

AMADO E. DE VERA, PETITIONER, VS. HONORABLE PEDRO SAMSON C. ANIMAS AND THE PROVINCIAL WARDEN OF SOUTH COTABATO, RESPONDENTS.*G.R. No. L-48176. August 14, 1978*

Ponente: FERNANDO, J.

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The merit of this habeas corpus application filed by petitioner Amado E. de Vera is not readily apparent. He admitted that his conviction for the crime of Falsification of Public Documents, more specifically, in connection with the tampering of some election returns in the November elections of 1967, held in the municipality of Polomolok, South Cotabato, had reached the stage of finality.[1] On its face, it hardly presents a case of illegal deprivation of liberty. It is not then easy to assail the validity of the order of commitment of respondent Judge Pedro Samson C. Animas, who denied petitioner's motion for the suspension of the promulgation of judgment.[2] The only basis for such a move was his application for amnesty under Presidential Decree No. 95, granting what was referred to in said application as a general amnesty. It was his contention therefore that under the circumstances, his confinement is tainted with illegality.[3]

This Court granted the writ, the return to such writ and the hearing being set for June 9, 1978. On such date, the parties were heard. Thereafter, this Court issued on the same day the following resolution: "When this petition which involves PD 95, in relation to PD 206 and PD 433, was called for hearing this morning, Atty. Enrique A. de la Cruz, appeared for the petitioner while Assistant Solicitor General Lorenzo Timbol and Solicitor Antonio L. Villamor appeared for the respondents. The body of petitioner Amado E. de Vera was brought before this Court by respondent Warden Celso Dequilla. Assistant Solicitor General Timbol requested for an extension of ten (10) days from today within which to submit the return of the writ of habeas corpus because respondent Judge Animas had sought the aid of the Solicitor General only the day before. In view thereof, the Court Resolved: (a) to [grant] the extension requested; (b) to [reset] the hearing of this case to a date of which the parties will be notified later; and (c) to [order] the temporary commitment of the person of petitioner Amado E. de Vera to the Camp Commander, Camp General Aguinaldo, GHQ, AFP, until further orders from this Court." [4]

In view of the fact that the records had to come from respondent Judge, whose sala is in South Cotabato, it was not until June 29, 1978 that the return to the writ was submitted by the Solicitor-General, Estelito P. Mendoza,[5] an extension having been previously granted. After maintaining that there was nothing illegal about the confinement of petitioner, the judgment against him having become final by his failure to prosecute his appeal, to secure a reversal of his conviction, it was conceded by the Solicitor - General: "However, in the light of the purpose clauses of the several recent Presidential Decrees granting amnesty, which indicate a policy of liberalism with respect to amnesty cases, respondents would interpose no objection to allowing petitioner, at this stage, to take the necessary and proper steps by which he can avail of the benefits of amnesty under P. D. No. 433, as amended by P. D. No. 598, and to the transmittal of the record of Criminal Case No. 2015 ('People of the Philippines versus Amado de Vera') to the Commission on Elections for appropriate action." [6]

In the meanwhile, there was likewise filed on June 26, 1978 an urgent motion of petitioner wherein he prayed that respondent Judge be ordered to forward the records of Criminal Case No. 2015 of the Cotabato Court of First Instance entitled *People v. de Vera* to the Commission on Elections as his counsel had conferred with its Chairman, who was quite sympathetic to his plea for amnesty.[7] On July 7, 1978, this Court issued the following resolution: "Acting on the motion of petitioner that pending the hearing of the case, respondent Judge Pedro Samson C. Animas, Court of First Instance of South Cotabato, be directed to forward the record of Criminal Case No. 2015, *People v. Amado E. de Vera, et al.*, to the Commission on Elections, it being alleged that counsel for petitioner had conferred with the Chairman of the Commission on Elections on the matter of the probable grant of amnesty under Presidential Decree No. 433 as amended by Presidential Decree No. 598, this Court resolved to [grant] said motion with the modification that respondent Judge be directed to transmit forthwith to this Court, rather than the Commission on Elections, the aforesaid record in view of the pendency of the habeas corpus petition, without prejudice to its being thereafter sent to the Commission on Elections." [8] It was not until July 17, 1978 that the records of the case were transmitted to this Court.

The case is thus ripe for resolution. As noted at the outset, the petition hardly suffices for the grant of the liberty sought. Respondent Judge was not ousted of jurisdiction. He acted in accordance with law. This is a case appropriate for the exercise of executive clemency. There is no question therefore that petitioner could avail himself of the amnesty issued by the President if he should fall within its terms and in accordance with the procedure prescribed.[9] At any rate, it is undoubted that it is the Commission on Elections which is the appropriate agency designated by the President to pass upon the application for amnesty. While this petition is not thus the appropriate vehicle for granting the plea to be released from detention, it nonetheless served a useful purpose. It is a confirmation of the "latitudinarian scope" of this protean writ to assure judicial inquiry into the legality of a detention or restraint.[10]

WHEREFORE, the petition is dismissed. The records of Criminal Case No. 2015 of the Court of First Instance of South Cotabato, 16th Judicial District, Branch I, entitled *People v. Amado de Vera and Bonifacio Salazar* are transmitted to the Commission on Elections to enable it to pass upon the application for clemency by petitioner Amado de Vera. In the meanwhile, the resolution of June 9, 1978 insofar as it orders the temporary commitment of petitioner in Camp General Aguinaldo stands.

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

[1] Petition, pars. 4, 7, 10.

[2] *Ibid*, par. 11.

[3] *Ibid*, par. 12.

[4] Resolution, dated June 9, 1978.

[5] He was assisted by Assistant Solicitor-General Lorenzo G. Timbol and Solicitor Antonio L. Villamor.

[6] Answer, par. 15.

[7] Urgent Motion of Petitioner.

[8] Resolution, dated July 7, 1978.

[9] Cf. Presidential Decree No. 433 (1974) as amended by Presidential Decree No. 595 (1974).

[10] Cf. *Gumabon v. Director of Prisons*, L-30026, January 30, 1971, 37 SCRA 420.

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