

THE MATTER OF THE PETITION FOR HABEAS CORPUS OF SATURNINO LASAM AND EDGARDO LASAM, AND FOR PROHIBITION, ENCARNACION B. LASAM, PETITIONERS, VS. HON. JUAN PONCE ENRILE, SECRETARY ...

G.R. No. L-40134. September 12, 1975

Ponente: BARREDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e2e6e3b49931/>

BARREDO, J.:

Petition for habeas corpus and prohibition challenging the validity of the Arrest, Search and Seizure Order issued by respondent Secretary of National Defense on January 13, 1975 against petitioners for alleged violation of R. A. 3019 and Article 171 of the Revised Penal Code, raising the following issues:

"1. Whether in the issuance of Arrest, Search and Seizure Orders, under General Order Nos. 2 and 2-A the Secretary of National Defense is required to conduct personally the examination of witnesses, or whether it is enough that in determining the existence of probable cause he makes his decision on the basis of statements given to investigators.

"2. Whether an order of arrest is invalid with respect to a crime not described therein but which is nevertheless based on the same facts on which the other crimes mentioned are based.

"3. Whether the crimes with which petitioners are charged (violation of the Anti-Graft and Corrupt Practices Act, the Revised Penal Code (falsification), and the regulations of the Fertilizer Industry Authority (FIA) involve national security.

"4. Whether as to petitioners the privilege of the writ of habeas corpus is suspended." (Pp. 129-130, Record.).

Petitioners had been detained since January 18, 1975. Under date of August 8, 1975, however, the Solicitor General filed as counsel for respondents the following:

"MANIFESTATION AND MOTION

COME NOW the respondents, by the undersigned counsel, and to this Honorable Court respectfully state:

1. On July 30, 1975, Saturnino Lasam y Arugay and Edgardo Lasam y Bassig, in whose behalf this case was filed, were accused of violations of the Anti-Graft and Corrupt Practices Act and of estafa in separate informations filed with the Circuit Criminal Court, First Judicial District, to wit:

a. Criminal Case No. CCC-I-406, People v. Saturnino Lasam y Arugay (For violation of section 3 of the Anti-Graft and Corrupt Practices Act);

b. Criminal Case No. CCC-I-407, People v. Edgardo Lasam y Bassig (For violation of section 4 of the Anti-Graft and Corrupt Practices Act);

c. Criminal Case No. CCC-I-408, People v. Saturnino Lasam y Arugay and Edgardo Lasam y Bassig (For estafa);

d. Criminal Case No. CCC-I-409, People v. Saturnino Lasam y Arugay and Edgardo Lasam y Bassig (For estafa);

e. Criminal Case No. CCC-I-410, People v. Saturnino Lasam y Arugay and Edgardo Lasam (For estafa).

Copies of the informations filed in the above cases, marked as Annexes 1, 2, 3, 4 and 5 respectively, are hereto attached.

2. On August 4, 1975 the Circuit Criminal Court, First Judicial District issued warrants of arrest in the criminal cases above mentioned and fixed the bail for the provisional release of the accused in each case.

Copies of the orders of arrest and the corresponding warrants of arrest, marked Annexes 6, 6A, 7, 7A, 8 and 8A respectively, are hereto attached.

3. The acts and transactions complained of in the various information filed in Criminal Cases CCC-I-406, 407, 408, 409 and 410 are the same acts and transactions for which Saturnino Lasam y Arugay and Edgardo Lasam y Bassig were arrested and held in detention by the respondent officers of the Philippine Constabulary.

4. The issuance of judicial warrants of arrest against the Lasams has rendered this case moot and academic. (Cruz v. Montoya, L-39823, Feb. 25, 1975, 62 SCRA 543; Diokno v. Ponce Enrile, L-35539, Sept. 17, 1974; 59 SCRA 183).

WHEREFORE, respondents respectfully pray that the petition in this case be dismissed, without cost."

Commenting on this Manifestation and Motion, petitioners aver:

" 1. Respondents are inconsistent. Whereas in their Manifestation and Motion of 8 August 1975 praying for the dismissal of the petition at bar, they allege:

'3. The acts and transactions complained of in the various information filed in Criminal Cases CCC-I-406, 407, 408, 409 and 410 are the same acts and transactions for which Saturnino Lasam y Arugay and Edgardo Lasam y Bassig were arrested and held in detention by the respondent officers of the Philippine Constabulary'

yet in their Rejoinder of 4 March 1975, respondents claim that:

'The Arrest, Search and Seizure Order (ASSO) in this case was issued on the basis of statements given by various individuals describing anomalies committed in the administration of 'Masagana 99' loans in more or less the same fashion as nil above stated and implicating petitioners in those anomalies.

'Copies of the statements of the witnesses are hereto attached:

'The Joint Statement of Juanito Sabado, Basilio Asuncion and Benjamin Doca, as Annex 1.

The Statement of Benigno Danga, as Annex 2.

3

The Statement of Cornelio Gorospe, as Annex 3.

The Statement of Emilio Cabrera, as Annex 4.

The Statement of Benigno Sabado, as Annex 5.;

A The Statement of Jaime Sabado, as Annex 6.

The Statement of Eduardo Danga, as Annex 7.

The Statement of Rogelio Marcelo, as Annex 8.

"2. Evident from the foregoing is the fact that in their Rejoinder mentioned in the immediately preceding paragraph nowhere do the names of Filibiano Saquing, Gavino Labuguin, and Melchor Adriano appear as among those individuals whose statements form the basis of the issuance of the Arrest, Search and Seizure Order.

3. The Informations attached to Respondents' Manifestation and Motion of 8 August 1975, Annexes 1 to 5, show that the complainants therein are the three (3) individuals: Filibiano Saquing, Gavino Labuguin, and Melchor Adriano, not the persons mentioned in Respondents' Rejoinder of 4 March 1975.

4. In fact, the persons mentioned in the Rejoinder do not even appear as witnesses in the five (5) informations.

5. The issuance of judicial warrants of arrest against petitioners in the five (5) informations does not therefore render the instant case moot and academic.

6. Furthermore, the case is not only for Habeas Corpus but also for Prohibition testing the constitutionality of the Arrest, Search and Seizure Order No. 4060 and Defense Department Order No. 740.

7. Besides, petitioners have an existing interest for a definitive ruling on the matter to determine their rights and standing instead of being left open to possible harassment with the use of the same ASSO No. 4060 against them.

8. To remove any cloud of uncertainty on the liberty of herein petitioners brought about by the issuance of the Arrest, Search and Seizure Order No. 4060, it is fervently and respectfully prayed of the Honorable Court that the case at bar be decided without further delay."

We agree with the Solicitor General that this case has already become moot and academic as a consequence of the judicial criminal proceedings now pending against petitioners in the Circuit Criminal Court, First Judicial district, involving the same acts and offenses for which they were originally apprehended on the strength of the impugned ASSO of respondent Secretary. All questions of alleged illegality of the aforementioned ASSO may be raised in a separate appropriate action. They are not relevant in this habeas corpus case.

Petition dismissed, without costs.

Makalintal, C.J., Castro, Fernando, Teehankee, Makasiar, Muñoz Palma, Aquino, and Martin, JJ., concur.

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.