

IN THE MATTER OF THE APPLICATION FOR THE ISSUANCE OF A WRIT OF HABEAS CORPUS FOR THE PRODUCTION OF THE BODY OF NARCISO C. CRUZ ESTEBAN S. CRUZ, PETITIONER, VS. THE DIRECTOR, NAT...

G.R. No. L-46126. May 22, 1985

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/bb42a57e6c58/>

FERNANDO, C.J.:

In this application for the writ of habeas corpus filed by Esteban S. Cruz, father of the detained person Narciso C. Cruz, it was alleged that on the evening of May 11, 1977 at about 9:00 o'clock in their place at Caingin, Malolos, Bulacan, respondent NBI Agent Augusto Bolivar M. Dela Paz arrested his son, who was then confined at the NBI Detention Cell at Taft Avenue, Metro Manila.[1] At the time of the filing of the petition, there was no pending charge against him.[2] On the occasion of such arrest, it was alleged that respondent dela Paz, showed petitioner a note from respondent Jolly Bugarin, NBI Director, to the effect that such arrest was ordered by a verbal directive of the then Secretary of National Defense,[3] now Minister Juan Ponce Enrile.

The writ was then issued with respondents being required to make a return on June 3, 1977 and to produce the body of the person detained. In the Return it was alleged that Narciso Cruz was arrested and detained for the murder of Mayor James Gordon of Olongapo City by virtue of an Arrest, Search and Seizure Order dated January 31, 1975 issued by the Secretary of National Defense.[4]

In the Special and Affirmative Defenses this excerpt from the decision of this Court penned by the then Justice, later Chief Justice, Roberto Concepcion in *People v. Alincaestre*[5] first cited the relevant portion of the brief of the Solicitor General: "In view of the evidence positively indicating their participation in the criminal conspiracy, Jamie Guevara and Narciso Cruz should likewise be prosecuted for the murder of Mayor James Gordon of Olongapo City, so that the ends of justice will be fully served. The two other 'ranking officials of Zambales' should also be prosecuted after their identity shall have been ascertained." [6] Then his opinion continued: "Obviously the Government should take appropriate measures in connection with the participation of Jamie Guevara, Narciso Cruz and said ranking officials of Zambales, in the assassination of Mayor Gordon." [7] The arrest of Narciso Cruz "was made pursuant to this directive of the Court." [8]

Subsequently by virtue of the resolution of this Court, there was a reply, more properly of a traverse, to the Return of respondents and thereafter a Rejoinder to such pleading. Then came this Manifestation by respondents: "1. In the respondents' Rejoinder dated June 17, 1977 the undersigned manifested that 'As of June 9, 1977, Narciso C. Crus has already been formally charged with the murder of Mayor James Gordon by the National Bureau of Investigation with the Fiscal's Office of Olongapo City.' 2. The Olongapo City Fiscal's Office has since then conducted a preliminary investigation of the above case against Narciso C. Cruz, in accordance with law. 3. On July 19, 1977, after preliminary investigation, the Fiscal's Office of Olongapo City, acting through First Asst. City Fiscal Santiago C. Maliwanag, found a prima facie case against Narciso Cruz. The said Fiscal's Office

accordingly prepared the corresponding Information charging Narciso Cruz with murder and filed the same in Court. A certification to this effect, dated August 3, 1977, by Assistant City Fiscal Santiago C. Maliwanag is attached hereto as Annex 'A', to form an integral part of this Manifestation. 4. Consequently, Narciso C. Cruz stands formally charged of murder before the proper Court." [9]

Another Manifestation was subsequently filed wherein it was stated that by virtue of the information filed against Narciso Cruz, "the Circuit Criminal Court of Olongapo City issued an order dated August 10, 1977 directing the issuance of a warrant for the arrest of Narciso Cruz. No bail is recommended for his provisional liberty." [10] It was then alleged: "Consequently, Narciso Cruz is now detained at the NBI Detention Cell pursuant to this above-mentioned Order issued by the Circuit Criminal Court." [11] A copy of the notice issued by the Court remitting the custody of the person of Narciso Cruz to the National Bureau of Investigation until further orders was attached to such Manifestation as an Annex.

A proper charge having been filed, not to mention the fact that by virtue of a decision of this Court, Narciso C. Cruz had to face a serious accusation, the detention cannot be stigmatized as illegal. [12]

WHEREFORE, this petition is dismissed.

Makasiar, Aquino, Abad Santos, Escolin, and Cuevas, JJ., concur.
Concepcion, Jr., J., on leave.

[1] Petition, par. 4(g).

[2] Ibid.

[3] Ibid.

[4] Return to the Writ, 2.

[5] L-29891, August 30, 1971, 40 SCRA 391.

[6] Ibid.

[7] Ibid.

[8] Return to the Writ, 2.

[9] Manifestation dated August 8, 1977.

[10] Manifestation dated September 27, 1977, 1.

[11] Ibid, 2.

[12] Cf. Cruz v. Montoya, L-39823, Feb. 25, 1975, 62 SCRA 543; De la Plata v. Escarcha, L-46367, Aug. 1, 1977, 78 SCRA 208; Cañas v. Director of Prisons, L-41557, Aug. 18, 1977, 78 SCRA 271; Anas v. Ponce Enrile, L-44800, April 13, 1978, 82 SCRA 333; Dacuyan v. Ramos, L-48471, Sept. 30, 1978, 85 SCRA 487; Ventura v. People, L-46576, Nov. 6, 1978, 86 SCRA 188; Beltran v. Garcia, L-49014, April 30, 1979, 89 SCRA 717; Florendo v. Javier, L-36101, June 29, 1979, 91 SCRA 204; Sison, Sr. v. Ministry of National Defense, G.R. No. 56893, May 3, 1985; Jasminez v. Ver, G.R. No. 59787, May 3, 1985.

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.