

IN THE MATTER OF THE PETITION OF SALLY PATRON FOR A WRIT OF HABEAS CORPUS UNDER RULE 102 OF THE REVISED RULES OF COURT SALLY PATRON, PETITIONER AND APPELLANT, VS. COMMANDING OFF...

G.R. NO. L-37083. May 30, 1974

Ponente: FERNANDO, J.

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FERNANDO, J.:

It was by virtue of a resolution of the Court of Appeals dated June 7, 1973, but transmitted to the Court on June 18, 1973, that this appeal from an order of dismissal dismissing a petition for habeas corpus was certified to this Court on the ground that purely legal questions were involved. As set forth therein: "Considering that the parties herein have not presented any oral or documentary evidence before the lower court, the only issues left for resolution in this appeal are (1) whether or not a person can be detained by civilian or military authorities on a mere suspicion of having committed robbery; (2) whether or not the apprehension of Michael Patron without a warrant of arrest violates DND Order No. 740; and (3) whether or not Proclamation No. 1081 suspended the privilege of writ of habeas corpus — which to Us clearly appear to be pure legal questions which are beyond our competence to determine. Under Sec. 17, in relation to Sec. 31 of the Judiciary Act of 1948, as amended the proper tribunal to pass upon these issues is the Supreme Court." [1] In the petition before the Court of First Instance, it was alleged that one Michael Patron, husband of petitioner Sally Patron, was under custody and detention, having been arrested presumably by military authorities although no information or complaint was filed against him. He was then confined at the stockade under the custody of a commanding officer of the III PC Zone. As one of the principal questions involved deals with the validity of the effect of martial law on the suspension of the privilege of the writ of habeas corpus, a matter pending consideration before this Tribunal, no final disposition of the case has been made as yet.

It was at this stage that on May 14, 1974, petitioner herself filed an urgent petition "on the ground that the military authorities concerned have agreed to temporarily release" her husband. She therefore pleaded that her petition, perhaps more precisely her appeal from the order of dismissal, be considered withdrawn.

WHEREFORE, in accordance with the above motion, the appeal is considered withdrawn and the case terminated.

Zaldivar, (Chairman), Barredo, Antonio, Fernandez, and Aquino, JJ., concur.

[1] Resolution of the Court of Appeals, 4-5.

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