

IN THE MATTER OF THE PETITION OF HABEAS CORPUS OF EUFEMIA E. RODRIGUEZ, filed by EDGARDO E. VELUZ, Petitioner, vs. LUISA R. VILLANUEVA and TERESITA R. PABELLO, Respondents.

G.R. No. 169482. January 29, 2008

Ponente: CORONA, J.

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CORONA, J.:

This is a petition for review[1] of the resolutions[2] dated February 2, 2005 and September 2, 2005 of the Court of Appeals[3] in CA-G.R. SP No. 88180 denying the petition for habeas corpus of Eufemia E. Rodriguez, filed by petitioner Edgardo Veluz, as well as his motion for reconsideration, respectively.

Eufemia E. Rodriguez was a 94-year old widow, allegedly suffering from a poor state of mental health and deteriorating cognitive abilities.[4] She was living with petitioner, her nephew, since 2000. He acted as her guardian.

In the morning of January 11, 2005, respondents Luisa R. Villanueva and Teresita R. Pabello took Eufemia from petitioner Veluz' house. He made repeated demands for the return of Eufemia but these proved futile. Claiming that respondents were restraining Eufemia of her liberty, he filed a petition for habeas corpus[5] in the Court of Appeals on January 13, 2005.

The Court of Appeals ruled that petitioner failed to present any convincing proof that respondents (the legally adopted children of Eufemia) were unlawfully restraining their mother of her liberty. He also failed to establish his legal right to the custody of Eufemia as he was not her legal guardian. Thus, in a resolution dated February 2, 2005,[6] the Court of Appeals denied his petition.

Petitioner moved for reconsideration but it was also denied.[7] Hence, this petition.

Petitioner claims that, in determining whether or not a writ of habeas corpus should issue, a court should limit itself to determining whether or not a person is unlawfully being deprived of liberty. There is no need to consider legal custody or custodial rights. The writ of habeas corpus is available not only if the rightful custody of a person is being withheld from the person entitled thereto but also if the person who disappears or is illegally being detained is of legal age and is not under guardianship. Thus, a writ of habeas corpus can cover persons who are not under the legal custody of another. According to petitioner, as long as it is alleged that a person is being illegally deprived of liberty, the writ of habeas corpus may issue so that his physical body may be brought before the court that will determine whether or not there is in fact an unlawful deprivation of liberty.

In their comment, respondents state that they are the legally adopted daughters of Eufemia and her deceased spouse, Maximo Rodriguez. Prior to their adoption, respondent Luisa was Eufemia's half-sister[8] while respondent Teresita was Eufemia's niece and petitioner's sister.[9]

Respondents point out that it was petitioner and his family who were staying with Eufemia, not the other way around as petitioner claimed. Eufemia paid for the rent of the house, the utilities and other household needs.

Sometime in the 1980s, petitioner was appointed as the “encargado” or administrator of the properties of Eufemia as well as those left by the deceased Maximo. As such, he took charge of collecting payments from tenants and transacted business with third persons for and in behalf of Eufemia and the respondents who were the only compulsory heirs of the late Maximo.

In the latter part of 2002, Eufemia and the respondents demanded an inventory and return of the properties entrusted to petitioner. These demands were unheeded. Hence, Eufemia and the respondents were compelled to file a complaint for estafa against petitioner in the Regional Trial Court of Quezon City. Consequently, and by reason of their mother’s deteriorating health, respondents decided to take custody of Eufemia on January 11, 2005. The latter willingly went with them. In view of all this, petitioner failed to prove either his right to the custody of Eufemia or the illegality of respondents’ action.

We rule for the respondents.

The writ of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty or by which the rightful custody of a person is being withheld from the one entitled thereto.[10] It is issued when one is either deprived of liberty or is wrongfully being prevented from exercising legal custody over another person.[11] Thus, it contemplates two instances: (1) deprivation of a person’s liberty either through illegal confinement or through detention and (2) withholding of the custody of any person from someone entitled to such custody.

In this case, the issue is not whether the custody of Eufemia is being rightfully withheld from petitioner but whether Eufemia is being restrained of her liberty. Significantly, although petitioner admits that he did not have legal custody of Eufemia, he nonetheless insists that respondents themselves have no right to her custody. Thus, for him, the issue of legal custody is irrelevant. What is important is Eufemia’s personal freedom.

Fundamentally, in order to justify the grant of the writ of habeas corpus, the restraint of liberty must be in the nature of an illegal and involuntary deprivation of freedom of action.[12]

In general, the purpose of the writ of habeas corpus is to determine whether or not a particular person is legally held. A prime specification of an application for a writ of habeas corpus, in fact, is an actual and effective, and not merely nominal or moral, illegal restraint of liberty. “The writ of habeas corpus was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and as the best and only sufficient defense of personal freedom. A prime specification of an application for a writ of habeas corpus is restraint of liberty. The essential object and purpose of the writ of habeas corpus is to inquire into all manner of involuntary restraint as distinguished from voluntary, and to relieve a person therefrom if such restraint is illegal. Any restraint which will preclude freedom of action is sufficient.”[13] (emphasis supplied)

In passing upon a petition for habeas corpus, a court or judge must first inquire into whether the petitioner is being restrained of his liberty.[14] If he is not, the writ will be refused. Inquiry into the cause of detention will proceed only where such restraint exists.[15] If the alleged cause is thereafter found to be unlawful, then the writ should be granted and the petitioner discharged.[16] Needless to state, if otherwise, again the writ will be refused.

While habeas corpus is a writ of right, it will not issue as a matter of course or as a mere perfunctory operation on the filing of the petition.[17] Judicial discretion is called for in its issuance and it must be clear to the judge to whom the petition is presented that, prima facie, the petitioner is entitled to the writ.[18] It is only if the court is satisfied that a person is being unlawfully restrained of his liberty will the petition for habeas corpus be granted.[19] If the respondents are not detaining or restraining the applicant or the person in whose behalf the petition is filed, the petition should be dismissed.[20]

In this case, the Court of Appeals made an inquiry into whether Eufemia was being restrained of her liberty. It

found that she was not:

There is no proof that Eufemia is being detained and restrained of her liberty by respondents. Nothing on record reveals that she was forcibly taken by respondents. On the contrary, respondents, being Eufemia's adopted children, are taking care of her.[21] (emphasis supplied)

The Court finds no cogent or compelling reason to disturb this finding.[22]

WHEREFORE, the petition is hereby DENIED.

Costs against petitioner.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Penned by Associate Justice Vicente S.E. Veloso with Associate Justices Roberto A. Barrios (deceased) and Amelita G. Tolentino concurring. Rollo, pp. 24-27 and 36-39, respectively.

[3] Tenth Division.

[4] She was allegedly diagnosed with probable vascular dementia.

[5] It was docketed as CA-G.R. SP No. 88180.

[6] Supra note 2, pp. 24-27.

[7] Id., pp. 36-39.

[8] Eufemia and respondent Luisa have the same father.

[9] Petitioner and respondent Teresita are the children of the spouses Justo Veluz and Socorro Eleazar, Eufemia's sister.

[10] Section 1, Rule 102 (Habeas Corpus), Rules of Court.

[11] *Ilusorio v. Bildner*, 387 Phil. 915 (2000).

[12] *Sombong v. Court of Appeals*, 322 Phil. 737 (1996).

[13] Id., citing *Villavicencio v. Lukban*, 39 Phil. 778 (1919).

[14] *Gonzales v. Viola*, 61 Phil. 824 (1925).

[15] Id.

[16] Id.

[17] *Eugenio, Sr. v. Velez*, G.R. Nos. 85140/86470, 17 May 1980, 185 SCRA 468.

[18] Id.

[19] *Gonzales v. Viola*, supra.

[20] *Ngaya-an v. Balweg*, G.R. No. 80591, 05 August 1991, 200 SCRA 149.

[21] Supra note 2, pp. 36-39.

[22] Moreover, respondents are not unjustified in keeping their mother Eufemia in their company. The Constitution provides that the family has the duty to take care of its elderly members. (Section 4, Article XV) Moreover, it is also a declared State policy to encourage families to reaffirm the valued Filipino tradition of caring for senior citizens. [See Section 1(b), RA 7432 (Senior Citizens Act), as amended.]

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