

**IN THE MATTER OF THE PETITION FOR THE HABEAS CORPUS OF
RENATO DAÑGANAN Y CAPATI, RENATO C. DAÑGANAN, AURELIA
FABRO-DAÑGANAN AND MARCIANO G. DAÑGANAN, PETITIONERS, VS.
HON. SECRE...**

G.R. No. L-47540. March 21, 1978

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8b6d6f951987/>

AQUINO, J.:

During the investigation of the murder-kidnapping of Felix G. Sytangco, whose cadaver was discovered at Barrio Landayan, San Pedro, Laguna on November 24, 1977, the agents of the Metropolitan Command (Metrocom) of the Philippine Constabulary (PC) and the National Bureau of Investigation (NBI) found that Renato C. Dañganan, Arturo Alban and others were implicated therein.

On December 3, 1977 Dañganan, a bank employee residing at 227-A Del Mundo Street, Caloocan City, was interrogated by the NBI and Metrocom agents in the NBI office. He executed an affidavit waiving his rights under article 125 of the Revised Penal Code (not to be detained indefinitely and to confer with counsel). He allegedly placed himself under the protective custody of the NBI because he was apprehensive that the persons, whose names he had revealed as having participated in the murder-kidnapping case, might harm him.

On December 7, 1977, after an inquest conducted by the PC Metrocom Staff Judge Advocate, which disclosed that illegally possessed firearms were used in the murder and kidnapping for ransom, a commitment order was issued pursuant to Letter of Instruction (LOI) No. 621. The custody of Dañganan was transferred to the Metrocom.

On the basis of the Metrocom's report to the Secretary of National Defense that there was probable cause that the offenses of kidnapping for ransom and murder had been committed, the Secretary issued on January 7, 1978 Arrest, Search and Seizure Order (ASSO) No. 4421 against Dañganan and Arturo Alban pursuant to section 1(c) and (d) of General Order No. 62 dated October 22, 1977.

Before the issuance of ASSO No. 4421, or on December 27, 1977, Dañganan, his wife and his father filed the instant petition for habeas corpus. On January 4, 1978 a writ of habeas corpus was issued, requiring the NBI Director and the chief of the NBI special investigation division to produce Renato C. Dañganan at the hearing on January 9, 1978. An amended petition was filed on that date to stress the fact that the petitioner had already been detained for thirty-four days.

Inasmuch as according to the return of the writ and the manifestation at the hearing on January 9, 1978 of Colonel Julian Alzaga, Dañganan was detained by the Metrocom and not by the NBI agents, the petitioners were directed to re-amend their petition.

The petitioners in their second amended petition of January 11, 1978 impleaded the Secretary of National Defense and at the same time they alleged that Dañganan had executed an affidavit retracting his affidavit of waiver which

was allegedly executed by Daňanan under duress. In his second affidavit Daňanan denied any complicity in the kidnapping and murder of Sytangco. The respondents denied that Daňanan's affidavit of waiver was secured through force and intimidation.

On the basis of the second amended petition, another writ of habeas corpus was issued. The case was heard on January 30, 1978. It was alleged in the return of the writ that during the hearings conducted on January 13 and 18, 1977 by the Metrocom Staff Judge Advocate, Daňanan was furnished copies of the affidavits of witnesses pointing to him as among the perpetrators of the kidnap-murder of Sytangco.

On January 19, 1978 Daňanan informed the Staff Judge Advocate that he was not going to present any evidence because the prosecution supposedly had not established any prima facie case against him.

On February 8, 1978 the Judge Advocate General transmitted to the Secretary of National Defense a charge sheet imputing to Daňanan and Alban illegal possession of firearms, kidnapping and murder, or a violation of General Orders Nos. 6 and 7, as amended, in relation to Presidential Decree No. 9 and articles 248 and 267 of the Revised Penal Code. (See sec. 1[g], General Order No. 59). The charge sheet contains the following specification:

"In that the above-named accused, subject to trial by the Military Tribunals, on or about 21 November 1977, in Valenzuela, Bulacan, conspiring together and mutually helping one another did then and there, wilfully, unlawfully and feloniously keep, possess and carry under their control and custody two (2) pistols, cal. 45 with unknown SN and one (1) revolver with unknown caliber and SN without having secured the necessary license/permit from the proper authorities and while in the possession and control of the above-described firearms and pursuant to the aforesaid conspiracy, by means of violence against and intimidation of person take and kidnap one Felix Sytangco and deprive him of his liberty for ransom in the amount of P135,000.00 and after receiving the said amount of P135,000.00 stab said Felix Sytangco many times resulting to his death as a consequence."

The charges were filed with the military tribunal on February 17, 1978.

Section 1 of General Order No. 60, dated June 24, 1977, was amended by General Order No. 62, dated October 22, 1977, to read as follows:

"SECTION 1. The authority of the Secretary of National Defense to effect, upon probable cause, the arrest, detention, search and seizure of persons and/or things thru an arrest, search and seizure order commonly known as ASSO, shall henceforth be limited, except as herein provided, to offenses over which the military tribunals have exclusive jurisdiction as redefined in General Order No. 59, dated June 24, 1977. However, the Secretary of National Defense, or the official he has authorized pursuant to the succeeding Section 2 hereof, may issue an ASSO for the arrest, detention, search and seizure of persons and/or things, for the following acts and/or offenses:

"a. Violation of Republic Act No. 6235 (Anti-Hijacking Law);

"b. Violations of Republic Act No. 6539, otherwise known as the Anti-Carnapping Act;

"c. Murder as defined under Article 248 of the Revised Penal Code, as amended;

"d. Kidnapping and serious illegal detention as defined under Article 267 of the Revised Penal Code, as amended;

"e. Arson as defined and penalized under Articles 321 and 322 of the Revised Penal Code, as amended, including any offense committed as a result thereof;

"f. Robbery as defined and penalized under Articles 294, 295, 297, 299, 300 and 302, of the Revised Penal Code;

"g. Violations of Presidential Decree No. 532, dated August 8, 1974, otherwise known as the Anti-Piracy and Anti-Highway Robbery Law of 1974; and

"h. Other acts or offenses, involving the theft, robbery or destruction of military or police arms, ammunition, supplies and equipment."

A person like Dañaganan, who is detained by virtue of an ASSO, may be kept in detention until released by the President of the Philippines or by the Secretary of National Defense. (See sec. 4, General Order No. 60).

Consequently, the detention of Dañaganan is legal. He cannot be released by means of the writ of habeas corpus. (Go vs. Olivas, L-44989, November 29, 1976, 74 SCRA 230; Romero vs. Ponce Enrile, L-44613, February 28, 1977, 75 SCRA 429).

WHEREFORE, the petition is dismissed.

SO ORDERED.

Barredo, Antonio, Concepcion, Jr., and Santos, JJ., concur.

Fernando, J., (Chairman), concurs with the observation that Gov. Olivas, L-44989, November 29, 1976, 74 SCRA 230, likewise stands for the proposition that a case liable by a military tribunal may be terminated and the accused released by a habeas corpus petition if it could be shown that even tribunal acted without erred excess of jurisdiction. He dissents from the paragraph at the top of this page, his crew being that under appropriate circumstances a person detained by virtue of an ASSO may be released through a habeas corpus proceeding.

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.