

HERMOGENES CRUZ, PETITIONER, VS. GENERAL ALFREDO MONTOKA AND COLONEL RENE CRUZ, RESPONDENTS.*G.R. No. L-39823. February 25, 1975*

Ponente: FERNANDO, J.

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Relying on the present Constitution which, in the language of this petition for habeas corpus, "safeguards and enshrines individual freedoms,"[1] Hermogenes Cruz would seek release from his detention in the Constabulary stockade in Camp Vicente Lim, Laguna, under the command of respondent General Alfredo Montoya, with respondent Colonel Rene Cruz as his Chief of Staff. It is his principal allegation that his confinement is "without any legal basis and [thus] constitutes a clear case of denial or deprivation of personal liberty." [2] The petition was filed on December 12, 1974, and on December 13, this Court issued the writ of habeas corpus returnable to it requiring respondents to file an answer not later than December 16, 1974. On that date, there was a return and answer to petition submitted by respondents through their counsel Solicitor General Estelito P. Mendoza. [3] It is their main contention that contrary to the allegation of petitioner, his detention "is valid and legal" as set forth in the special and affirmative defenses. [4] It is their submission that as to petitioner the privilege of the writ of habeas corpus has been suspended. His detention, moreover, finding justification "on the basis of sworn complaints that he is engaged in illegal activities which not only delude, defraud, and victimize innocent and poor farmers into believing they would easily acquire title to valuable lands but are of such a nature and attract so many people as to compound critical land problems and cause serious social unrest inimical to the objectives of martial law; ***." [5]

The case was first heard on December 16, 1974, with petitioner being produced by respondents in compliance with the aforesaid writ. His counsel moved in open court that he be granted up to Thursday, December 19, 1974 within which to file a reply to the answer of the respondents. The motion was granted, and the case was set for hearing anew on Friday, December 20, 1974. There was, in his reply filed on December 19, 1974, a reiteration of his innocence of any crime, contrary to the imputation of respondents, specifically pointing out that all he did "as a membership recruiter of the [Twin R Farmers Association, Inc.] a lawful organization duly registered in August 1974 with the Securities and Exchange Commission, among whose principal objectives is the promotion of the governments' Green Revolution Program, *** had been to assure prospective members that the Association would help them secure titles to lands whenever, under the circumstances, they are entitled, under the laws, to their issuance. He [likewise] explained that, in the meantime, they should plant the lands which they had been tilling for years, to staple crops, root crops, or vegetables, to contribute to the success of the Green Revolution Program, assuring them at the same time that, for free, the Association would supply them their farming needs under government assistance and help them market their products if they should find difficulties in looking for profitable outlets." [6]

The Office of the Solicitor General is to be commended for its attitude that reflected fidelity to the basic purpose and objective that inform this great writ of liberty. Thus, after the hearing on December 20, 1974, a resolution of

this character was issued by this Court: "When this case was called for hearing this morning, Atty. Orlando S. Ruiz appeared for the petitioner, while Solicitor General Estelito P. Mendoza, assisted by Assistant Solicitors General Hugo E. Gutierrez and Vicente V. Mendoza, appeared for the respondents. The Solicitor General manifested that he had conferred with counsel for petitioner and had proposed that during the holiday season, petitioner would be given a pass so that he could spend Christmas Day until the 27th of December and New Year's Day until January 2, 1975 in his residence and that thereafter within the first week of January 1975, respondents would either file charges or definitely release petitioner ***." [7] True to his word, Solicitor General Mendoza, on January 10, 1975, filed a manifestation and motion, the crucial paragraph of which states: "2. On January 6, 1975 petitioner Hermogenes Cruz, together with three others, was formally charged with estafa before the municipal court of Antipolo, Rizal, and on the following day a warrant was issued for the arrest of petitioner and his co-accused ***. Other charges of a similar nature are pending investigation." [8] Its prayer was "that pursuant to Rule 102, Section 14 of the Rules of Court, the petition in this case be dismissed without cost." [9] Thereafter, on January 20, 1975, this Court, in a resolution, required petitioner Hermogenes Cruz to comment within ten days from notice on the above manifestation and motion of the Solicitor General to the effect that he had been charged with estafa and a warrant for his arrest had already been issued with a prayer that his petition be dismissed. Notwithstanding the lapse of the period allotted him, there has been no word from petitioner. It would appear therefore that the writ had served its purpose and whatever illegality might have originally infected his detention had been cured. In that sense, his petition has become academic. What is undeniable is that the ordinary civil process of the law is now being followed. The grievance complained of therefore no longer exists. What is more, there is adherence to the basic aim and intent that inform this great writ of liberty which, in the apt language of Justice Malcolm in the landmark case of Villavicencio v. Lukban, [10] "is to inquire into all manner of involuntary restraint as distinguished from voluntary, and to relieve a person therefrom if such restraint is illegal. Any restraint which will preclude freedom of action is sufficient." [11] This it could accomplish, for as so emphatically stressed by Justice Holmes, it "cuts through all forms and goes to the very tissue of the structure." [12]

WHEREFORE, the petition having served its purpose may be dismissed. No costs.

Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Petition, par. 8.

[2] Ibid

[3] He is assisted by Assistant Solicitor General Hugo E. Gutierrez Jr., Vicente V. Mendoza, and Reynato S. Puno.

[4] Return to the Writ and Answer to Petition, par 4.

[5] Ibid.

[6] Petitioner's Reply to Respondents' Answer, Reply to Respondents' Special and Affirmative Defense, par 2.

[7] Resolution dated December 20, 1974.

[8] Manifestation and Motion of Respondents.

[9] Manifestation and Motion.

[10] 39 Phil. 778 (1919)

[11] Ibid., 790

[12] Frank vs. Mangim, 237 US 309, 346 (1915)

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