

EVELYN B. BALA, PETITIONER, VS. GEN. FIDEL RAMOS, IN HIS CAPACITY AS CHIEF OF THE PHILIPPINE CONSTABULARY; BRIG. GEN. PROSPERO A. OLIVAS, IN HIS CAPACITY AS CHIEF OF THE METRO-P...

G.R. No. L-47426. January 31, 1978

Ponente: AQUINO, J.

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AQUINO, J.:

Evelyn B. Bala filed on December 6, 1977 a verified petition alleging that her husband, Manuel V. Bala, was detained at the detention room of M2 Metrocom, Philippine Constabulary, without any lawful cause and praying that a writ of habeas corpus be issued for his release.

The writ was issued by the Chief Justice on December 7, 1977. The respondents in their return alleged that Manuel V. Bala, together with Cesar Diaz, was arrested pursuant to an Arrest, Search and Seizure Order (ASSO) dated October 26, 1977, issued by the Secretary of National Defense; that Brigadier General Prospero A. Olivas, the head of the Philippine Constabulary Metropolitan Command (Metrocom), through Captain Rafael I. Jayme of the Judge Advocate General Service, issued on October 28, 1977 a commitment order for Bala's detention in connection with the offense of falsification of official or public documents, undermining national security or public order; that Bala was informed of the reason for his arrest and detention and was investigated for his involvement in the fabrication of fake passports, and that his arrest and detention were justified under sections 3 and 4 of General Order No. 60 and section 9(a)(2) of Letter of Instructions No. 621.

The case was heard on December 14, 1977. On January 3, 1977 the respondents, through the Solicitor General, filed a manifestation stating that on December 30, 1977 Lieutenant Colonel Thelmo Cunanan, a special assistant to the Secretary of National Defense and Chief of the National Defense Intelligence Office, ordered Bala's temporary release.

The respondents prayed that the petition for habeas corpus be dismissed for having become moot and academic. The petitioner in her motion of January 6, 1978 withdrew her petition.

WHEREFORE, the case is dismissed and considered closed. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Concepcion, Jr., JJ., concur.

Santos, J., on leave.

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