

Title: Police Chief Superintendent Valfrid G. Tabian et al. vs. Christina Macandog Gonzales

Facts:

- Background:** In March 2015, Christina and Joselito Gonzales were arrested for illegal drug activities by law enforcement officers, including PO2 Mark Riel Canilon. They were allegedly released after paying a bribe. Subsequently, Joselito was involved in drug transactions allegedly orchestrated by the police.
- Relationship with Police:** In June 2016, Joselito was threatened by police officers to remit proceeds from drug sales, with reminders that they can harm women involved in drugs.
- Joselito's Last Day:** On July 4, 2016, Joselito left his home with police informant Christian Raye "Ian" Cleopas, anticipating harm. He failed to return home.
- Incident Day:** On July 5, 2016, police alleged that a buy-bust operation targeted Joselito, claiming he fired at them, prompting a return fire that resulted in his death. Conversely, the CA found doubt in the authenticity of this operation.
- Procedural Posture:** Christina, fearing for her life and following the suspicious death circumstances and threats, filed for a Writ of Amparo. The Court of Appeals (CA) granted Christina's petition, issuing temporary and permanent protection orders, recognizing Joselito's death as an extralegal killing and recommending filing charges against the involved officers.
- Supreme Court Proceedings:** The petitioners contested the CA's findings claiming the operation was legitimate self-defense and sought a reversal of the CA's decision.

Issues:

- Extralegal Killing:** Was Joselito Gonzales a victim of extralegal killing?
- Liability of Police Officers:** Are the police officers responsible and/or accountable for Joselito's death and for threatening Christina's rights?
- Issuance of Writ of Amparo:** Was the writ of amparo a proper remedy in this situation?

Court's Decision:

1. **Extralegal Killing:** The Supreme Court affirmed the CA's decision recognizing Joselito Gonzales' death as an extralegal killing. The justified self-defense claim put forth by police lacked credible evidence. Discrepancies existed in matching records, and procedures in drug operations were not adhered to.

2. **Liability of Officers:**

- **Responsibility:** Officers involved in the alleged buy-bust operation, including Inspector Aristone L. Dogwe, PO2 Mark Riel Canilon, and unnamed John Does, are held responsible for Joselito's death.

- **Accountability:** Higher-ranking officers like Chief Superintendent Valfrie G. Tabian and others were held accountable for lapses in supervising the operation. Officers Allen Glenn Cadag and PO2 Canilon were also responsible for issuing threats to Christina.

3. **Writ of Amparo:** The Supreme Court held that the issuance of the writ of amparo was appropriate. Christina's articulated fears were well-founded based on past encounters and threats from law enforcement officers.

Doctrine:

- The decision reinforced the protective purpose of the writ of amparo, emphasizing the state's duty to safeguard human rights and to conduct diligent investigations into allegations of extrajudicial killings and threats.

Class Notes:

- **Writ of Amparo:**

- Remedy for individuals whose right to life, liberty, and security is threatened or violated.

- Protects against extralegal killings and enforced disappearances.

- **Police Conduct:** Regularity in operations cannot be presumed where evidence is inconsistent with procedural norms.

- **Extralegal Killing:** Defined as deprivation of life without judicial safeguards.

- **Liability Concepts:**

- **Responsibility:** Direct involvement in unlawful acts.

- **Accountability:** Lapses in duty contributing indirectly to unlawful acts.

Historical Background:

- The case arose during the controversial period of President Duterte's administration, which was marked by a "war on drugs" leading to numerous alleged extrajudicial killings. The judiciary's role in safeguarding rights amid aggressive law enforcement tactics was underscored through the amparo provision, highlighting judicial activism in protecting constitutional rights amidst broader socio-political contexts.