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Supreme Court of the Philippines 20 4 3037 9.2720 110

VI. HABEAS CORPUS

1. Definition and Nature

Basically, it is a writ directed to the person detaining another, commanding him to produce the body of the prisoner at a designated time and place, with the day and cause of his capture and detention, to do, submit to, and receive whatsoever the court or judge awarding the writ shall consider in that behalf. The Latin term habeas corpus which literally means "you have the body," is a high prerogative writ, of ancient common-law origin, the great object of which is the liberalization of those who may be imprisoned without sufficient cause.

2. Function and Scope of Writ

The writ of habeas corpus generally extends to all cases of illegal confinement or detention by which a person is (1) deprived of liberty, or (2) the rightful custody of a person is withheld from the person entitled thereto. 195 The writ of habeas corpus is no longer available to one who is already out on bail. 196

3. Grounds for Relief

1. Deprivation of fundamental or constitutional rights

There is restraint of liberty where one is deprived of freedom of action, such as the freedom of locomotion. 197

2. Lack of jurisdiction of the court to impose the sentence

A person may be detained on the basis of a void judicial order, such as where the court issuing it had no jurisdiction of the crime charged, or of the place where the crime was allegedly committed, or of the person of the accused 198 or where the court had no jurisdiction over the subject matter. 199

3. Excessive penalty

The writ of habeas corpus also issues when a bond given by the accused entitled thereto is not admitted, or excessive bond is required, 200 or the penalty imposed by the court is not provided by law. 201

4. Power to Grant Writ; Enforceability

The writ may be issued by the Supreme Court or by the Court of Appeals or any member thereof, enforceable anywhere in the Philippines, returnable to the same court or any member thereof or to the RTC (CFI) or any judge thereof for hearing and decision. 202

5. Requisites of application

If the detention is by an officer, the writ shall be directed to him, commanding him to bring the body of the person restrained of liberty before the court at the time and place specified. If the detention is by a person other than an officer, then the writ shall be directed to an officer commanding him to the same effect and to summon the person restraining. The respondent will be asked to explain the cause of the detention. 203

6. Procedure (Issuance of writ and return)

If the writ is issued by an RTC judge, it is returnable only to himself and enforceable only within his judicial district (now region) 204

7. Discharge of Person Detained

When the prisoner is unlawfully restrained, the court or judge shall order his discharge which shall not be effective until a copy of the order is served on the officer or person detaining the prisoner. If such officer or person does not desire to appeal, the prisoner shall be forthwith released. 205

195 Rules of Court, Rule 102, Sec. 1.

196 Zacarias vs. Cruz, G.R. No. L-25899, November 29, 1969, 30 SCRA 729.

197 Villavicencio v. Lukban, 39 Phil. 778 [1919].

198 Malinao v. Raveles, 108 Phil. 1159 [1960].

199 Makapagal v. Santamaria, 55 Phil. 418 [1930].

200 In re: McCullough Dick, 38 Phil. 41 [1918].

201 Llobrera v. Director of Prisons, 87 Phil. 179 [1950].

202 Rules of Court, Rule 102, Sec. 2.

203 Rules of Court, Rule 102, Sec. 6.

204 Rules of Court, Sec. 2.

205 Rules of Court, Sec. 15.

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