

Title: Aberca vs. Ver, G.R. No. 74457 (March 15, 1985)

**\*\*Facts:\*\***

1. **\*\*Initial Events:\*\***

- The petitioners in this case (Rogelio Aberca et al.) allege that military personnel under Task Force Makabansa (TFM), acting under orders from General Fabian Ver, raided various properties purportedly associated with communist-terrorist (CT) activities.
- The plaintiffs assert that these raids were conducted with defective judicial search warrants, resulting in confiscation of personal items, illegal arrests, and denial of their rights to visitation, silence, and counsel.

2. **\*\*Incident Details:\*\***

- The military is accused of employing threats, torture, and violence to extract confessions from the plaintiffs and punish them unlawfully. This, according to the plaintiffs, was part of a broader strategy known to and sanctioned by the respondents.

3. **\*\*Civil Action:\*\***

- Plaintiffs sued for damages, demanding a total of P6,239,030.00 for compensatory, moral, and exemplary damages, along with attorney's fees.

4. **\*\*Motion to Dismiss and Lower Court Proceedings:\*\***

- Defendants argued for dismissal claiming:
  - Plaintiffs could not inquire judicially due to the suspension of the writ of habeas corpus.
  - Defendants were immune due to acts performed in official capacities.
  - Plaintiffs failed to state a cause of action.
- The Regional Trial Court ruled in favor of the defendants and dismissed the case on all counts on November 8, 1983.

5. **\*\*Subsequent Appeals and Orders:\*\***

- Plaintiffs filed several motions for reconsideration and a supplemental motion to set aside the dismissal order, but Judge Fortun voluntarily inhibited himself, passing the case to Judge Lising.
- Judge Lising's order on May 11, 1984, declared the November 8, 1983 dismissal final for certain plaintiffs who did not individually motion for reconsideration within the remissory period.

6. **\*\*Further Legal Maneuvering:\*\***

- Plaintiffs appealed and moved to clarify that the motion was, in fact, filed on behalf of all

plaintiffs.

- On September 21, 1984, the court reaffirmed the dismissal for certain high-ranking officers but reinstated the case against Major Rodolfo Aguinaldo and Master Sgt. Bienvenido Balaba.

7. **Supreme Court Involvement:**

- In response to continued contestation, the Supreme Court found merit in the petition, reversing the lower court's resolutions and remanding for further proceedings.

**Issues:**

1. **Jurisdiction Over Civil Actions During Suspension of Habeas Corpus:**

- Whether the suspension of the writ of habeas corpus bars civil actions for damages due to rights violations.

2. **Immunity of Military Personnel:**

- Whether public officers and military personnel can claim immunity from civil suits for damages arising from actions performed under official directives.

3. **Cause of Action Against Higher-Ranked Officers:**

- The applicability of the respondeat superior doctrine and whether supervisory officers can be held accountable for subordinates' violations.

4. **Procedural Validity of Motions:**

- The appropriateness of dismissing the complaint against certain plaintiffs based on their failure to individually file motions against the initial dismissal order.

**Court's Decision:**

1. **Civil Action Amid Habeas Corpus Suspension:**

- The Court ruled that suspension of the privilege of the writ of habeas corpus does not terminate the right to action for damages. The suspension affects the remedy of habeas corpus but does not validate illegal arrests and detentions or prejudice other constitutional claims (such as protection against unreasonable searches).

2. **Immunity of Military Personnel:**

- The Court rejected the defense of immunity for acts allegedly performed under official capacity circumstances, emphasizing the constitutional constraints and legal safeguards that must be observed in any operation.

3. **Liability of Superior Officers:**

- The Court stated that under Article 32 of the Civil Code, both direct and indirect violators of constitutional rights must be held responsible. It broadened the interpretation to include those who failed to supervise properly, emphasizing accountability beyond immediate actions.

4. **Motion Validity:**

- The Court rectified the dismissal of the complaint against certain plaintiffs, indicating it was filed for the benefit of all and recognizing the error in the lower court's technical ruling.

**Doctrine:**

- **Accountability of Public Officers (Art. 32, Civil Code):**

- Public officers are liable for damages caused by their direct or indirect violation of constitutional rights. This liability extends to actions performed under official duty without exemption unless supported by near-specific legal immunizations.

**Class Notes:**

- **Essential Legal Concepts & Elements:**

- **State Immunity:** Limited to acts within the legal bounds and does not cover constitutional rights violations.

- **Article 32, Civil Code (Accountability):** Any public officer who infringes upon protected rights, directly or indirectly, is liable.

- **Respondeat Superior:** Inapplicable between military superiors and subordinates; however, indirect responsibility can attribute liability based on dereliction of supervisory duty.

- **Privilege of Writ of Habeas Corpus Suspension:** While suspending habeas relief, it does not abolish the ability to claim damages for constitutional violations.

**Historical Background:**

- **Martial Law Legacy:**

- The case highlights the abuses during the Marcos regime's martial law period, which saw widespread executive and military overreach infringing upon human rights and civil liberties.

- The ruling from the Aquino-era Supreme Court reflects a shift toward reinforcing the rule of law and accountability following the 1986 People Power Revolution, signaling broader legal and judicial reforms aligned with democratic principles and human rights adherence.