

### Title:

\*\*Burgos vs. Arroyo, et al. (Enforced Disappearance and the Writ of Amparo)\*\*

### Facts:

Edita T. Burgos filed consolidated petitions for Habeas Corpus, Contempt, and Writ of Amparo with the Philippine Supreme Court concerning the enforced disappearance of her son, Jonas Burgos. The Court of Appeals dismissed the Habeas Corpus petition, denied the motion for Contempt, and partially granted the Writ of Amparo. Unsatisfied, Burgos took her case to the Supreme Court, resulting in several resolutions, the latest directing in-depth investigations, particularly involving the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). Significant developments included identifying key military personnel possibly involved in Jonas Burgos's abduction and the shortcomings in the investigations conducted by the PNP, AFP, and even the Commission on Human Rights (CHR).

Subsequent investigations, spearheaded by the CHR upon the Supreme Court's directive, uncovered more concrete leads pointing to military involvement. Critical evidence was gathered, notably eyewitnesses identifying Lt. Harry A. Baliaga, Jr. as one of the abductors. This finding was supported by further testimonies, physical evidence, and the refusal of military authorities to cooperate fully with the investigation, raising suspicions of a cover-up.

### Issues:

1. Whether the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) exerted "extraordinary diligence" in the investigation of Jonas Burgos's disappearance.
2. The responsibility of Lt. Harry Baliaga, Jr., and other military personnel in the abduction of Jonas Burgos.
3. Whether President Gloria Macapagal-Arroyo, due to her presidential immunity, can be held liable in this case.
4. The applicability and enforcement of the Habeas Corpus and Writ of Amparo in the context of enforced disappearances involving state actors.

### Court's Decision:

The Supreme Court:

- Resolved to revisit and continue the Amparo proceedings, emphasizing the inadequacies of the initial investigations and pointing to specific military involvement.
- Directed the CHR to undertake more comprehensive investigations, leading to solid evidence implicating Lt. Harry A. Baliaga, Jr., and hinting at deeper military complicity.
- Declared that President Gloria Macapagal-Arroyo, due to presidential immunity, cannot be deemed liable in her capacity as President.
- Issued anew the writ of Habeas Corpus and ordered the CA to decide afresh based on subsequent developments and evidence, including the involvement of Baliaga and potentially other military personnel.
- Emphasized the continuing obligation of state mechanisms like the AFP, PNP, and CHR to employ “extraordinary diligence” in investigating enforced disappearances.

### ### Doctrine:

This case reiterates the principle that state actors, such as the military and police, are bound by “extraordinary diligence” in their investigations of human rights violations, particularly enforced disappearances. It solidifies the writ of Amparo as a crucial legal remedy for victims of such violations, promoting accountability and the rule of law.

### ### Class Notes:

- **\*\*Enforced Disappearance\*\***: Involves the deprivation of liberty by state actors or individuals acting with state acquiescence, followed by a refusal to acknowledge the detention or by concealment of the fate of the disappeared, placing such a person outside the protection of the law.
- **\*\*Writ of Amparo\*\***: A remedy available to any person whose right to life, liberty, and security is violated or threatened with violation by an unlawful act or omission of a public official, employee, or private individual/entity. The writ covers extrajudicial killings and enforced disappearances or threats thereof.
- **\*\*Presidential Immunity\*\***: The doctrine that the incumbent president is immune from suit, including criminal charges, during their tenure in office.
- **\*\*Extraordinary Diligence\*\***: A legal requirement for state actors to conduct comprehensive and effective investigations into human rights violations, particularly in cases of enforced disappearance and extrajudicial killings.

### ### Historical Background:

The disappearance of Jonas Burgos, an activist and agriculturist, is a high-profile case

emblematic of enforced disappearances in the Philippines, raising critical concerns over human rights and state accountability. This case underscores the challenges in addressing human rights violations involving state security forces and emphasizes the importance of judicial remedies like the Writ of Amparo in providing legal recourse and protection for victims and their families.