

FORTUNATO MEDINA, PETITIONER, VS. GEN. MANUEL T. YAN, BRIG. GEN VICENTE RAVAL, AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. L-30978. September 30, 1974

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/198842d544f8/>

FERNANDEZ, J.:

This is a petition for certiorari, prohibition and mandamus with preliminary injunction, praying that judgment be rendered:

(1) Annulling and setting aside all the actuaciones, orders, and resolutions of the respondent Court of Appeals, more particularly the resolution dated February 1, 1969, denying petitioner's motion for certification of this case to the Supreme Court; the resolution dated March 13, 1969 denying petitioner's "Urgent Motion for Release of Petitioner-Detainee"; the resolution dated June 10, 1969 denying petitioner's "Motion for Reconsideration"; and the resolution dated June 21, 1969 requiring Atty. Amelito R. Mutuc to show cause why he should not be held liable and dealt with for contempt of court and suspended from the practice of law as member of the Philippine Bar;

(2) Prohibiting respondent Court of Appeals from enforcing the aforesaid resolution dated June 21, 1969, regarding the contempt and suspension charge against aforementioned Amelito R. Mutuc, as well as from proceeding further with the case at bar; and

(3) Ordering the respondent Court of Appeals to certify the appeal and to have all the records of the same forwarded to this Court.

Pending these proceedings a writ of preliminary injunction to be issued ex parte was sought, to enjoin, restrain and prohibit the respondent Court of Appeals from proceeding further with this case, more particularly with the enforcement of its resolution of June 21, 1969, requiring Atty. Amelito R. Mutuc to explain why he should not be held for contempt of court and suspended from the practice of law.

On September 4, 1969, this Court adopted a resolution restraining the respondent Court of Appeals from proceeding further with case No. CA-G.R. No. 42658-R, entitled "Fortunato Medina, petitioner-appellee vs. Gen. Manuel T. Yan and Brig. Gen. Vicente Raval, respondents-appellants", more particularly with the enforcement of its resolution of June 21, 1969, re: "Contempt and Suspension of Atty. Amelito R. Mutuc."

For a clear perspective of the present petition, the events leading thereto are set forth as follows:

At 6:00 o'clock in the morning of November 23, 1968 petitioner Fortunato Medina, a Filipino citizen who was in Saigon, South Vietnam, employed as a laborer in an American company, was arrested and apprehended by the South Vietnam police and some members of the Philippine Civic Action Group (PHILCAG) at the instance of the Philippine Military Attache in that city, and kept in custody until 6:00 o'clock in the evening of the same day, when he was flown to Manila under escort by two Philippine Military Attache personnel aboard an Air Vietnam plane, arriving in Manila about 9:00 o'clock that same evening. At the Manila International Airport, he was met

and arrested by a team of Intelligence Service Officers of the Philippine Constabulary and taken to Camp Aguinaldo, Quezon City, where he was interrogated and kept in custody until the morning of the following day, November 24, 1968, when he was turned over to the 1st PC Zone Headquarters at Camp Olivas, San Fernando, Pampanga. In the early morning of November 27, 1968 petitioner Medina was transferred to the custody of the 174th PC Command Officer at Bano, Arayat, Pampanga. At 11:00 o'clock the same morning he was delivered to the custody of the Chief of Police of Arayat, Pampanga, in view of the absence of the Municipal Judge.

On November 29, 1968 petitioner Medina, through counsel, filed a petition for habeas corpus directly with the Supreme Court to secure his release from confinement in the Office of the Chief of Police of Arayat. This Court, acting on the petition, issued on the same day the writ of habeas corpus, made returnable to the Court of First Instance of Rizal, Quezon City Branch.

On December 3, 1968, a trial on the merits was held by the Honorable Judge Honorato B. Masakayan, Presiding Judge, Branch V, Quezon City branch, Court of First Instance of Rizal.

On January 2, 1969, the Honorable Judge Masakayan rendered a decision ordering the respondents or whoever acts in their place and stead, to immediately set free and release petitioner Fortunato Medina from custody. On January 9, 1969, the Solicitor General as counsel for the respondent, filed a notice of appeal to the Court of Appeals "on the ground that the said decision is not in accordance with law and the evidence adduced in the case." Acting on said "Notice of Appeal", the lower court in its order of January 15, 1969, ordered that "the record of the case together with evidence, oral and documentary, be transmitted to the Court of Appeals."

On January 27, 1969 Atty. Amelito Mutuc, counsel for petitioner Medina, filed a "Motion for Certification of Appeal to the Supreme Court," which motion was opposed by the Office of the Solicitor General on the ground that since questions of fact are involved in the appeal, the proper appellate jurisdiction lies with the Court of Appeals, and that if the appeal were certified to the Supreme Court, appellants will be estopped from raising questions of fact and will, therefore, be deprived of due process of law.

The motion for certification of appeal to the Supreme Court was denied by the respondent Court of Appeals in a resolution dated February 1, 1969. On February 14, 1969, pending appeal, Atty. Amelito R. Mutuc filed an "Urgent Motion for Release" without bond, of the petitioner Medina, to which counsel for the respondents filed an opposition in its answer dated February 24, 1969.

The motion was denied by respondent Court of Appeals in a resolution rendered on March 13, 1969, which we quote:

"For resolution by this Court is the motion dated February 14, 1969, filed by petitioner-appellee praying that he be ordered released without bail during the pendency of this appeal. The Solicitor General filed an opposition thereto.

"As the trial court which rendered judgment did not fix the bond for the release of petitioner pending appeal by respondents and as said court has now lost jurisdiction over the case, LET PETITIONER BE RELEASED PENDING APPEAL UPON FILING A SURETY BOND OF P5,000.00."

A motion to reconsider the above-quoted resolution of the Court of Appeals, was denied by said court in its resolution of June 10, 1969.

Before the respondent Court of Appeals (4th Division) could act on petitioner's motion for reconsideration, the following news item attributed to Atty. Amelito Mutuc, petitioner's counsel of record, appeared in the May 8, 1969 issue of the Manila Times, on pp. 1 and 22-A thereof:

"Mutuc Hits Appeals Court Ruling

"A division of the Court of Appeals was denounced by former Ambassador Amelito R. Mutuc yesterday for, he said, 'knowingly abetting the perpetration of a gross and rank injustice' on a dissident suspect.

"Mutuc spoke of the case of Fortunato, Medina, a Filipino worker who was arrested by armed forces and intelligence officers in Saigon last year and forcibly flown to Manila. Since his arrest last Nov. 23, Medina has been detained without any criminal case being filed in court against him. He is now at the Arayat municipal jail.

"The case in the Court of Appeals arose from a petition for habeas corpus filed by Mutuc with the Supreme Court. The high court had given due course to the case and made the writ returnable to the Quezon City court of first instance.

"Detention Illegal

"The lower court later ruled that Medina's detention was illegal since there was no pending criminal case against him. The court ordered his immediate release. But the solicitor general's office appealed the ruling to the CA.

"Mutuc then filed an urgent motion before the CA for Medina's release without posting bail on the basis of the lower court's findings and the fact that the man is a pauper.

"Mutuc said the CA fourth division denied this motion and ordered that Medina post a P5,000.00 bail bond for his provisional liberty.

"Reconsideration

"Arguing that Medina's detention is illegal, Mutuc sought for the reconsideration of the CA order. The solicitor general's office opposed this latest motion, and this is now pending before the CA.

"Mutuc said in his statement:

'It is unthinkable, deplorable, and shocking to see in our midst – in a country which has prided itself as being a proud example of a vibrant democracy and a firm adherent to the rule of law – this sad spectacle of a man kept illegally for 165 days without any criminal complaint pending against him.'

"Extremely Dubious

"Mutuc said that the appeal of the Solicitor General was filed under 'extremely dubious circumstances' because the notice of appeal was filed even before the copy of the decision of the lower court was mailed to him."

On May 9, 1969, the issue of the Manila Times, pp. 1 and 14-A, carried a news item that petitioner Medina had escaped from confinement in the municipal jail of Arayat, Pampanga, upon advice of his counsel, Atty. Amelito Mutuc. The same issue of the Manila Times, p. 14-A thereof, carried a statement of Atty. Mutuc to this effect:

"I have advised him (Medina) to escape. After all, his detention is illegal. It is the only way to regain his freedom."

Atty. Mutuc, commenting upon a proposed action of the Office of the Solicitor General to have him cited for contempt and to institute disbarment proceedings against him, issued the following statement appearing in the May 11, 1969, p. 1, issue of the Manila Times:

"I am ready and willing to be imprisoned or stripped - of my privilege as a lawyer if the Supreme Court so decrees that my cause is not just and that I am in error."

On June 21, 1969 the Court of Appeals issued a resolution as follows:

"Considering that the statements attributed to Atty. Amelito Mutuc, as well as the news items based thereon, as above set forth, are grossly defiant, offensive and derogatory to the dignity and integrity of the members of the Fourth Division of this Court; that they are evidently intended to browbeat, intimidate and hold them in contempt and ridicule by imputing to them the act of 'knowingly abetting the perpetration of a gross and rank injustice', and that said statements and news reports tend to degrade and obstruct the free, just and impartial administration of justice on a matter then actually pending consideration by this Court; and

"Considering further that the act of Atty. Amelito Mutuc of advising, encouraging and practically assisting in the escape of the petitioner-appellee, Fortunato Medina, from the custody of the law as a detention prisoner, in utter disregard of the order of this Court requiring him to post a bond of P5,000.00 for his release, constitutes a deliberate and wanton violation of his oath as a lawyer, particularly that portion thereof where he swears that he will 'obey the laws as well as the legal orders of the duly constituted authorities' of the Republic of the Philippines and 'will conduct himself as a lawyer' with 'all good fidelity as well to the courts' as to his clients;

WHEREFORE, Atty. Amelito Mutuc is hereby required to show cause within fifteen (15) days from receipt of notice hereof why he should not be held liable and dealt with for contempt of court, and why he should not be suspended under Rule 138, Section 28, of the Rules of Court, from the practice of law as a member of the Philippine Bar."

As already adverted to above, the instant petition for certiorari, prohibition and mandamus seeks to annul the above-quoted resolution and all other pertinent orders, resolutions, of respondent Court of Appeals, and prohibit it from proceeding further with the case, and to compel it to certify said case to this Court on the ground that it has no jurisdiction to entertain the appeal.

The present controversy centers upon the jurisdiction of the Court of Appeals to entertain the appeal brought to it by the Solicitor General from the judgment of the Hon. Honorato B. Masakayan, presiding judge, Branch V, Court of First Instance of Rizal, ordering the release of petitioner Fortunato Medina from custody of the Chief of Police of Arayat, Pampanga.

Petitioner argues that where a petition for habeas corpus has been originally filed with the Supreme Court, as in this case, and this Court makes the writ returnable to a lower court, it does so merely for purposes of expediency, convenience and a speedy and inexpensive, determination of the proceedings, and the role of the lower court is just to receive evidence for the Supreme Court, as if the Supreme Court assigned one of its members to receive evidence on the case. Hence, any appeal from the judgment of the court to which the writ was made returnable, must be taken to the Supreme Court, not to the Court of Appeals, and the case would be before the Supreme Court by virtue of its original jurisdiction and not on account of its appellate jurisdiction.

The stand taken by petitioner is devoid of merit.

The principal issue raised in the present petition has already been definitely ruled upon by Us in the case of Saulo vs. Brig. General Cruz, etc., (109 Phil. 378, Aug. 31, 1960) wherein We held that the court to which this Court makes the writ returnable, does not thereby become merely a recommendatory body, whose findings and conclusion are devoid of effect, unless and until this Court decides to act on the "recommendation", but that such court acquires the authority and the duty to inquire into the facts and the law pertinent to the legality or illegality of petitioner's detention and to order his discharge from confinement should it find that he is unlawfully imprisoned or restrained. Further clarifying Our ruling, We stated that the court or the judge to whom the writ is made returnable takes the case for determination on the merits and its findings, either for the release of the detainee or for sustaining his custody, if not appealed on time, can become final just as it may in an ordinary case. The pertinent facts and Our ruling in said case follow:

"In G.R. No. L-14819, a petition for habeas corpus was filed before this Court by and in behalf of petitioner

Alfredo B. Saulo. We issued, on December 24, 1958, a writ ordering respondent Pelagio Cruz, as the Commanding General of the Philippine Constabulary, to submit, within five (5) days from notice, an answer returnable to the Court of First Instance of Manila.

"xxx xxx xxx

"Upon such findings, the lower court rendered decision, concluding that the filing of Criminal Case No. 46410 amounted to the delivery of accused-petitioner, who was arrested without warrant, to the proper court as provided under Section 17, Rule 109 Of the Rules of Court (citing Sayo, et al. vs. Chief of Police, 80 Phil., 859). The Court consequently denied the petition for habeas corpus. Hence, this appeal.

"However, petitioner's appeal appears to have been filed out of time, as pointed out by the Solicitor General. The records disclose that the notice of appeal was filed eleven (11) days after a copy of the lower court's decision, denying the petition, was served upon petitioner's counsel (on May 12, 1959 as per sheriff's return). As provided by Section 18, Rule 41 of the Rules of Court, petitioner should have perfected his appeal within twenty-four (24) hours from notice of judgment:

'SEC. 18. Appeal in habeas corpus cases shall be perfected by filing with the clerk of court or the judge who rendered the judgment, within twenty-four (24) hours from notice of such judgment, a statement that the person making it appeals from the judgment rendered.'

"It has been consistently held that the reglementary period for appeal is not only mandatory but jurisdictional on the courts and that an appeal filed out of time may be sought to be dismissed at any stage of the proceedings in the appellate court.

"In petitioner's 'manifestation' dated October 12, 1959, it is contended that since the case for habeas corpus was heard by the Manila Court of First Instance, 'not by virtue of its original jurisdiction but merely by delegation', this Court should have the final say regarding the issues raised in the petition, and only its decisions, not that of the Court of First Instance, should be regarded as operative. The logic is more apparent than real. While the petition for habeas corpus was originally filed with this Court, the only question that was immediately involved was the propriety of the issuance of a writ that would order the respondent to show cause why the detention of the person in whose behalf the writ was asked for should not be considered illegal, and that, therefore, the petitioner be ordered discharged from custody. The Rules authorize that once the writ is issued, the same may be made returnable before a Court of First Instance (Sec. 2, Rule 102, Rules of Court), and not necessarily to us. The court designated does not thereby become merely a recommendatory body, whose findings and conclusions are devoid of effect, unless and until we decide to act on the 'recommendation'. By filing a notice of appeal with the Court below, the appellant impliedly admitted that the decision appealed was not merely recommendatory or fact-finding.

"In our resolution dated March 19, 1959, resolving the question of jurisdiction of the lower court, we stated the following;

'Moreover, it is apparent from sections 12 to 15 of said Rule 102 that the court or judge to whom the writ is returned shall have the authority and the duty to inquire into the facts and the law pertinent to the legality or illegality of petitioner's detention and to order his discharge from confinement, should it appear satisfactorily 'that he is unlawfully imprisoned or restrained.'

xxx xxx xxx

'In point of practice, when a writ of habeas corpus is, conformably to law, made returnable to a court other than that issuing the writ, the court to which the writ is returned, or the judge thereof, possesses full authority to examine all raised in the case and to settle the same. In the language of the American jurisprudence:

'After a return to a writ, the court or judge to whom the return is made must pass upon all questions of both law

and fact and determine the ultimate question whether the prisoner is wrongfully restrained of his liberty. It is necessary for the court to determine the weight and credibility of the evidence where the testimony is conflicting.

'* * * With further reference to habeas corpus proceedings in Federal courts, it is expressly provided by statute that the court or judge before whom the prisoner may be brought shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the prisoner as law and justice may require. (25 Am. Jur., p. 245.)'

"In other words, the court or the judge to whom the writ is made returnable takes the case for determination on the merits (See 39 C.J.S. p. 603, sec. 58 and case cited therein), and its findings, either for the release of the detainee or for sustaining his continued custody, if not appealed on time, can become final just as it may in an ordinary case." (*Saulo vs. Brig. Gen. Cruz, etc.*, 109 Phil., 378, 379, 381-383) (Italics supplied.)

We also advert to the earlier case of *Saulo vs. Brig. Gen. Cruz*, 105 Phil. 315 (March 19, 1959), wherein this Court, citing Sections 12 to 15 of Rule 102 (the same provisions as in the present Rules) stated that the court or judge to whom the writ is returnable shall have the authority and the duty to inquire into the facts and the law pertinent to the legality or illegality of petitioner's detention and to order his discharge from confinement, should it appear that he is being unlawfully imprisoned or restrained. The Court ruled:

"In other words, said writ of habeas corpus plays a role somewhat comparable to a summons, in ordinary civil actions, in that, by service of said writ, the court acquires jurisdiction over the person of the respondent. Once authority over the latter has thus been established, the appellate court issuing the writ, or the court of first instance to which the writ has been made returnable – acting in place of the appellate court – may render a decision, which – like other decisions of the Supreme Court and of courts of first instance – may be enforced anywhere in the Philippines."

"In point of practice, when a writ of habeas corpus is, conformably to law, made returnable to a court other than that issuing the writ, the court to which the writ is returned or the judge thereof possesses full authority to examine all issues raised in the case and to settle the same."

It is clear, therefore, that when this Court issued the writ of habeas corpus making the same returnable before the Court of First Instance of Rizal, Quezon City branch, said court acquired the power and authority to determine the merits of the case, and not merely to act as a referee, in the same manner as We would have if the writ had been returnable before this Court. (See C.J.S. 603, citing *Ex parte Smith*, 300 P. 635; *Ex parte Gonsler*, 294 P. 159; *People vs. Booker*, 51 Cal. 317.)

Mr. Justice Castro correctly observed during the deliberation of the Court in this case, that there is no valid reason why a habeas corpus case originally filed in the Court of First Instance should be appealed to the Court of Appeals, while one filed originally with the Supreme Court and made returnable to the Court of First Instance should be appealable directly to Us, when a review of the findings of facts of the Court of First Instance is necessary.

The view that the appeal should be made direct to this Court because when a petitioner files the petition for a writ of habeas corpus with Us he wants his case to be decided as expeditiously as possible, is clearly untenable; otherwise, We would be unduly hampered in the exercise of Our discretion^[1] when to hear and decide directly a habeas corpus as We did in the habeas corpus cases under Martial Law, and when We should make the writ returnable to a Court of First Instance so that the case may not unduly clog the already over-burdened docket of this Court.

Considering that the Court of First Instance of Rizal, Quezon City branch, had jurisdiction to try the habeas

corpus case and render judgment thereon as though the same was originally filed with it, any judgment rendered by it is appealable to the proper appellate court which, in this case, is the Court of Appeals, appellants having signified in their notice of appeal their intention to raise both questions of law and fact.

The Court of Appeals being the proper court to which the appeal was brought, its actuations, orders and resolutions in connection therewith, particularly those dated February 1, 1969, March 13, 1969, June 10, 1969 and June 21, 1969 were, therefore, done and issued in the lawful exercise of its appellate jurisdiction.

WHEREFORE, the petition is, as it is hereby DENIED, and respondent Court of Appeals authorized to proceed with the determination of the appealed case, and all incidents thereof. The restraining order dated September 4, 1969, issued by this Court against the respondent Court of Appeals is hereby LIFTED. No costs.

SO ORDERED.

Makalintal, C.J., Castro, Teehankee, Antonio, Munoz Palma, and Aquino, JJ., concur.
Barredo, Makasiar, and Esguerra, JJ., took no part.

[1] Sec. 2, Rule 102 of the Revised Rules of Court. – The writ of habeas corpus may be granted by the Supreme Court, or any member thereof, on any day and at any time, or by the Court of Appeals or any member thereof in the instances authorized by law, and if so granted it shall be enforceable anywhere in the Philippines, and may be made returnable before the court or any member thereof, or before a Court of First Instance, or any judge thereof for hearing and decision on the merits. It may be also be granted by a Court of First Instance, or a judge thereof, on any day and at anytime, and returnable before himself, enforceable only within his judicial district. (Italics supplied.)

DISSENTING OPINION

FERNANDO, J.:

It is with regret that I find myself unable to accept the conclusion reached by my brethren. I must perforce dissent, this with due recognition that the opinion penned by Justice Fernandez commends itself for its thoroughness, comprehensiveness and lucidity. It must be admitted likewise that it is characterized by sustained, even formidable, logic. If I entertain a different view then it is because I proceed from a distinct major premise. The writ of habeas corpus, to my mind, following the classic statement of Justice Malcolm, in the landmark case of Villavicencio vs. Lukban:[1] "was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and as the best and only sufficient defense of personal freedom. Any further rights of the parties are left untouched by decision on the writ, whose principal purpose is to set the individual at liberty." [2] Rightly then could Chafee refer to the writ as "the most important human rights provision" in the American Constitution.[3] He explained why: "Perhaps Dr. Johnson went too far in telling Boswell, 'The Habeas Corpus is the single advantage our government has over that of other countries.' Still, such great liberties as worship and speech will go on somehow, despite laws, but not liberty of the person. Censorship can be evaded; prosecutions against ideas may break down; a prison wall is there. Only habeas corpus can penetrate it. When imprisonment is possible without explanation or redress, every form of liberty is impaired. A man in jail cannot go to church or discuss or publish or assemble or enjoy property or go to the polls." [4] From such a standpoint, it appears to me that to require in a case like the present, where the petition was filed with this Court but subsequently indorsed to a court of first instance, that an appeal on questions of fact should go to the Court of Appeals would be to prolong

unnecessarily the period of detention when, as events may turn out, the applicant is entitled to his liberty. Hence this dissent.

1. The opinion of the Court states: "The principal issue raised in the present petition has already been definitely ruled upon by Us in the case of Saulo vs. Brig. General Cruz, etc., (109 Phil. 378, Aug. 31, 1960) where We held that the court to which this Court makes the writ returnable, does not thereby become merely a recommendatory body, whose findings and conclusion are devoid of effect, unless and until this Court decides to act on the 'recommendation', but that such court acquires the authority and the duty to inquire into the facts and the law pertinent to the legality or illegality of petitioner's detention and to order his discharge from confinement should it find that he is unlawfully imprisoned or restrained. Further clarifying Our ruling, We stated that the court or the judge to whom the writ is made returnable takes the case for determination on the merits and its findings, either for the release of the detainee or for sustaining his custody, if not appealed on time, can become final just as it may in an ordinary case." [5]

I reach a different conclusion. For me the Saulo ruling goes no further than to indicate that once referred to a lower court an application for habeas corpus could be decided by it, as was made clear in the above citation from the opinion. It does not appear unreasonable then to assert that nothing previously decided has settled the specific question before us, which is not the finality of the lower court decision but where to appeal the case. It would seem, to me at least, that the principle there applied is not controlling here. Assuming the obscurity of the Saulo opinion, it is illumined when the light of the fundamental purpose of the privilege of the writ of habeas corpus is thrown on it, namely, the speedy release from unlawful detention. Such a fundamental postulate should not become dormant. If in a state of quiescence, it must be revived. If the Saulo decision goes that far, however, it may be time to call for reexamination. There is, to my mind, some merit, in taking cognizance not only of a well-settled doctrine but of the deplorable reality that litigation in the Philippines is time-consuming. This is especially so in petitions for habeas corpus, which, as pointed out by Hamilton, must be carried on under the sense of *tempus fugit*. The assumption, therefore, that its expeditious disposition is not unlikely breaks under the test of verifiable experience.

2. There is truth to the observation of Justice Castro cited in the opinion of the court "that there is no valid reason why a habeas corpus case originally filed in the Court of First Instance should be appealed to the Court of Appeals, while one filed originally with the Supreme Court and made returnable to the Court of First Instance should be appealable directly to Us, when a review of the findings of facts of the Court of First Instance is necessary." [6] It is in that sense that, as I pointed out, viewed from the standpoint of logic alone, the opinion is impeccable. For me, however, the compulsion exerted by logic, the insistence that the corpus of the law should be impressed with jural symmetry, *elegantia juris* even, is not decisive. Its attainment is of course desirable, but the thrust of policy consequences must not be ignored. There must be that sense of responsibility to the demands of juristic consistency, but never, hopefully, at the cost of disregarding the claims of liberty. In this respect I find persuasive this appraisal by Cardozo: "Logic and history and custom have their place. We will shape the law to conform to them when we may; but only within bounds. The end which the law serves will dominate them all." [7] I would thus guard against what shape the law to conform to them when we may; he picturesquely refers to as "demon of formalism [tempting] the intellect with the lure of scientific order." [8] To quote further from that distinguished jurist: "My analysis of the judicial process comes then to this, and little more: logic and history, and custom, and utility, and the accepted standards of right conduct, are the forces which singly or in combination shape the progress of the law. Which of these forces shall dominate in any case, must depend largely upon the comparative importance or value of the social interests that will be thereby promoted or impaired. One of the most fundamental social interests is that law shall be uniform and impartial. There must be nothing in its action that savors of prejudice or favor or even arbitrary whim or fitfulness. Therefore in the main there shall be adherence to

precedent. There shall be symmetrical development, consistently with history or custom when history or custom has been the motive force, or the chief one, in giving shape to existing rules, and with logic or philosophy when the motive power has been theirs. But symmetrical development may be bought at too high a price." [9] He would thus conclude: "The social interest served by symmetry of certainty must then be balanced against the social interest served by equity and fairness or other elements of social welfare. These may enjoin upon the judge the duty of drawing the line at another angle of staking the path along new courses, of marking a new point of departure from which others who come after him will set out upon their journey." [10]

It could be, I must confess, that a tenacious belief in the all-encompassing nature of the privilege of the writ of habeas corpus may have led me, if not astray, at least off the beaten track. I am comforted by the thought that this time-hallowed constitutional right is not to be indicted as a mere emotional response to an insistent plea for liberty. It is more than that. It is a clear manifestation that the legal order to be deserving of encomium must not be totally unlit by the sense of humanism. Nor should the assertion of state authority be less than farsighted to avoid the risk of one of the most fundamental guarantees being perceived in less than its resplendent light. All of which compels the conclusion, for me at least, that an appeal from a court of first instance even on questions of fact, where the petition for habeas corpus was originally filed with this Court, is beyond the jurisdiction of the Court of Appeals. I have no choice then but to dissent.

[1] 30 Phil. 778 (1919).

[2] Ibid, 788-789.

[3] Cafee, How Human Rights Got Into the Constitution, 51 (1952).

[4] Ibid.

[5] Decision, 7.

[6] Ibid, 11.

[7] Cardozo, The Nature of the Judicial Process, 66 (1921).

[8] Ibid.

[9] Ibid, 112.

[10] Ibid. 113.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.