

**\*\*Title:** In re: The Writ of Habeas Corpus for Michael Labrador Abellana**\*\***

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

1. **\*\*Initial Charge and Arrest:\*\***

- Michael Labrador Abellana (Petitioner) was charged at Branch 13, RTC Cebu City for violation of Sections 11 and 12, Article II of R.A. 9165 (Comprehensive Dangerous Drugs Act).
- On May 26, 2008, during a police search led by P/Supt. Labra at his residence in Bgy. Suba, Cebu City, shabu and related paraphernalia were found. Petitioner was charged under criminal information CBU-77150 and CBU-77151 for possession of shabu and paraphernalia.

2. **\*\*Pleadings and Motions Filed:\*\***

- Petitioner pled not guilty.
- Filed a Motion to Quash Search Warrant (denied on September 15, 2006).
- Filed a Motion for Physical Re-examination and Re-weighing of Evidence (granted, revealing lesser weight of shabu).
- Filed a Petition for Bail (granted, leading to his temporary release).

3. **\*\*Trial Proceedings:\*\***

- Represented by Atty. Dario Rama, Jr. initially.
- Filed a demurrer to evidence (denied).
- Atty. Raul Albura entered appearance on December 3, 2008.
- Case submitted for decision on April 30, 2009, due to failure to present defense evidence.
- Filed an Urgent Motion to Defer Promulgation of Judgment (denied).

4. **\*\*Conviction and Post-Conviction Motions:\*\***

- Convicted on July 29, 2009, with various sentences for both charges.
- Filed a Motion for New Trial or Reconsideration (denied, arrest warrant issued).
- Petition for Relief from Judgment filed (denied as improper remedy and untimely).

5. **\*\*Court of Appeals:\*\***

- CA dismissed the certiorari petition affirming RTC's decisions on procedural grounds.

6. **\*\*Petition for Habeas Corpus:\*\***

- Filed on June 20, 2017, claiming deprivation of constitutional rights to due process and competent counsel.

**\*\*Issues:\*\***

1. **\*\*Whether there was a deprivation of Constitutional rights sufficient to warrant the writ of habeas corpus.\*\***
2. **\*\*Whether the petitioner was denied due process during the RTC proceedings.\*\***
3. **\*\*Whether petitioner was denied his right to competent counsel.\*\***

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

1. **\*\*Habeas Corpus Petition:\*\***

- Determined not applicable as petitioner's detention stemmed from a judicially rendered decision.
- Writ may only be availed under exceptional circumstances which petitioner failed to meet.

2. **\*\*Right to Due Process:\*\***

- Court ruled petitioner was given multiple opportunities to be heard but failed to attend crucial hearings by choice or due negligence.
- The hearing on April 30, 2009 was procedurally appropriate and notice was established through various channels including counsel and bondsman.

3. **\*\*Right to Competent Counsel:\*\***

- Even assuming counsel's negligence, petitioner did not demonstrate the grossly negligent conduct sufficient to nullify proceedings.
- Petitioner himself was partly negligent for not attending and monitoring case developments.

**\*\*Doctrine:\*\***

- **\*\*Habeas Corpus Post-Conviction Remedy:\*\*** The writ is only applicable under exceptional circumstances like violations resulting in void proceedings—deprivation of constitutional rights, lack of jurisdiction, or excessive penalty.
- **\*\*Due Process in Judicial Proceedings:\*\*** Opportunity to be heard equals due process—actual participation is not mandatory if opportunities exist and are ignored.
- **\*\*Competent Counsel Rule:\*\*** Clients are generally bound by their counsel's actions unless there is gross negligence accompanied by client's due diligence, both of which were missing here.

**\*\*Class Notes:\*\***

1. **Habeas Corpus:** Remedy for illegal detention unless stemming from valid court proceedings.
2. **Due Process:** Procedural fairness equated to opportunities, not necessarily actual participation.
3. **Competent Counsel:** Client responsibility alongside counsel. No resetting cases based solely on the counsel's procedural lapses without client vigilance.

**Historical Background:**

- Context of R.A. 9165 enforcement showing tougher stances on drug-related offenses.
- Emphasizes judiciary's role in balancing rigorous law enforcement with safeguarding procedural rights.