

**IN RE: PETITION FOR HABEAS CORPUS, APOLINARIO MALOLES,
LUCENA LALAP AND VICTORIA JAVIER IN BEHALF OF POLICARPIO
NAVARES, OLIMPIO LALAP AND RODOLFO JAVIER, RESPECTIVELY,
PETITIO...**

G.R. No. L-46520. August 16, 1977

Ponente: AQUINO, J.

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AQUINO, J.:

On July 19, 1977, the petitioners filed a petition for habeas corpus praying for the immediate release of Policarpio Navares, Olimpio Lalap and Rodolfo Javier from Stockade No. 2 of Camp Crame, Quezon City where they were allegedly illegally detained by the respondents since February, 1977.

On July 26, 1977 this Court issued the writ of habeas corpus through Mr. Justice Fernando, the Chairman of the Second Division, and at the same time required the respondents to make a return of the writ on or before the hearing of the case on July 29, 1977.

The Solicitor General, as counsel for the respondents, explained in his return that Olimpio Lalap, Policarpio Navares and Rodolfo Javier were detained as suspects in the crime of robbery with homicide which was committed on February 6, 1977 at Barrio Bagong Silang, Los Banos, Laguna. (One Mateo Villegas, Jr. was killed as a result of that holdup.) The suspects were identified by an eyewitness, Cornelio Villegas, the victim's son.

The respondents alleged that the detention of Javier and Lalap was effected by virtue of Commitment Order No. 50-57 dated March 3, 1977 and that of Navares, by virtue of Commitment Order No. 51-77. The commitment orders were issued by Constabulary Judge Advocate Colonel, now General, Hamilton B. Dimaya, pursuant to paragraph 19 of General Order No. 2-A in relation to section 1[c] of General Order No. 54.

The three detainees were apprised of the cause of their detention. Lalap and Javier executed sworn statements dated February 28 and March 1, 1977, respectively.

After investigation of the case, the Criminal Investigation Service (CIS) at Camp Crame accomplished "Booking Sheets and Arrest Reports" for the said detainees, wherein the offense of "Holdup Robbery with Homicide" was charged. Javier and Lalap signed the said papers. Navares did not sign the same.

The case was referred to the Constabulary Judge Advocate. A summary preliminary investigation was conducted by Lieutenant Dionisio Daga. At the hearings held on June 17 and 29, 1977 the detainees were assisted by their counsel.

The Solicitor General added that, pursuant to General Order No. 59, the case will be transferred to the appropriate civil authority.

At the hearing of this case on July 29 the detainees were produced in court. Their counsel argued in their behalf. Counsel for the respondents, elaborating on the contents of their return, justified the detention of Lalap, Javier and

Navares. The case was submitted for decision.

The Solicitor General in a manifestation dated August 1, 1977 informed this Court that Navares, Javier and Lalap were released by order of respondent Major General Fidel V. Ramos, Chief of Constabulary, dated July 30, 1977, pursuant to General Orders Nos. 59 and 60, both dated June 24, 1977, as respectively implemented in Department of National Defense Orders Nos. 94 and 95 both dated July 16, 1977. The case against the said persons was transferred to the municipal court of Los Baños, Laguna presumably for preliminary investigation.

WHEREFORE, the instant case is dismissed for having become moot and academic. No costs.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Concepcion, Jr., JJ., concur.
Santos, J., did not take part.

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