

****Title:**** The Enforced Disappearance of Sherlyn Cadapan, Karen Empeño, and Manuel Merino: A Landmark Supreme Court Ruling on the Writ of Amparo and Habeas Corpus

****Facts:****

On June 26, 2006, at 2:00 AM, armed men abducted Sherlyn Cadapan, Karen Empeño, and Manuel Merino from a house in San Miguel, Hagonoy, Bulacan, and herded them onto a jeep with plate number RTF 597. Following their disappearance, families of the victims searched nearby police precincts and military camps but found no trace of them.

On July 17, 2006, the families filed a petition for habeas corpus with the Supreme Court, impleading military officials and others. The Supreme Court issued a writ of habeas corpus returnable to the Court of Appeals. The respondents denied having custody of the abductees. The trial ensued at the appellate court, revealing accounts of abduction, sightings in military custody, and allegations of torture from witnesses including news of Merino's death.

Lt. Col. Boac and Major Dominador Dingle, among others, provided official denials, claiming ignorance about the abductions or stating that the military did not possess the vehicle allegedly used in the abduction. Hearsay testimonies and certifications further clouded the proceedings.

Due to inadequacies in the habeas corpus remedy, the families also filed a Petition for Writ of Amparo, seeking inspection of military places believed to be detention areas. The Amparo petition was consolidated with the habeas corpus petition, with both ultimately aimed at uncovering the fate of the victims and holding responsible parties accountable.

The appellate court, invoking its March 29, 2007 decision, dismissed the habeas corpus petition but referred the case to various investigation agencies for further action. Efforts to present new evidence and the filing of the Amparo petition followed, compounding the legal efforts to resolve the disappearances.

The hearings under both writs featured conflicting testimonies, including those from Raymond Manalo, a detainee who claimed to have encountered the victims in military custody.

The appellate court's decision on September 17, 2008, favored the petitioners, ordering the immediate release of the victims and further investigation by police authorities, based significantly on the testimonies provided, especially that of Raymond Manalo.

****Issues:****

1. The credibility of Raymond Manalo's testimony.
2. Application of command responsibility in Amparo proceedings.
3. Immediate executability of decisions in Amparo and habeas corpus cases without a motion for execution due to the urgency of life, liberty, and security concerns.

****Court's Decision:****

The Supreme Court affirmed the appellate court's decision with modifications, holding respondents accountable for the immediate release of the victims, dismissing the petitions against President Arroyo due to her immunity from suit, and applying the concept of command responsibility in a limited manner specific to Amparo proceedings. It emphasized the non-requirement of a motion for execution in such urgent cases. The Court also mandated ongoing investigations by the DOJ, PNP, and AFP to determine individual responsibilities.

****Doctrine:****

1. The writs of Amparo and habeas corpus serve as urgent legal remedies for the protection of constitutional rights to life, liberty, and security, necessitating immediate enforcement of decisions.
2. Command responsibility, in Amparo cases, serves to identify individuals accountable for implementing protective measures rather than determining criminal liability, which is subject to further investigation.

****Class Notes:****

- ***The Writ of Amparo*** is an extraordinary remedy for those whose right to life, liberty, and security is violated or threatened. It requires immediate action, bypassing the need for a motion for execution.
- ***Command Responsibility*** in the context of Amparo proceedings does not establish criminal liability but identifies those in a position of power, potentially accountable for human rights violations, to enforce protective measures.
- ***Immediate Family Members' Standing in Filing Cases:*** The Rule on the Writ of Amparo prioritizes the order of those who can file on behalf of the aggrieved parties, highlighting the importance of immediate family members in seeking redress.

****Historical Background:****

This case epitomizes the challenges faced in addressing enforced disappearances in the Philippines, showcasing the legal struggle of families against a backdrop of alleged military

involvement and impunity. It underscores the judiciary's role in innovating legal mechanisms like the Writ of Amparo to address gaps in traditional remedies for human rights abuses, amidst ongoing debates on command responsibility and state accountability.