

LEONISA DE LA PLATA, PETITIONER, VS. MAJOR RUBEN ESCARCHA, PATROLMEN NAPOLEON RALLANKA, CELINO BRIONES, SALVADOR GUITAN AND BENJAMIN MANTO, ALL MEMBERS OF THE MANILA POLICE DEPA...

G.R. No. L-46367. August 01, 1977

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/729542f8d54d/>

AQUINO, J.:

On June 22, 1977 Leonisa de la Plata filed a petition for habeas corpus wherein she alleged that on June 21, 1977 respondent police officers apprehended her son, Rodolfo (19 or 23 years old), and detained him without lawful cause at Precinct No. 5 located at United Nations Avenue, Ermita, Manila.

On June 27, 1977 this Court issued the writ of habeas corpus and required the respondents to make a return on or before July 1, 1977.

The respondents in their return alleged that Rodolfo de la Plata was arrested for vagrancy on June 21 by the members of the special operations group of the Western Police District, Metropolitan Police Force. On the following day, June 22, he was charged with vagrancy in the city court of Manila (Criminal Case No. 061332).

Upon arraignment on June 29, Rodolfo, with the assistance of counsel, pleaded guilty. He was sentenced by City Judge Archimedes C. de Guzman to suffer imprisonment for ten days of *arresto menor*. An order for his commitment to the city jail was issued.

In the meantime, or on June 23, Rodolfo, while in police custody, was investigated by the theft and robbery section for the crime of robbery in band or holdup of a bus of the Y Liner in August, 1976. He signed a statement in the presence of his mother Leonisa and brother Celestino who signed as witnesses. The statement was sworn to before an assistant city fiscal. In that statement he admitted his complicity in the holdup.

Before taking Rodolfo's statement Corporal Rodolfo Dimagiba apprised him of his rights to be silent and to obtain the services of counsel and he was warned that any declaration made by him might be used against him.

On June 29 Rodolfo was committed to the custody of the Philippine Constabulary Metropolitan Command (Judge Advocate Staff Office) at Camp Crame pursuant to Presidential Decree No. 9, in relation to General Order Nos. 2-A and 6, by reason of his participation in robbery in band with the use of a firearm.

At the hearing of the instant petition on July 1 Lieutenant Colonel Julian Alzaga of the Judge Advocate Staff Office manifested that there is a justification for Rodolfo's detention at Camp Crame.

Inasmuch as Rodolfo de la Plata is lawfully detained by the military authorities, the petition for habeas corpus is not in order (*Romero vs. Ponce Enrile*, L-44613, February 28, 1977).

WHEREFORE, the petition is dismissed. No costs.

SO ORDERED.

Antonio and Concepcion, Jr., JJ., concur.
 Fernando, J., (Chairman), concurs in the ???????
 Barredo, J., concurs in a separate opinion.
 Santos, J., did not take part.

De la Plata vs Escarcha : L 46367 : August 1, 1977 : J. Barredo : Second Division : Concurring Opinion 150
 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal";
 mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:"";
 mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt;
 mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

CONCURRING OPINION**BARREDO, J.:**

I concur in the dismissal of the petition in this case.

At the time said petition was filed on June 22, 1977 and when this case was heard on July 1, 1977, Rodolfo de la Plata on whose behalf the petition was filed was under custody by virtue of a final judgment of the City Court of Manila in Criminal Case No. 061332 for vagrancy, in which he pleaded guilty. The validity of this judgment is not being questioned. Under such circumstances, We could not order his release. (Sec. 4, Rule 102.)

While thus under lawful custody, on the basis of intelligence information in the hands of the Philippine Constabulary Metropolitan Command, he was taken to Camp Crame for investigation in connection with his possible participation in a robbery in band with use of a firearm or hold up of a bus of the Y Liner which took place in August 1976. Such being the case, his continued detention by the military authorities is justified under the authority of Presidential Decree No. 9 in relation to General Orders Nos. 2-A and 6, the validity of which he has not impugned in any subsequent pleading. He is not therefore in any sense being illegally detained.

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.