

Title:

****Reyes v. Court of Appeals & Others: Challenging the Validity of a Hold Departure Order Under the Writ of Amparo****

Facts:

Reverend Father Robert P. Reyes was arrested during the Manila Peninsula Hotel siege on November 30, 2007. Following the arrest, inquest proceedings were initiated to determine probable cause for Rebellion/Inciting to Rebellion charges against him and others. Subsequently, a Hold Departure Order (HDO) was issued by the DOJ Secretary Raul Gonzalez, preventing Reyes and others from leaving the country, citing national security concerns. The DOJ panel found probable cause, and an Information was filed before the Regional Trial Court (RTC) of Makati City. However, Reyes contested the sufficiency of evidence for his specific involvement.

On December 13, 2007, the RTC dismissed the Rebellion charge against Reyes for lacking probable cause. Following this decision, Reyes requested the lifting of HDO No. 45. The DOJ initially stalled, citing a dispute over Reyes' representation. Despite the dismissal of the criminal case, the HDO remained effective, preventing Reyes from traveling without issue.

Reyes then filed a petition for a writ of amparo, claiming his right to travel continued to be illegally restrained. The respondents, represented by the Solicitor General, argued that the Secretary of Justice had the authority to issue HDOs under DOJ Circulars, as part of his mandate to ensure national security.

The Court of Appeals dismissed Reyes' petition, maintaining that the writ of amparo was not the appropriate remedy for his grievance. Reyes' motion for reconsideration was also denied, leading to the petition under review.

Issues:

1. Whether the Department of Justice (DOJ) Secretary's power to issue an HDO can be challenged via the writ of amparo.
2. Whether the right to travel falls within the ambit of the writ of amparo, considering its scope covers the right to life, liberty, and security.

Court's Decision:

The Supreme Court dismissed the petition, affirming the Court of Appeals' decision. It held that the writ of amparo does not extend to the right to travel issues and is specifically designed to address threats or violations to the rights to life, liberty, and security, such as

extralegal killings and enforced disappearances. The Court found that Reyes' challenge to the HDO did not demonstrate a violation or threat to these fundamental rights but was rather a procedural grievance concerning his ability to travel.

Doctrine:

The Supreme Court reiterated that the writ of amparo is confined to cases of extralegal killings, enforced disappearances, or threats thereof. It clarified that rights to life, liberty, and security under the writ do not encompass the right to travel issues, which are governed by different legal standards and remedies.

Class Notes:

- The writ of amparo is specifically designed for the protection of the rights to life, liberty, and security, and does not extend to the right to travel.
- A Hold Departure Order (HDO) issued by the Department of Justice, while subject to legal challenge, does not necessarily constitute a violation or threat to the rights covered by the writ of amparo.
- The proper remedy for challenging an HDO's validity or requesting its lift involves pursuing administrative procedures within DOJ or filing a motion in the relevant criminal case, not through a petition for a writ of amparo.

Historical Background:

The case underscores the delicate balance between individual rights and national security concerns, particularly in the context of the Philippines' legal and judicial framework. It highlights the procedural avenues and limitations for challenging restrictions on the right to travel, emphasizing the specific scope and purpose of the writ of amparo as an extraordinary legal remedy.