

SPO2 GERONIMO MANALO, SPO2 LEO MORCILLA, PO3 RICO M. LANDICHO, PO2 ROMEO MEDALLA, JR., SPO2 WILLIAM RELOS, JR., P/INSP. ROBERTO N. MARINDA, PETITIONERS, VS. HON. PNP CHIEF OSCAR...

G.R. No. 178920. October 15, 2007

Ponente: REYES, R.T., J.

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REYES, R.T., J.:

ANG isang petisyon para sa habeas corpus ay bibigyan daan lamang kung ito ay nagpapakita na ang nagpepetisyon ay ipinipiit o pinipigilan ang kalayaan nang labag sa batas. Ang mahigpit na pangangalaga at ang pag-monitor ng galaw o kinaroroonan ng mga pulis na sumasailalim sa imbestigasyon ng kanilang pamunuan ay hindi isang uri ng ipinagbabawal na pagpiit o pagpigil sa kanilang kalayaan.

A petition for habeas corpus will be given due course only if it shows that petitioner is being detained or restrained of his liberty unlawfully. A restrictive custody and monitoring of movements or whereabouts of police officers under investigation by their superiors is not a form of illegal detention or restraint of liberty.

Filed on August 7, 2007, this petition for the issuance of a writ of habeas corpus assails the restrictive custody and monitored movements of petitioners SPO2 Geronimo Manalo, PO3 Leo Morcilla, PO3 Rico M. Landicho, PO2 Romeo Medalla, Jr., SPO2 William Relos, Jr., PInsp. Roberto D. Marinda, by the Philippine National Police (PNP), Region 4-A, after they were implicated in the burning of an elementary school in Taysan, Batangas at the height of the May 2007 national and local elections.

Petitioners were formerly police operatives assigned at the Regional Special Operations Group, PNP Region 4-A, Camp Vicente Lim, Calamba City, Laguna. When their petition was filed, they were detailed at the Regional Headquarters Support Group at the same Camp under a restrictive custody status.

Respondents Oscar Calderon, Geary Barias, Nicasio Radovan, Aaron Deocares Fidel, and Luisito De Leon were, at the time of filing of the petition, the Chief of the PNP, the Directorate for Investigation and Detective Management, the Regional Director and Police Sr. Superintendents, respectively.

The Facts

The facts, as reflected in the petition and its annexes, are as follows:

On May 15, 2007, at around 3:00 a.m., five unidentified malefactors bearing high-powered firearms suddenly appeared at the Barangay Pinagbayanan Elementary School in the Municipality of Taysan, Province of Batangas. Earlier, the entire school grounds were converted into a polling area for the 2007 national and local elections. The five armed men forcibly entered Polling Precinct 76-A, and poured gasoline over a ballot box. Then they fired several rounds of ammunitions at the premises, setting it ablaze.[1]

The conflagration caused the death of a school teacher, Ritchel (Nellie) Banaag, who was then acting as an

election supervisor. A poll watcher in the person of Leticia (Letty) Ramos also perished while nine others were reportedly injured as a result of the fire.[2]

In the investigation that ensued, several eye-witnesses identified some of petitioners as the perpetrators of the school burning.[3] The investigation also yielded that all six petitioners, who are all members of the PNP Regional Special Operations Group (PNP-RSOG), failed to timely respond to the incident at the Pinagbayanan Elementary School.[4]

Acting on the report, the PNP hierarchy issued three successive memoranda dated May 18, May 22 and June 28, 2007, to wit:

A.

MEMORANDUM

FOR: TDPRM

FROM: TDIDM

SUBJECT: Order for Restrictive Custody of PCINSP ELPIDIO RAMIREZ, et al.

DATE: May 18, 2007

- Reference: Memo from TDIDM with subject: Special Report re Alleged Arson in Pinagbayanan Elementary School, Taysan, Batangas which was approved by the C, PNP.

- This pertains to the investigation being conducted regarding the reported involvement of personnel from PRO 4A-RSOG in the fire incident in Pinagbayanan Elementary School, Taysan, Batangas on May 15, 2007 resulting in the death of two (2) teachers and wounding of several others.

- In this connection, request issue orders putting in restrictive custody the following PNP personnel:

PCINSP ELPIDIO A RAMIREZ

PINSP RUEL C DELA CRUZ

PINSP ROBERTO N MARINDA

SPO2 William Relos, Jr.

(SGD.)

GEARY L. BARIAS

Police Director[5]

B.

MEMORANDUM

To : GD, RHSG

From : Regional Director

Subject : Monitoring of PCOs and PNCOs

Date : May 22, 2007

- References:

- Verbal instruction of RD, PRO, CALABARZON, dated May 22, 2007; and
- S.O. No. 274 dated May 17, 2007, PRO, CALABARZON.
- Above references pertains to the relief of PINSP ROBERTO D. MARINDA, SPO2 William D. Relos, SPO2 Leo V. Morcilla, SPO2 Geronimo R. Manalo, PO3 Rico M. Landicho and PO2 Romeo E. Medalla, Jr, from their respective unit assignment and subsequent reassignment to that office.
- In connection thereof, subject PCO and PNCOs should be properly accounted from time to time taking into consideration the following:
 - All their movements within camp should be monitored;
 - When situation warrants their movement outside camp, they should be properly escorted on one-on-one basis; and
 - A logbook should be maintained to record the accounting of said PCO and PNCOs, their place of destination, name of escort, Estimated Time of Departure (ETD) and Estimated Time of Return to Station (ETRS).
- Further inform the Regional Director and the Command Group thru Chief, Regional Directorial Staff of any unusual incident or movement involving subject PCOs and PNCOs.
- This Order takes effect immediately.

BY AUTHORITY OF PCSUPT RADOVAN, JR.:

(SGD.)

AARON DEOCARES FIDEL, CSEE
Police Senior Superintendent (DSC)
Chief, Regional Directorial Staff[6]

C.

MEMORANDUM

FOR : GD, RHSG 4A

FROM : Chief, RPHRDD

SUBJECT : Order for Restrictive Custody of PINSP ROBERTO NAZ MARINDA and SPO2 William Dizon Relos, Jr.

DATE : June 28, 2007

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- References
 - Memorandum from TDPRM dated May 23, 2007;
 - Memorandum from Chief, RLS 4A June 19, 2007 noted by RD, PRO 4A
 - This is in connection with the reported involvement of PRO 4A-RSOG personnel to the fire incident on May 15, 2007 at Pinagbayanan Elementary School, Taysan, Batangas
 - Please be informed that pursuant to reference 1.a., orders are being issued by this Office placing following named PNP personnel under Restrictive Custody (in view of the investigation being conducted against them) effective this date, namely:

PINSP ROBERTO NAZ MARINDA
SPO2 William Dizon Relos, Jr.

- In this regard, inform concerned personnel and adjust your records accordingly.
- For information and be guided accordingly.

(SGD.)

IRENEO DIZON BORDAS
Police Senior Superintendent DSG
Chief, RPHRDD[7]

Petitioners contend that the May 22, 2007 Memorandum “defines and circumscribes the scope of petitioners’ restrictive custody” status;[8] that “although technically speaking, petitioners as PNP officer are not detained or imprisoned, their physical movements are, however, limited only within Camp Vicente Lim, Calamba City, Laguna; they cannot go home to their respective families and if they would leave Camp Vicente Lim they need to be escorted;”[9] “that petitioners’ restrictive custody status is illegal” and “not sanctioned by any existing provision of our constitution and laws;”[10] that “it is degrading,” “summarily and arbitrarily imposed on the basis of mere suspicion and it actually makes PNP members enjoy lesser rights than what are actually enjoyed by ordinary citizens.”[11]

Petitioners further posit that what is only sanctioned is preventive suspension under which they can enjoy liberty and go home to their families pending administrative investigation. Hence, they urge, this practice by the PNP organization should be put to a stop.

In support of their petition, petitioners principally rely on the case of *Moncupa v. Enrile, et al.*,[12] where it was essentially held that the writ of habeas corpus applies to all cases of illegal confinement or detention by which any person is deprived of his liberty.

The ruling holds true even if petitioners are released but continue to be denied one or more of his constitutional freedoms, where there is present a denial of due process, where the restraints are not merely involuntary but appear to be unnecessary, and where a deprivation of freedom, originally valid has, in the light of subsequent developments, become arbitrary.

They also cite *Villavicencio v. Lukban*,[13] where certain women were illegally transported against their will from Manila to Davao. There they were forced to change their domicile and some of them returned to Manila. Yet, this Court condemned the involuntary restraints on petitioners, fined the City Mayor of Manila and hoped the decision would serve to bulwark the fortifications of an orderly government of laws and to protect individual liberty from illegal encroachment.

Petitioners thus pray that a writ of habeas corpus be issued, commanding the respondents to produce the bodies of petitioners before the Court, to explain the lawful cause of their detention and deprivation of physical liberties and, thereafter, for this Court to adjudge their restrictive custody status as illegal and to set them free.

Without necessarily giving due course to the petition, the Court required respondents to comment.

In lieu of a comment, the Office of the Solicitor General (OSG) manifested that by Memorandum Order of August 30, 2007,[14] respondent Radovan, Director of PNP Regional Office 4-A, has recalled, effective immediately, the assailed restrictive custody order embodied in the two Memoranda dated May 22 and June 28, 2007. In view of the recall, it is prayed that the petition be dismissed on ground of mootness.

Issues

Two critical issues are thus posed for our determination. One, by petitioners, on whether or not they are unlawfully detained or restrained of their liberty under their restrictive custody status. Two, by respondents, on whether the Court should dismiss the petition on the sole ground of mootness, the assailed orders having been recalled, or proceed to decide the petition on the merits.

We shall resolve them in the reverse order, dealing with the procedural ahead of the substantive question.

Our Ruling

I. This Court, By Way Of Exceptions, Decides Moot Issues

Notwithstanding the mootness of the issues on restrictive custody and monitoring of movements of petitioners, We opt to resolve them given (a) the paramount public interest involved, (b) their susceptibility of recurring yet evading review and (c) the imperative need to educate the police community on the matter.

Sa kabila ng pagiging akademiko na lamang ng mga isyu tungkol sa mahigpit na pangangalaga (restrictive custody) at pagmonitor ng galaw (monitoring of movements) ng nagpepetisyon, dedesisyunan namin ito (a) dahil sa nangingibabaw na interes ng madla na nakapaloob dito, (b) dahil sa posibilidad na maaaring maalit ang pangyayari at (c) dahil kailangang maturuan ang kapulisan tungkol dito.

The release of petitioners by respondents in a petition for habeas corpus does not automatically abate a decision on the case. Similarly, a recall of the custody order challenged by petitioners will not necessarily call for a dismissal on the ground of mootness alone. Although the general rule is mootness of the issue warrants a dismissal, there are well-defined exceptions.

In the habeas corpus case of *Aquino, Jr. v. Enrile*,^[15] twenty-six (26) petitioners were released from custody and one withdrew during the pendency of the petition. The fact that the petition was rendered moot and academic did not prevent this Court in the exercise of its symbolic function from promulgating one of the most voluminous decisions ever.

Even petitioners cite *Tibo v. The Provincial Commander*^[16] and *Toyoto, et al. v. Ramos, et al.*,^[17] where respondents filed a motion to dismiss the petition for habeas corpus on the ground that petitioners had been temporarily released and their case had, therefore, become moot and academic. This Court, as in *Moncupa*, chose to decide the said cases. The Court sustained petitioners' plea that their case be considered moot and academic only "if their release would be permanent."

In *Acop, et al. v. Guingona, Jr.*,^[18] petitioning PNP officers questioned, via petition for injunction, the legality of the admission of SPO2 delos Reyes and SPO2 dela Cruz into the Witness Protection Program. Petitioners contended that under Section 3(d) of R.A. No. 6981, law enforcement officers like the said SPO2 are disqualified from being admitted into the program, though they may be testifying against other law enforcement officers.

In its comment, the OSG claimed that the petition lacked merit and that the same was rendered moot and academic because the coverage of SPO2 delos Reyes and SPO2 dela Cruz under the program was already terminated on December 3, 1997 and August 23, 1998, respectively, as evidenced by the letter of the Director of the Program addressed to the OSG, dated February 10, 1999. In their comment, private respondents SPO2 delos Reyes and SPO2 dela Cruz agreed with the OSG.

Denying the OSG motion, this Court held:

Indeed, prayers a) and b) above had been rendered moot and academic by reason of the release of SPO2 delos Reyes and SPO2 dela Cruz from the coverage of the Program. However, we find it necessary to resolve the

merits of the principal issue raised for a proper disposition of prayer c) and for future guidance of both bench and bar as to the application of Sections 3(d) and 4 of R. A. No. 6981. As we have ruled in *Alunan III vs. Mirasol*, and *Viola vs. Alunan III*, courts will decide a question otherwise moot and academic if it is capable of repetition, yet evading review. (Emphasis supplied)

This Court then sustained the RTC observation that law enforcement officers may be admitted into the Witness Protection Program in cases where they are witnesses in legislative investigations.

In the recent landmark cases of *David, et al. v. Arroyo, et al.*,^[19] involving seven petitions for certiorari and prohibition, the President lifted the declaration of a state of national emergency during the pendency of the suits. In effect, Presidential Proclamation No. 1017 and General Order No. 5 were withdrawn. The OSG thus moved and prayed for the dismissal of the petitions, arguing there is no more justiciable controversy as the issue has been mooted.

This Court denied the motion and proceeded to declare the constitutional infirmity of the Presidential issuances. On the issue of mootness, the Court summed up the four exceptions to the rule, thus:

The moot and academic principle is not a magical formula that can automatically dissuade the courts in resolving a case. Courts will decide cases, otherwise moot and academic, if: first, there is a grave violation of the Constitution; second, the exceptional character of the situation and the paramount public interest is involved; third, when constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and fourth, the case is capable of repetition yet evading review.

All the foregoing exceptions are present here and justify this Court's assumption of jurisdiction over the instant petitions. Petitioners alleged that the issuance of PP 1017 and G.O. No. 5 violates the Constitution. There is no question that the issues being raised affect the public interest, involving as they do the people's basic rights to freedom of expression, of assembly and of the press. Moreover, the Court has the duty to formulate guiding and controlling constitutional precepts, doctrines or rules. It has the symbolic function of educating the bench and the bar, and in the present petitions, the military and the police, on the extent of the protection given by constitutional guarantees. And lastly, respondents contested actions are capable of repetition. Certainly, the petitions are subject to judicial review. (Emphasis supplied).

Evidently, the triple reasons We advanced at the start of Our ruling are justified under the foregoing exceptions. Every bad, unusual incident where police officers figure in generates public interest and people watch what will be done or not done to them. Lack of disciplinary steps taken against them erode public confidence in the police institution. As petitioners themselves assert, the restrictive custody of policemen under investigation is an existing practice, hence, the issue is bound to crop up every now and then. The matter is capable of repetition or susceptible of recurrence. It better be resolved now for the education and guidance of all concerned.

II. There Is No Illegal Restraint In The Restrictive Custody and Monitored Movements Of Police Officers Under Investigation

The high prerogative writ of habeas corpus, whose origin is traced to antiquity, was devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint and as the best and efficient defense of personal freedom.^[20]

Ang mataas na pinapahalagahang writ of habeas corpus, na ang pinagmulan ay nuon pa mang matandang panahon, ay ginawa at umiiral bilang kagyat at mabisang lunas upang paalpasin ang tao sa labag sa batas na pagkakapigil at bilang pinakamaigi at mahusay na sanggalang ng sariling kalayaan.

The main thrust of the special proceeding of habeas corpus is to inquire into the legality of one's detention. More specifically, its vital purpose is to obtain immediate relief from illegal confinement, to liberate those who may be imprisoned without sufficient cause and to deliver them from unlawful custody.[21]

Only if the Court is satisfied that a person is unlawfully restrained of his liberty will a petition for habeas corpus be granted and the person detained released from confinement.[22] If respondents are not detaining nor restraining the applicants or the person in whose behalf the petition for habeas corpus is filed, the petition should perforce be dismissed.[23]

Ang kahilingan para sa habeas corpus ay maari lamang pagbigyan at ang taong pinipigilan ay pawawalan sa pagkapiit kung masisiyahan ang Hukuman na labag sa batas ang pagkakait sa kanya ng kalayaan. Kung hindi ipinipiit o pinipigilan ang mga taong naghain ng kahilingan para sa habeas corpus o ang mga kinakatawan nila, ang petisyon ay dapat pawalang saysay.

Measured by the foregoing yardstick, the petition, on its face, fails to convince us that petitioners are actually and unlawfully detained and restrained of their liberty. *Sombong v. Court of Appeals, et al.*[24] teaches us that for the writ of habeas corpus to issue, the restraint of liberty must be in the nature of an illegal and involuntary deprivation of freedom of action. More importantly, the prime specification of an application for a writ of habeas corpus is an actual and effective, and not merely nominal or moral, illegal restraint of liberty.[25]

To the mind of the Court, petitioners are not illegally and involuntarily deprived of their freedom of action. Walang illegal na pagpipigil o pagkakait ng kalayaan sa nagpepetisyon.

Firstly, the assailed memoranda dated May 22, 2007,[26] June 28, 2007[27] and May 18, 2007,[28] decreeing the monitoring of their movements cannot, by any stretch of the imagination, be considered as a form of curtailment of their freedom guaranteed under our Constitution. Ang ipag-utos na subaybayan ang kanilang mga kilos ay hindi maituturing na pagbabawas ng kanilang kalayaan na ginagarantiyahan sa ilalim ng ating Konstitusyon.

Perusing the assailed memoranda, it is evident that petitioners are not actually detained or restrained of their liberties. What was ordered by the PNP is that their movements, inside and outside camp be monitored in the following manner, to wit:

- All their movements within camp should be monitored;
- When situation warrants their movement outside camp, they should be properly escorted on one-on-one basis; and
- A logbook should be maintained to record the accounting of said PCO and PNCOs, their place of destination, name of escort, Estimated Time of Departure (ETD) and Estimated Time of Return to Station (ETRS).[29]

It is crystal-clear that petitioners are free to go in and out of Camp Vicente Lim as they please. The only limitation imposed upon them is that their movements within the premises of the camp shall be monitored; that they have to be escorted whenever the circumstances warrant that they leave the camp; and that their estimated time of departure and arrival shall be entered in a logbook. Even petitioners themselves admit they are not actually detained or imprisoned.[30]

Secondly, the "restrictive custody" complained of by petitioners is, at best, nominal restraint which is beyond the ambit of habeas corpus. It is neither actual nor effective restraint that would call for the grant of the remedy prayed for. It is a permissible precautionary measure to assure the PNP authorities that the police officers concerned are always accounted for. Ang restrictive custody o mahigpit na pangangalaga, na inirereklamo ng mga nagpetisyon, ay bahagyang paghihigpit lamang na labas sa saklaw ng habeas corpus. Ito'y hindi aktuwal o

mabisang pagpigil para mangailangan ng remedyong hinihiling. Ito'y isang pinapayagang hakbang ng pag-iingat upang makatiyak ang pamunuan ng PNP na ang mga naturang pulis ay maaring iprisinta anumang sandali.

If said custodial procedure were not taken, respondent police superiors themselves would have been exposed to charges of conspiracy, negligence or laxity in the enforcement of internal discipline. If petitioners get lost or are able to go abroad or figure in another untoward incident, respondents would have to explain why they did not observe the needed precaution, else they would also be administratively liable.

Thirdly, petitioners' reliance on Moncupa[31] is misplaced. In said case, petitioner was ordered released by respondent but his release was saddled with restrictions. There, petitioner was required to secure prior approval for: (a) any travel outside Metro Manila; and (b) a change in residence. His freedom of speech was likewise muffled by a prohibition on granting interviews to local or foreign media. He was likewise ordered to report regularly to respondent.[32]

In the case at bench, no restrictions in the nature of those imposed in Moncupa exist. To reiterate, petitioners are merely held to account for their movements inside and outside the camp's premises. They are not required to secure prior approval before they can move out of the camp, only that each of them be accompanied by an escort and their time of departure and arrival noted. Ang mga nagepetisyon ay pinipigil lamang upang masubaybayan ang kanilang ikinikilos sa loob at labas ng kampo. Hindi nila kailangan ang permiso bago makalabas ng kampo, kailangan lang na may kasamang bantay at ang kanilang pag-alis at pagbalik ay nakatala.

Fourthly, Republic Act (R.A.) No. 6975 (DILG Act of 1990), as amended by R.A. No. 8551 (PNP Reform and Reorganization Act of 1998), clearly provides that members of the police force are subject to the administrative disciplinary machinery of the PNP. Section 41(b) of the said law enumerates the disciplinary actions, including restrictive custody that may be imposed by duly designated supervisors and equivalent officers of the PNP as a matter of internal discipline, to wit:

(b) Internal Discipline. – On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

(1) Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing: Provided, That, in all cases, the total period shall not exceed fifteen (15) days;

(2) Provincial directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days;

(3) Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed sixty (60) days;

(4) The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days: Provided, further, That the chief of the PNP shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or

even after the filing of a criminal complaint, grave in nature, against such police personnel.[33] (Emphasis supplied)

It can be gleaned from the memoranda issued by the PNP hierarchy that an investigation is being conducted on the reported involvement of police personnel from PRO 4A-RSOG in the fire that gutted the Pinagbayan Elementary School, Taysan, Batangas during the wee hours of May 15, 2007. The initial investigation report appended to the petition discloses that all petitioners are members of the Region 4 Special Operations Group who failed to timely respond to the incident. Some are even tagged by key eyewitnesses as the primary suspects in the burning of the school. As a result of the blaze, two persons, including a school teacher performing election duties, were killed. The incident sparked a national uproar, and rightly so, considering that it was a direct attack on the country's already much-maligned electoral process. Evidently, the PNP is well within its authority to relieve petitioners from their former positions and place them under tight watch, at least until the termination of the said investigation.

Clearly, placing police officers facing a grave administrative case under restrictive custody is a disciplinary measure authorized under the PNP law. *Malinaw na ang paglalagay sa mahigpit na pangangalaga sa mga pulis na nahaharap sa isang grabeng kasong administratibo ay isang pandisiplinang hakbang na pinahihintulutan ng batas ng PNP.* Thus, petitioners' claim that their restrictive custody is an illegal practice "not sanctioned by any existing provision of our constitution and laws" is not true. It must necessarily fail.

Lastly, petitioners contend that by placing them under restrictive custody, they are made to suffer lesser rights than those enjoyed by private citizens. On this score, the Court's pronouncement in *Canson, et al. v. Hidalgo, et al.*[34] is categorical. It was held there that although the PNP is civilian in character, its members are subject to the disciplinary authority of the Chief, Philippine National Police, under the National Police Commission. Courts cannot, by injunction, review, overrule or otherwise interfere with valid acts of police officials. The police organization must observe self-discipline and obey a chain of command under civilian officials.[35]

Elsewise stated, police officers are not similarly situated with ordinary civil service employees. The PNP has its own administrative disciplinary mechanism different from those of other government employees. *Sa ibang salita, ang kapulisan ay hindi katulad ng karaniwang kawani ng pamahalaan. Ang PNP ay may sariling mekanismo ng pagdisiplina na kaiba sa ipinatutupad sa ibang empleyado ng gobyerno.*

In *Fianza v. The People's Law Enforcement Board, et al.*, [36] we ruled:

x x x although respondent policemen continue to be citizens, as public respondents contend, they are not the "private citizens" referred to in the laws cited above. Clearly, the term "private citizens" does not ordinarily include men in uniform, such as the respondent PNP men. This is particularly evident in the PNP law which uses the term "members of the PNP" as well as "private citizens" to refer to different groups of persons and not interchangeably. The "plain meaning rule" or *verba legis* in statutory construction is applicable in this situation. When the words of a statute are clear, plain and free from ambiguity, it must be given its interpretation. The term "private citizen" in the PNP Law and PLEB Rules is used in its common signification and was not meant to refer to the members of the PNP, such as respondent policemen.

In sum, petitioners are unable to discharge their burden of showing that they are entitled to the issuance of the writ prayed for. The petition fails to show on its face that they are unlawfully deprived of their liberties guaranteed and enshrined in the Constitution. No unlawful restraint is foisted on them by the PNP authorities under the questioned memoranda.

The ultimate purpose of the writ of habeas corpus is to relieve a person from unlawful restraint. The writ cannot and will not issue absent a showing that petitioners are deprived of their liberty. Neither can it relieve petitioners,

who are police officers, from the valid exercise of prescribed discipline over them by the PNP leadership.

Ang pangunahing layunin ng writ o utos ng habeas corpus ay ang pagsaklolo sa isang tao mula sa pagkapiit o pagkapigil nang lisya sa batas. Ang writ ay hindi makakamit kung walang pagkakait ng kalayaan. Hindi rin ito mapanghahawakan ng mga nagpepetisyong kapulisan upang makaiwas sa takdang paraan ng pagdisiplina sa kanila ng mga pinuno ng PNP.

WHEREFORE, the petition is DENIED DUE COURSE and DISMISSED.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, and Nachura, JJ., concur.

[1] Rollo, pp. 47-49.

[2] Id.

[3] Id. at 15-16, 63-64.

[4] Id. at 47-49.

[5] Id. at 16.

[6] Id. at 14.

[7] Id. at 15.

[8] Id. at 4.

[9] Id.

[10] Id. at 5.

[11] Id. at 5-6.

[12] G.R. No. L-63345, January 30, 1986, 141 SCRA 233.

[13] 39 Phil. 778 (1919).

[14] Annex "1."

[15] G.R. No. L-35546, September 17, 1974, 59 SCRA 183.

[16] G.R. No. L-44825, October 20, 1978, 85 SCRA 561.

[17] G.R. No. L-69270, October 15, 1985, 139 SCRA 316.

[18] G.R. No. 134855, July 2, 2002, 383 SCRA 577.

[19] G.R. Nos. 171396, 171409, 171485, 171483, 171400, 171489 & 171424, May 3, 2006, 489 SCRA 160.

[20] *Feria v. Court of Appeals, et al.*, G.R. No. 122954, February 15, 2000, 325 SCRA 525, 533; *Sombong v. Court of Appeals, et al.*, G.R. No. 111876, January 31, 1996, 252 SCRA 663, 673; *Castriciones v. Chief of Staff Armed Forces of the Philippines*, G.R. No. 65731, September 28, 1989; *Mizuaki Takenouchi v. Cristi, et al.*, G.R. No. 82232, July 25, 1988.

[21] *Velasco, et al. v. Court of Appeals, et al.*, G.R. No. 118644, July 7, 1995, 245 SCRA 677, 679; *Quintos v.*

Director of Prisons, 55 Phil. 304.

[22] Gonzales v. Viola, 61 Phil. 824.

[23] In the matter of the Petition for Habeas Corpus of Ferdinand E. Marcos, etc. v. Executive Secretary Catalino Macaraig, G.R. No. 88079, May 18, 1989; In Re: Daniel Ngaya-an, et al. v. Conrado Balweg, G.R. No. 80591, August 6, 1991.

[24] G.R. No. 111876, January 31, 1996, 252 SCRA 663.

[25] Moncupa v. Enrile, et al., see note 12, citing Villavicencio v. Lukban, 539 Phil. 778, 790.

[26] Annex “A.”

[27] Annex “B.”

[28] Annex “C.”

[29] Rollo, p. 14.

[30] Id. at 4.

[31] See note 12.

[32] Id.

[33] Id.

[34] G.R. No. 121889, August 4, 2000, 337 SCRA 293.

[35] Id. at 296.

[36] G.R. Nos. 109638-39, March 31, 1995, 243 SCRA 165, 178.

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