Olongapo City, Philippines, allegedly at the hands of US Marine Joseph Scott Pemberton. A complaint for murder was filed, leading to Pemberton’s detention in Camp Aguinaldo. Upon arraignment, an urgent motion by the Laudes to compel the surrender of Pemberton’s custody to the Olongapo City Jail was filed but ultimately denied due to procedural missteps, including the failure to meet the three-day notice rule and lack of public prosecutor’s concurrence. The denial was upheld by Judge Ginez-Jabalde, prompting the petition. The Solicitor General’s office and Pemberton filed their comments, challenging the procedural and substantive bases of the petition, including the matter of custody under the Visiting Forces Agreement (VFA).

### Issues:

1. Whether the petitioners’ failure to comply with the three-day notice rule and to secure the Public Prosecutor’s concurrence justified the denial of their urgent motion.
2. Whether the custody of Pemberton should reside with Philippine authorities based on the VFA.
3. The constitutional question regarding the VFA’s implications on the Philippine Supreme Court’s rule-making authority.

### Court’s Decision:

The Supreme Court dismissed the petition for lack of grave abuse of discretion by the trial court judge. It ruled that:

1. The failure to comply with the three-day notice rule and to secure the Public Prosecutor’s concurrence was unjustified, rendering the petitioners’ motion procedurally infirm.
2. The custody arrangement under the VFA, which allows Pemberton to be detained at Camp Aguinaldo while undergoing trial, does not constitute a grave abuse of discretion and aligns with the obligations contained in the VFA.
3. The constitutional challenge to the VFA was deemed not the *lis mota* of the petition, indicating that the petition did not appropriately present a direct challenge to the VFA’s constitutionality that warranted review by the Court at this juncture.

### Doctrine:

- The strict adherence to the procedural requirements, such as the three-day notice rule and the concurrence of the Public Prosecutor for motions in criminal cases, is crucial. These requirements ensure the right to due process for all parties involved.
- Under the Visiting Forces Agreement (VFA), the custody of U.S. personnel facing criminal charges in the Philippines may reside with U.S. military authorities from the commission of the offense until the completion of all judicial proceedings, without violating Philippine sovereignty or the Supreme Court's rule-making authority.

### ### Class Notes:

- Procedural Due Process: The requirement to observe the three-day notice rule for filing motions in court is aimed at protecting the opposing party's right to due process by allowing sufficient time to study and respond to the motion.
- Role of Public Prosecutor in Criminal Cases: In criminal proceedings, the Public Prosecutor represents the State, and their concurrence is necessary for filing motions that affect the prosecution of the case.
- Visiting Forces Agreement (VFA) and Custody Issues: The VFA between the Philippines and the U.S. provides specific provisions on the handling of U.S. personnel involved in criminal cases, distinguishing between jurisdiction over the offense and custody of the personnel. The Philippines may exercise jurisdiction, but custody may remain with U.S. military authorities as specified in the VFA, without infringing upon Philippine law or the Supreme Court's authority.

### ### Historical Background:

This case takes place within the broader context of the Philippines-U.S. relations, embodied by agreements such as the Visiting Forces Agreement. The VFA outlines the framework for the treatment of U.S. military personnel visiting the Philippines, including legal jurisdiction and custody in criminal matters. The Laude case highlights the complex interplay between national sovereignty, international agreements, and individual rights, underlining the challenges that arise in cases involving U.S. military personnel under the VFA.