

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS OF REGINA PAZ LOPEZ, ANANDA MARGA PRACARAKA SAMGHA IN THE PHILIPPINES, INC., PETITIONER, VS. FR. BOB GARON, M.S.; DARE FOUNDATION...

G.R. No. L-38850. November 28, 1975

Ponente: FERNANDO, J.

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FERNANDO, J.:

This petition for habeas corpus on behalf of the then minor Regina Paz Lopez, confined at the Dare Foundation, one of the respondents, headed by Father Bob Garon, likewise a respondent, was predicated on an accusation against her for the violation of the Dangerous Drugs Act,[1] having been prompted by her being a follower of petitioner Ananda Marga Pracaraka Samgha in the Philippines, Inc., a socio-religious organization, and her decision to leave the country for India to take up further studies in her religion in opposition to her mother's wishes. There was then an asserted violation of a basic constitutional right. Moreover, while there was no express assertion to that effect, a reading of the petition would disclose that a procedural due process question had arisen from the actuation of respondent Judge in ordering her confinement without her having been heard.

The writ was duly issued, a return was made, and a hearing was held. Thereafter, on July 10, 1974, this Court issued the following resolution: "L-38850 (Ananda Marga Pracaraka Samgha in the Philippines, Inc. vs. Hon. Onofre A. Villaluz, etc., et al.). — When this case was called for hearing this morning, Attys. Antonio G. Pastelero and Arsenio G. Bonifacio II appeared and argued for the petitioner, while Attys. Camilo D. Quiason and C. Canizares appeared for the respondents. Thereafter, the Court Resolved: (a) to [grant] both parties five (5) days from today within which to inform the Court on whether or not they agree to the dismissal of case Voluntary Submission No. 557 'Drug Addiction' entitled 'Regina Paz Lopez (Drug Dependent) Parents or Guardians: Mrs. Conchita Lopez' of the Circuit Criminal Court, Seventh Judicial District, at Pasig and to the withdrawal of the herein petition; (b) to [allow] Mrs. Conchita Lopez to have custody of Regina Lopez in the meantime; and (c) to [defer] action on the petition until after receipt by this Court of the required information." [2] It was then shown in pleadings duly filed with this Court that the minor Regina Paz Lopez disappeared. Her whereabouts were subsequently located and once again the matter was set for a hearing, as it was believed that the differences between mother and daughter could be settled. Moreover, it was likewise the consensus that she should be given the opportunity to show that she was not a drug dependent.

Thus on October 2, 1974, another resolution was issued by this Court: "G.R. No. L-38850 (Ananda Marga Pracaraka Samgha in the Philippines, Inc. vs. Hon. Onofre A. Villaluz, etc., et al.). — The Court resolved that pending the decision of this case on the merits, the respondent Judge be directed as he is hereby directed to forthwith and without further delay proceed to hear its Voluntary Submission Case No. 557 filed by respondent Conchita Lopez and determine in accordance with the procedure prescribed by Section 30 of Rep. Act 6425 whether or not herein petitioner Regina Paz Lopez is a drug dependent and thereafter to issue the corresponding order contemplated in said Act. * * * "[3]

Thereafter, on October 7, 1974, the following manifestation was filed by respondent Judge Villaluz: "1. That the undersigned Presiding Judge received a resolution of the Honorable Supreme Court dated October 2, 1974, directing him 'to forthwith and without further delay proceed to hear its Voluntary Submission Case No. 557 filed by respondent Conchita Lopez and determine in accordance with the procedure prescribed by Section 30 of RA 6425, whether or not herein petitioner Regina Paz Lopez is a drug dependent and thereafter to issue the corresponding order contemplated in said Act'; 2. That Regina Paz Lopez was voluntarily submitted by her mother to the Court for treatment and rehabilitation from drug dependency on July 4, 1974, and was committed to the Dare Foundation, Inc., a duly accredited rehabilitation center, on the same date; 3. That this Court, under date of September 13, 1974, issued an order directing Drs. Leonardo Bascarra and Bonifacio Pagaduan of the U.E.R.M. Memorial Hospital, expert psychiatrists duly qualified by this Court, to conduct a thorough physical examination on the person of Regina Paz Lopez for the purpose of determining whether she is still a drug dependent or not and/ or she is suffering from personality disorder or not; and for said purpose, she was temporarily released to the custody of her parents; 4. That said Regina Paz Lopez, probably sensing that she would be examined by said doctors, escaped from the Dare Foundation, Inc., and has not returned thereat up to the present; 5. That due to the disappearance of said drug dependent from her confinement on September 23, 1974; this Court finds it impossible to proceed with the hearing of the above-entitled case as the subpoenas issued by the Court could not be served as her present whereabouts is still unknown. Premises considered, undersigned respondent Judge humbly manifests that the hearing of the above-entitled case cannot be set at the earliest possible time due to the reasons above-cited."[4]

In the meanwhile, petitioner Regina Paz Lopez had attained the age of majority. The proceeding against her in the sala of respondent Judge was based on the provisions of the law with respect to minors; thus the legal basis for further continuation thereof had ceased to exist. Under the above circumstances, the petition would not serve any useful purpose.

WHEREFORE, this petition for habeas corpus is dismissed for being moot and academic.

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

[1] Republic Act No. 6425.

[2] Resolution dated July 10, 1974.

[3] Resolution of October 2, 1974

[4] Manifestation dated October 7, 1974

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