

**ARMANDO Q. CANLAS, MIGUEL D. CAPISTRANO, MARRIETA PIA,  
PETITIONERS, VS. NAPICO HOMEOWNERS ASS&#8217;N., I &#8211;  
XIII, INC., ET AL., RESPONDENTS.**

*G.R. No. 182795. June 05, 2008*

Ponente: REYES, R.T., J.

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**REYES, R.T., J.:**

THE present petition filed on May 26, 2008 seeks the issuance of a Writ of Amparo upon the following premise:

Petitioners were deprived of their liberty, freedom and/or rights to shelter enshrined and embodied in our Constitution, as the result of these nefarious activities of both the Private and Public Respondents. This ardent request filed before this Honorable Supreme Court is the only solution to this problem via this newly advocated principles incorporated in the Rules - the "RULE ON THE WRIT OF AMPARO." [1]

It appears that petitioners are settlers in a certain parcel of land situated in Barangay Manggahan, Pasig City. Their dwellings/houses have either been demolished as of the time of filing of the petition, or is about to be demolished pursuant to a court judgment.

While they attempted to focus on issuance of what they claimed to be fraudulent and spurious land titles, to wit:

Petitioners herein are desirous to help the government, the best way they can, to unearth these so-called "syndicates" clothed with governmental functions, in cahoots with the "squatting syndicates" - - - the low so defines. If only to give its proper meanings, the Government must be the first one to cleans (sic) its ranks from these unscrupulous political protégées. If unabated would certainly ruin and/or destroy the efficacy of the Torrens System of land registration in this Country. It is therefore the ardent initiatives of the herein Petitioners, by way of the said prayer for the issuance of the Writ of Amparo, that these unprincipled Land Officials be summoned to answer their participation in the issuances of these fraudulent and spurious titles, NOW, in the hands of the Private Respondents. The Courts of Justice, including this Honorable Supreme Court, are likewise being made to believe that said titles in the possession of the Private Respondents were issued untainted with frauds. [2]

what the petition ultimately seeks is the reversal of this Court's dismissal of petitions in G.R. Nos. 177448, 180768, 177701, 177038, thus:

That, Petitioners herein knew before hand that: there can be no motion for reconsideration for the second or third time to be filed before this Honorable Supreme Court. As such therefore, Petitioners herein are aware of the opinion that this present petition should not in any way be treated as such motions fore reconsideration. Solely, this petition is only for the possible issuance of the writ of amparo, although it might affect the previous rulings of this Honorable Supreme Court in these cases, G.R. Nos. 177448, 180768, 177701 and 177038. Inherent in the powers of the Supreme Court of the Philippines is to modify, reverse and set aside, even its own previous decision, that can not be thwarted nor influenced by any one, but, only on the basis of merits and evidence. This is the purpose of this petition for the Writ of Amparo. [3]

We dismiss the petition.

The Rule on the Writ of Amparo provides:

Section 1. Petition. - The petition for a writ of amparo is a remedy available to any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity.

The writ shall cover extralegal killings and enforced disappearances or threats thereof. (Emphasis supplied.)

The threatened demolition of a dwelling by virtue of a final judgment of the court, which in this case was affirmed with finality by this Court in G.R. Nos. 177448, 180768, 177701, 177038, is not included among the enumeration of rights as stated in the above-quoted Section 1 for which the remedy of a writ of amparo is made available. Their claim to their dwelling, assuming they still have any despite the final and executory judgment adverse to them, does not constitute right to life, liberty and security. There is, therefore, no legal basis for the issuance of the writ of amparo.

Besides, the factual and legal basis for petitioners' claim to the land in question is not alleged in the petition at all. The Court can only surmise that these rights and interest had already been threshed out and settled in the four cases cited above. No writ of amparo may be issued unless there is a clear allegation of the supposed factual and legal basis of the right sought to be protected.

Under Section 6 of the same rules, the court shall issue the writ upon the filing of the petition, only if on its face, the court ought to issue said writ.

Section 6. Issuance of the Writ. - Upon the filing of the petition, the court, justice or judge shall immediately order the issuance of the writ if on its face it ought to issue. The clerk of court shall issue the writ under the seal of the court; or in case of urgent necessity, the justice or the judge may issue the writ under his or her own hand, and may deputize any officer or person to serve it.

The writ shall also set the date and time for summary hearing of the petition which shall not be later than seven (7) days from the date of its issuance.

Considering that there is no legal basis for its issuance, as in this case, the writ will not be issued and the petition will be dismissed outright.

This new remedy of writ of amparo which is made available by this Court is intended for the protection of the highest possible rights of any person, which is his or her right to life, liberty and security. The Court will not spare any time or effort on its part in order to give priority to petitions of this nature. However, the Court will also not waste its precious time and effort on matters not covered by the writ.

WHEREFORE, the petition is DISMISSED.

**SO ORDERED.**

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Azcuna, Tinga, Chico-Nazario, Leonardo-De Castro, and Brion, JJ., concur.

Carpio Morales, Velasco, Jr., and Nachura, JJ., On official leave

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[1] Rollo, p. 6.

[2] Id. at 6-7.

[3] Id. at 10-11.

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