MA. ESTRELITA D. MARTINEZ, PETITIONER, VS. DIRECTOR GENERAL LEANDRO MENDOZA, CHIEF SUPERINTENDENT NESTORIO GUALBERTO, SR., SUPERINTENDENT LEONARDO ESPINA, SR., SUPERINTENDENT JE...

G.R. NO. 153795. August 17, 2006

Ponente: PANGANIBAN, CJ.

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PANGANIBAN, CJ.:

When respondents deny custody of an allegedly detained person, petitioners have the duty of establishing the fact of detention by competent and convincing evidence; otherwise, the writ of habeas corpus cannot be issued. Nonetheless, when the disappearance of a person is indubitable, the law enforcement authorities are duty-bound to investigate it with due diligence and to locate the missing person. When the wrongdoing is attributable to the police agencies and/or their agents, the aggrieved may secure the assistance of the People's Law Enforcement Board or the Commission on Human Rights.

The Case

Before us is a Petition for Review[1] under Rule 45 of the Rules of Court, seeking to reverse the March 22, 2002 Decision[2] and the May 30, 2002 Resolution[3] of the Court of Appeals (CA) in CA-GR SP No. 68170. The assailed Decision disposed as follows:

> "WHEREFORE, the decision of the court a quo is REVERSED and the petition for habeas corpus is DISMISSED."[4]

The assailed Resolution denied reconsideration.

The Facts

The antecedent facts are narrated by the CA in this wise:

> "Petitioners are the mother and wife, respectively, of Michael Martinez, a resident of 4570 Cattleya Road, Sun Valley Subdivision, Parañaque City, who was allegedly abducted and taken away by seven (7) persons around 7:30 in the morning of November 19, 2001 while he was walking along Magnolia Street, on his way to his mother's house at 3891 Marigold Street of the same subdivision. The abduction was reported by petitioners to the Barangay, the Parañaque Police and the Anti-Kidnapping Task Force at Camp Crame.
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> "It appears that in the evening of November 19, 2001, the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP) presented before the media a certain Phillip Medel, Jr., who allegedly executed a statement confessing to his participation in the killing of Dorothy Jones, a.k.a. Nida Blanca, naming Michael Martinez as the person who introduced him to Rod Lauren Strunk, the husband of Nida Blanca and alleged mastermind in her killing. In a televised interview with a media reporter on November 26, 2001, Medel narrated that he saw Michael Martinez at the CIDG at Camp Crame where he was being detained, and which the former allegedly reiterated when he talked to Robert Paul Martinez, a brother of Michael, on November 27,

> 2001 and he even described the clothes Michael was then wearing, which were the same clothes worn by him when he was abducted. Petitioners then made representations with CIDG for the release of Michael Martinez or that they be allowed to see him, but the same were not granted.
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> "In view thereof, petitioners filed a petition for habeas corpus with the Regional Trial Court, Branch 78, Quezon City against respondents PNP Director General Leandro Mendoza; Chief Superintendent Nestorio Gualberto, Sr., Chief of the CIDG; Senior Superintendent Leonardo Espina, Sr. and Senior Superintendent Jesus Versoza of the CIDG and members of Task Force Marsha, which is investigating the Nida Blanca murder case, for them to produce before said court the person of Michael Martinez or to justify the continued detention of his liberty.
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> "In an Order dated November 29, 2001, the court a quo set the petition for hearing on December 3, 2001 and directed respondents to show cause why the writ of habeas corpus should not issue.
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> "At the hearing on December 3, 2001, respondents submitted a RETURN wherein they vehemently and categorically denied any participation or involvement in the alleged abduction or disappearance of Michael Martinez as the latter was never confined and detained by them or in their custody at any given time. Respondents thus prayed for the dismissal of the petition for habeas corpus.
>
> "At the hearing conducted by the court a quo, respondents reiterated their claim that Michael Martinez is not and was never in their custody. On the other hand, petitioners presented Phillip Medel, Jr. who insisted that he saw Michael Martinez inside a room at the CIDG where he was brought before midnight of November 19, 2001 or the wee hours of November 20, 2001, that Sr. Supts. Verzosa (sic) and Espina were also in said room and that the latter even boxed Michael in the stomach.
>
> "Finding that respondents denial pale beside Medel's positive assertion that Michael Martinez is in their custody, the court a quo, in a Decision dated December 10, 2001 directed respondents to produce the body of Michael Martinez before it on December 11, 2001 at 2:00 o'clock in the afternoon. A copy of said decision was received by respondents on December 10, 2001
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> "On December 11, 2001, respondents filed a notice of appeal on the ground that the Decision is contrary to law and the evidence."[5]

Ruling of the Court of Appeals

The CA agreed with the Office of the Solicitor General (OSG) that Medel's credibility was highly suspect. The appellate court opined that he had contradicted himself as to material facts. Further negating his testimony was Superintendent Espina's positive testimony that he was at home between midnight of November 19, 2001, and early morning of November 20, 2001.

The CA relied on the presumption of regularity in the performance of official duties. It held that, "[a]s aptly pointed out by respondents, "the CIDG itself is equally concerned with the safety of Michael Martinez relative to the final resolution of the Nida Blanca slay. For he is definitely a vital witness to his case. The PNP-CIDG has no motive whatsoever to abduct him as it never did.'"[6]

Hence, this Petition.[7]

Issue

Petitioner has failed to make a categorical statement of the issues for the Court's consideration. She has also failed to state what relief she prays for.

Nonetheless, the Court will resolve the case on the issue of whether the CA erred in reversing the trial court and dismissing the Petition for habeas corpus.

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The Court's Ruling

The present Petition for Review has no merit.

Sole Issue:Reversible Error of the Court of Appeals

Petitioner contends that it is the evaluation of the RTC –not the CA – that should be upheld, because the trial court had the opportunity to observe the witnesses and to determine whether they were telling the truth when they testified.

On the other hand, respondents aver that their candor and the veracity of their denial of the custody or detention of Michael cannot be doubted by the Court. Their argument is even strengthened in the face of the incredible and contradictory testimony of petitioner's witness, Phillip Medel Jr.

Propriety ofHabeas Corpus

At the outset, it must be stressed that petitioner's anchor for the present case is the disappearance of Michael. The matter of his alleged detention is, at best, merely consequential to his disappearance.

Ostensibly, his disappearance has been established. However, the grant of relief in a habeas corpus proceeding is not predicated on the disappearance of a person, but on his illegal detention. Habeas corpus generally applies to "all cases of illegal confinement or detention by which any person is deprived of his liberty or by which the rightful custody of any person is withheld from the person entitled thereto."[8]

Said this Court in another case:

> "The ultimate purpose of the writ of habeas corpus is to relieve a person from unlawful restraint. It is devised as a speedy relief from unlawful restraint. It is a remedy intended to determine whether the person under detention is held under lawful authority."[9]

If the respondents are neither detaining nor restraining the applicant or the person on whose behalf the petition for habeas corpus has been filed, then it should be dismissed. This Court has ruled that this remedy has one objective – to inquire into the cause of detention of a person:

> "The purpose of the writ is to determine whether a person is being illegally deprived of his liberty. If the inquiry reveals that the detention is illegal, the court orders the release of the person. If, however, the detention is proven lawful, then the habeas corpus proceedings terminate. The use of habeas corpus is thus very limited."[10]

Habeas corpus may not be used as a means of obtaining evidence on the whereabouts of a person,[11] or as a means of finding out who has specifically abducted or caused the disappearance of a certain person.

When respondents making the return of the writ state that they have never had custody over the person who is the subject of the writ, the petition must be dismissed, in the absence of definite evidence to the contrary. "The return of the writ must be taken on its face value considering that, unless it is in some way [convincingly] traversed or denied, the facts stated therein must be taken as true"[12] for purposes of the habeas corpus proceedings.

Forcible Taking and Disappearance

When forcible taking and disappearance – not arrest and detention – have been alleged, the proper remedy is not habeas corpus proceedings, but criminal investigation and proceedings.

Abduction or kidnapping is a crime punishable by law. Investigations with regard to crimes are first and foremost the duty of the Philippine National Police (PNP) and the National Bureau of Investigation (NBI), not the courts. There are instances when members of the PNP – the agency tasked with investigating crimes – are suspected of

being responsible for the disappearance of a person, who is the subject of habeas corpus proceedings. This fact will not convert the courts into – or authorize them through habeas corpus proceedings to be – forefront investigators, prosecutors, judges and executioners all at the same time. Much as this Court would want to resolve these disappearances speedily – as in the present case, when it is interested in determining who are responsible for the disappearance and detention of Michael (if, indeed, he is being detained) – it would not want to step beyond its reach and encroach on the duties of other duly established agencies. Instead of rendering justice to all,[13] it may render injustice if it resorts to shortcuts through habeas corpus proceedings. In fine, this proceeding for habeas corpus cannot be used as a substitute for a thorough criminal investigation.

The Department of Interior and Local Government (DILG), specifically the People's Law Enforcement Board (PLEB),[14] is tasked to investigate abuses or wrongdoings by members of the PNP. Thus, if they or the NBI abuse or fail to perform their duties, as indicated in this case, people may refer their complaints to the PLEB, which should be part of their arsenal in the battle to resolve cases in which members of the PNP are suspected of having caused the disappearance of anyone. Removing criminals from the ranks of those tasked to promote peace and order and to ensure public safety would be a big axe blow to the mighty oak of lawlessness. Let each citizen contribute a blow, puny though it may be when done alone; but collectively we can, slowly but surely, rid our society of disorder and senseless disappearances.

Going back to the present case, petitioner must establish by competent and convincing evidence that the missing person, on whose behalf the Petition was filed, is under the custody of respondents. Unfortunately, her evidence is insufficient to convince the Court that they have Michael in their custody. Moreover, "a writ of habeas corpus should not issue where it is not necessary to afford the petitioner relief or where it would be ineffective."[15]

Considering that respondents have persistently denied having Michael in their custody, and absent any decisive proof to rebut their denial, the Court is constrained to affirm the CA's dismissal of the Petition for habeas corpus.

In view of the established fact of Michael's suspiciously felonious disappearance, we exhort the NBI and the National Anti-Kidnapping Task Force (NAKTAF) to continue their investigation into the matter, so that all persons responsible can be prosecuted for whatever crime they have committed.

WHEREFORE, the Petition is DENIED, and the assailed Decision and Resolution of the Court of Appeals are AFFIRMED. No costs in this instance.

Let a copy of this Decision be furnished the Commission on Human Rights and the Department of Interior and Local Government for appropriate action.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, Callejo, Sr. and Chico-Nazario, JJ., concur.

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[1] Rollo, pp. 4-31.

[2] Annex "A" of the Petition; id. at 34-35. Penned by Justice Marina L. Buzon and concurred in by Justices Cancio C. Garcia (Division chair) and Eliezer E. de los Santos.

[3] Annex "C" of the Petition; id. at 55-59.

[4] Assailed CA Decision, p. 11; rollo, p. 44.

[5] Assailed CA Decision, pp. 1-3; rollo, pp. 34-36.

[6] Id. at 11; id. at 44.

[7] To resolve old cases, the Court created the Committee on Zero Backlog of Cases on January 26, 2006. Consequently, the Court resolved to prioritize the adjudication of long-pending cases by redistributing them among all the justices. This case was recently re-raffled and assigned to the undersigned ponente for study and report.

[8] Rules of Court, Rule 102, Sec. 1.

[9] Ngaya-an v. Balweg, 200 SCRA 149, 154-155, August 5, 1991, per Paras, J.

[10] Alejano v. Cabuay, 468 SCRA 188, 200, August 25, 2005, per Carpio, J.

[11] Subayno v. Ponce Enrile, 145 SCRA 282, October 28, 1986.

[12] Id. at 288. Unsigned Resolution. Italics supplied.

[13] All parties -- not only petitioner, but even respondents --are entitled to justice, which includes the constitutionally enshrined right to due process.

[14] Republic Act No. 6975 (1990), Secs. 41 and 43.

[15] Subayno v. Ponce Enrile, supra note 11 at 288.

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