

GEN. ALEXANDER B. YANO, CHIEF OF STAFF, ARMED FORCES OF THE PHILIPPINES, LT. GEN. VICTOR S. IBRADO, COMMANDING GENERAL, PHILIPPINE ARMY, AND MAJ. GEN. RALPH A. VILLANUEVA, COMMA...

G.R. No. 186640. February 11, 2010

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-186640/>

CARPIO MORALES, J.:

On December 28, 2007, respondent Cleofas Sanchez (Cleofas) filed before this Court a petition docketed as G.R. No. 180839 for issuance of a Writ of Amparo with Motion for Production and Inspection directed against Gen. Hermogenes Esperon (Gen. Esperon), the then Chief of Staff of the Armed Forces of the Philippines (AFP).

On January 2, 2008, the Court[1] resolved to issue a Writ of Amparo and ordered Gen. Esperon to make a verified return of the writ before Court of Appeals Justice Edgardo Sundiam, who was ordered to hear and decide the case which was eventually redocketed as CA-G.R. SP No. 00010 WR/A.

Cleofas amended her petition[2] on January 14, 2008 to include herein co-respondent Marciana Medina (Marciana) as therein additional petitioner, and to implead other military officers[3] including Lt. Ali Sumangil (Lt. Sumangil) and Sgt. Gil Villalobos[4] (Sgt. Villalobos) as therein additional respondents.

In the Amended Petition, Cleofas and Marciana (respondents) alleged that on September 17, 2006 at around 8:00 p.m., their respective sons Nicolas Sanchez and Heherson Medina were catching frogs outside their home in Sitio Dalin, Barangay Bueno, Capas, Tarlac; that at around 1:00 a.m. of the next day, September 18, 2006, Nicolas' "wives" Lourdez and Rosalie Sanchez, who were then at home, heard gunshots and saw armed men in soldiers' uniforms passing by; that at around 4:00 a.m. of the same day, Lourdez and Rosalie went out to check on Nicolas and Heherson but only saw their caps, slippers, pana and airgun for catching frogs, as well as bloodstains; and that they immediately reported the matter to the barangay officials.

Respondents narrated that they, together with other family members, proceeded on September 19, 2006 to the Capas Station of the Philippine National Police (PNP). Accompanied by officials of the National Commission on Indigenous Peoples (NCIP),[5] they also tried to search for Nicolas and Heherson at the Camp Detachment of the 71[st] Infantry Batallion of the Philippine Army (Army) in Barangay Burgos, San Jose, Tarlac, and at the Camp of the Bravo Company of the Army's 71[st] Infantry Batallion inside Hacienda Luisita, Tarlac City, but to no avail.

Furthermore, respondents alleged that Josephine Galang Victoria, also known as Antonina Galang (Josephine), niece of a neighbor, later informed them that she had seen two men inside Camp Servillano Aquino of the Northern Luzon Command (Nolcom) in San Miguel, Tarlac City on September 21, 2006, whom Josephine later identified as Nicolas and Heherson (the victims) after respondents had shown her their photographs; and that Josephine informed them that she saw the victims again on September 24, 2006 and November 1, 2006,[6] this

time at the Camp of the Bravo Company of the Army's 71st Infantry Battalion inside Hacienda Luisita, where she had occasion to talk to Lt. Sumangil and Sgt. Villalobos. Respondents filed a case on December 21, 2006 before the Commission on Human Rights (CHR), which endorsed^[7] the same to the Ombudsman for appropriate action.

Contending that the victims' life, liberty and security had been and continued to be violated on account of their forced disappearance, respondents prayed for the issuance of a writ of Amparo, the production of the victims' bodies during the hearing on the Writ, the inspection of certain military camps,^[8] the issuance of temporary and permanent protection orders, and the rendition of judgment under Section 18 of the Rule on the Writ of Amparo.^[9]

Meanwhile, a consolidated Return of the Writ,^[10] verified by Gen. Esperon, Lt. Sumangil, Sgt. Villalobos, Maj. Gen. Juanito Gomez (Maj. Gen. Gomez) as Commander of the Army's 7th Infantry Division, and Lt. Col. Victor Bayani (Lt. Col. Bayani) as Camp Commander of Camp Servillano Aquino of the Nolcom in Tarlac City, was filed with the appellate court on January 24, 2008. Lt. Gen. Alexander Yano (Lt. Gen. Yano), Commanding General of the Army, filed a Return of the Writ upon his return from an official trip abroad.

In their Return, the military officers denied having custody of the victims. They posited that the proper remedy of respondents was to file a petition for the issuance of a Writ of Habeas Corpus, since the petition's ultimate objective was the production of the bodies of the victims, as they were allegedly abducted and illegally detained by military personnel;^[11] that the petition failed to indicate the matters required by paragraphs (c), (d) and (e), Section 5 of the Rule on the Writ of Amparo, such that the allegations were incomplete to constitute a cause of action, aside from being based on mere hearsay evidence, and are, at best, speculative; that respondents failed to present the affidavits of some other competent persons which would clearly validate their claim that the military violated the victims' right to life, liberty or security by abducting or detaining them; and that the petition did not allege any specific action or inaction attributable to the military officers with respect to their duties; or allege that respondents took any action by filing a formal complaint or visiting the military camps adverted to in order to verify Josephine's claim that she saw the victims on two different occasions inside the camps, or that they took efforts to follow up on the PNP Capas Station's further action on their complaint.^[12]

Denying he violated the victims' right to life, liberty and security, Gen. Esperon specifically asserted that, in compliance with the Defense Secretary's directive in relation to cases of Writ of Amparo against the AFP, he issued directives to the Nolcom Commander and the Army's Commanding General to investigate and establish the circumstances surrounding reported disappearances of victims insofar as the claim on the possible involvement of the military units was concerned; and undertook to bring any military personnel involved, when warranted by the evidence, to the bar of justice.^[13]

Maj. Gen. Gomez likewise denied having custody or knowledge of the whereabouts of the victims, stating that it was not army policy to abduct civilians in his area of responsibility,^[14] and that he was away on official business at the time of the alleged disappearance of the victims.^[15]

Lt. Col. Bayani attested that he was designated Camp Commander only on September 1, 2007 and thus had no personal knowledge about the victims' alleged disappearance or abduction on September 18, 2006; that he was informed by his immediate predecessor that no individuals were detained in the camp as it did not even have detention facilities; and that in compliance with Gen. Esperon's directive, their command was conducting further investigation to verify the allegations in the petition.^[16]

Lt. Sumangil denied having spoken to Josephine inside the camp on September 24, 2006, on which date civilians were not allowed to enter except on official missions or when duly authorized to conduct transactions inside the

camp. He thus concluded that Josephine lied in claiming to have seen the two victims inside the Camp of the Bravo Company of the 71st Infantry Battalion inside Hacienda Luisita on September 24, 2006 or at any time thereafter. He instead recounted that on September 24, 2006, he spoke for the first and only time, but only at the gate of the camp, with a person who identified herself as "Antonina Galang," who informed him about the disappearance of the victims since September 18, 2006. Warning him that these men were members of the New People's Army (NPA), she advised him not to entertain any queries or complaints relative to their alleged disappearance.[17]

Sgt. Villalobos echoed Sumangil's disclaimer about having any of the victims in his custody or meeting anyone named Josephine Victoria, or about the latter having entered the camp's kitchen to drink water.

Lt. Gen. Yano stated that upon his return from his official functions overseas, he immediately inquired on the actions taken on the case. He averred that he had never participated directly or indirectly; or consented, permitted or sanctioned any illegal or illegitimate military operations. He declared that it had always been his policy to respect human rights and uphold the rule of law, and to bring those who violated the law before the court of justice.

In opposing the request for issuance of inspection and production orders, the military officers posited that apart from compromising national security should entry into these military camps/bases be allowed, these orders partook of the nature of a search warrant, such that the requisites for the issuance thereof must be complied with prior to their issuance. They went on to argue that such request relied solely on bare, self-serving and vague allegations contained in Josephine's affidavit, for aside from merely mentioning that she saw Nicolas and Heherson on board an army truck near the Nolcom gate and, days later, inside the kitchen of the 71st Infantry Battalion Camp inside Hacienda Luisita and while logging outside said camp, Josephine had stated nothing more to ascertain the veracity of the places where she allegedly saw Nicolas and Heherson.[18]

On whether the impleaded military officers were either directly or indirectly connected with the disappearance of the victims, the appellate court, after hearing, absolved, by the assailed Decision of September 17, 2008,[19] Gen. Esperon, Lt. Gen. Yano, Maj. Gen. Gomez, and Lt. Col. Bayani for lack of evidence linking them to the disappearances, and further ruled as follows:

All said, this Court is convinced that petitioners have not adequately and convincingly established any direct or indirect link between respondents individual military officers and the disappearances of Nicolas and Heherson. Neither did the concerned Philippine Army Units have exerted fully their efforts to investigate and unearth the truth and bring the culprits before the bar of justice.

The concerned Philippine Army units (such as the Northern Command and the 7th Infantry Division, which had jurisdiction over the place of disappearance of Nicolas and Heherson, should exert extraordinary diligence to follow all possible leads to solve the disappearances of Nicolas and Heherson. The Philippine Army should be reminded of its constitutional mandate as the protector of the people and the State.

RELIEFS

While as We stated hereinbefore that We could not find any link between respondents individual military officers to the disappearance of Nicolas and Heherson, nonetheless, the fact remains that the two men are still missing. Hence, We find it equitable to grant petitioners some reliefs in the interest of human rights and justice as follows:

1. Inspections of the following camps: Camp Servillano Aquino, San Miguel, Tarlac City, any military camp of the 7th Infantry Division located in Aqua Farm, Hacienda Luisita, Tarlac City, within reasonable working hours of any day except when the military camp is on red alert status.

2. Thorough and Impartial Investigation - for the appropriate Investigating Unit of the Philippine Army at Camp Servillano Aquino and the Philippine Army, 7[th] Infantry Division in Fort Magsaysay to conduct their respective investigation of all angles pertaining to the disappearances of Nicolas and Heherson and to immediately file charges against those found guilty and submit their written report to this Court within three (3) months from notice.

SO ORDERED.[20] (underscoring supplied)

The military officers filed a Motion for Partial Reconsideration (Motion), arguing in the main that since respondents failed to prove the allegations in their petition by substantial evidence, the appellate court should not have granted those reliefs.[21]

The appellate court denied the Motion by the assailed Resolution of March 3, 2009.[22]

Taking up the cudgels for the military, Gen. Alexander Yano,[23] Lt. Gen. Victor Ibrado,[24] and Maj. Gen. Ralph Villanueva[25] (petitioners) filed the present petition for review of the appellate court's assailed issuances, faulting it for

... NOT CATEGORICALLY DENYING THE PRIVILEGE OF THE WRIT OF AMPARO PURSUANT TO SECTION 18 OF THE RULE ON THE WRIT OF AMPARO DESPITE ITS FINDING THAT RESPONDENTS FAILED TO PROVE THEIR ALLEGATIONS IN THEIR PETITION FOR AMPARO BY SUBSTANTIAL EVIDENCE. ... [AND] ... DIRECTING PETITIONERS TO:

(A) ALLOW RESPONDENTS TO INSPECT CAMP SERVILLANO AQUINO, NORTH LUZON COMMAND, PHILIPPINE ARMY, SAN MIGUEL, TARLAC CITY AND ANY MILITARY CAMP OF THE 7[TH] INFANTRY DIVISION LOCATED IN AQUA FARM, HACIENDA LUISITA, TARLAC CITY; AND.

(B) CONDUCT THOROUGH AND IMPARTIAL INVESTIGATION OF THE DISAPPEARANCE OF THE AGGRIEVED PARTIES, FILE CHARGES AGAINST THOSE FOUND GUILTY AND SUBMIT WRITTEN REPORT WITHIN THREE MONTHS FROM NOTICE.[26] (emphasis and underscoring supplied)

The Court finds merit in the petition.

In ruling in favor of Lt. Sumangil and Sgt. Villalobos, the appellate court resolved the case on the basis of the credibility of Josephine as a witness. It arrived at the following findings:

To prove that these two military officers took or have custody of Nicolas and Heherson, petitioners presented Josephine Galang Victoria, also known as Antonina Galang, a niece of petitioner Cleofas Sanchez' neighbor, who allegedly saw Nicolas and Heherson inside Camp Servillano Aquino on September 21, 2006 when she visited her uncle, a certain Major Henry Galang, who is allegedly living inside the camp; that a few days later, she again saw Nicolas and Heherson at Aqua Farm at Hacienda Luisita, where the camp of Bravo Company of the 71[st] Infantry Battalion is located and where Heherson was seen sweeping the floor and Nicolas was seen cooking, having wounds in their legs near the feet as if sustained from a gunshot wound; that on November 1, 2006, she went back upon advice of Lt. Sumangil to give her a cellphone which Tech. Sgt. Villalobos handed to her for her to know where Nicolas and Heherson will be brought; that they [sic] saw the two outside getting some woods under the watchful eye of a soldier when Sumangil kicked Nicolas for being slow and thereafter, she did not see the two anymore.

While Josephine Galang Victoria's story of how she saw the subject two missing persons (Nicolas and Heherson) appeared initially as plausible, however, her credibility as a witness had been successfully destroyed by the following witnesses presented by the respondents.

1) Barangay Captain Rodolfo P. Supan of Cut-Cut II, Tarlac City, attested that she knows a certain woman named Josephine Galang Victoria who introduces herself as Antonina Galang, niece through the cousin of his wife and a long-time resident of Cut-Cut II since birth until she lived with her partner - Philip Victoria and they still visit and goes to her auntie or sibling's house; that he knows the reputation of Josephine Victoria as bad regarding her telling the truth, her truthfulness and integrity, known to fool others and invents stories for money reasons, that she cannot be trusted even if she is under oath before God and the State.

2) As if that is not yet enough, Gloria Galang Mansalay testified that she is a resident of Cut-Cut II since birth in 1964 and she knows Josephine Galang Victoria because she is her niece being the daughter of her older brother; that she even took care of Antonina as a child but her general reputation in telling the truth, her fidelity and integrity is bad, known to fool others, a liar and invent [sic] stories for reason of money.

3) Clarita Galang Ricafrente saying that she is a resident of Cut-cut II and Antonina Galang is a niece and attested the same negative reputations against Antonina.

It appears that said negative testimonies of Josephine Galang Victoria's relatives were never successfully rebutted by her and the Court gives credence to them. No ill motive [sic] were established against the said witnesses to testify against Antonina Galang.

Furthermore, Antonina Galang stated that she was in Camp Servillano Aquino when she first saw Nicolas and Heherson riding in an army truck because she was visiting her uncle, Major Henry Galang, allegedly living in the camp. Parenthetically, this story of Antonina Galang was put to doubt. TSG Edgard Reyes who attested that as a meter reader in the camp, Major Galang was no longer residing there in September 2006. This testimony and revelation of TSG Reyes only bolstered the testimonies of the other witnesses on Antonina Galang's penchant to invent stories or tell a lie.

In sum, We are not inclined to give credence to the claims of Antonina Galang that the two missing person [sic] she saw first in Camp Servillano Aquino and later, in Aqua Farm, were Nicolas and Heherson. Notably, Antonina Galang never did see the faces of the two but were known to her through photographs. Certainly, there may be a difference between photographs and the faces in person.

To be noted also is that even the two wives of Nicolas did not make an express attestation that they saw Nicolas and Heherson in the company of those armed men who passed their place in the early morning of September 18, 2006.[27] (underscoring supplied)

NOTABLY, respondents neither moved for reconsideration nor appealed the appellate court's September 17, 2008 Decision.

The entrenched procedural rule in this jurisdiction is that a party who did not appeal cannot assign such errors as are designed to have the judgment modified. All that said appellee can do is to make a counter-assignment of errors or to argue on issues raised at the trial only for the purpose of sustaining the judgment in his favor, even on grounds not included in the decision of the court a quo or raised in the appellant's assignment of errors or arguments.[28]

This tenet is enshrined as one of the basic principles in our rules of procedure, specifically to avoid ambiguity in the presentation of issues, facilitate the setting forth of arguments by the parties, and aid the court in making its determinations. A party who fails to acquire complete relief from a decision of the court has various remedies to correct an omission by the court. He may move for a correction or clarification of judgment, or even seek its modification through ordinary appeal. There is thus no basis for the Court to skip the rule and excuse herein respondents for failure to properly avail themselves of the remedies in the face of the parties' contentions that have remained disputed.[29]

What is thus left for the Court to resolve is the issue of whether the grant of the RELIEFS[30] by the appellate court after finding want of substantial evidence are valid and proper.

Sections 17 and 18 of the Amparo Rule lay down the requisite standard of proof necessary to prove either party's claim, viz:

SEC. 17. Burden of Proof and Standard of Diligence Required. - The parties shall establish their claim by substantial evidence.

The respondent who is a private individual or entity must prove that ordinary diligence as required by applicable laws, rules and regulations was observed in the performance of duty.

The respondent who is a public official or employee must prove that extraordinary diligence as required by applicable laws, rules and regulations was observed in the performance of duty.

The respondent public official or employee cannot invoke the presumption that official duty has been regularly performed to evade responsibility or liability.

SEC. 18. Judgment. - The Court shall render judgment within ten (10) days from the time the petition is submitted for decision. If the allegations in the petition are proven by substantial evidence, the court shall grant the privilege of the writ and such reliefs as may be proper and appropriate; otherwise, the privilege shall be denied. (emphasis and underscoring supplied)

The requisite standard of proof - substantial evidence - speaks of the clear intent of the Rule to have the equivalent of an administrative proceeding, albeit judicially conducted, in resolving amparo petitions.

To the appellate court, the evidence adduced in the present case failed to measure up to that standard- substantial evidence which a reasonable mind might accept as adequate to support a conclusion. Since respondents did not avail of any remedy against the adverse judgment, the appellate court's decision is, insofar as it concerns them, now beyond the ambit of review.

Meanwhile, the requirement for a government official or employee to observe extraordinary diligence in the performance of duty stresses the extraordinary measures expected to be taken in safeguarding every citizen's constitutional rights as well as in the investigation of cases of extra-judicial killings and enforced disappearances.[31]

The failure to establish that the public official observed extraordinary diligence in the performance of duty does not result in the automatic grant of the privilege of the amparo writ. It does not relieve the petitioner from establishing his or her claim by substantial evidence. The omission or inaction on the part of the public official provides, however, some basis for the petitioner to move and for the court to grant certain interim reliefs.

In line with this, Section 14 of the Amparo Rule provides for interim or provisional reliefs that the courts may grant in order to, inter alia, protect the witnesses and the rights of the parties, and preserve all relevant evidence, viz:

SEC. 14. Interim Reliefs. -- Upon filing of the petition or at anytime before final judgment, the court, justice or judge may grant any of the following reliefs:

(a) Temporary Protection Order. -- The court, justice or judge, upon motion or motu proprio, may order that the petitioner or the aggrieved party and any member of the immediate family be protected in a government agency or by an accredited person or private institution capable of keeping and securing their safety. If the petitioner is an organization, association or institution referred to in Section 3 (c) of this Rule, the protection may be extended to the officers involved.

The Supreme Court shall accredit the persons and private institutions that shall extend temporary protection to the petitioner or the aggrieved party and any member of the immediate family, in accordance with guidelines which it shall issue.

The accredited persons and private institutions shall comply with the rules and conditions that may be imposed by the court, justice or judge.

(b) Inspection Order. -- The court, justice or judge, upon verified motion and after due hearing, may order any person in possession or control of a designated land or other property, to permit entry for the purpose of inspecting, measuring, surveying, or photographing the property or any relevant object or operation thereon.

The motion shall state in detail the place or places to be inspected. It shall be supported by affidavits or testimonies of witnesses having personal knowledge of the enforced disappearance or whereabouts of the aggrieved party.

If the motion is opposed on the ground of national security or of the privileged nature of the information, the court, justice or judge may conduct a hearing in chambers to determine the merit of the opposition.

The movant must show that the inspection order is necessary to establish the right of the aggrieved party alleged to be threatened or violated.

The inspection order shall specify the person or persons authorized to make the inspection and the date, time, place and manner of making the inspection and may prescribe other conditions to protect the constitutional rights of all parties. The order shall expire five (5) days after the date of its issuance, unless extended for justifiable reasons.

(c) Production Order. -- The court, justice, or judge, upon verified motion and after due hearing, may order any person in possession, custody or control of any designated documents, papers, books, accounts, letters, photographs, objects or tangible things, or objects in digitized or electronic form, which constitute or contain evidence relevant to the petition or the return, to produce and permit their inspection, copying or photographing by or on behalf of the movant.

The motion may be opposed on the ground of national security or of the privileged nature of the information, in which case the court, justice or judge may conduct a hearing in chambers to determine the merit of the opposition.

The court, justice or judge shall prescribe other conditions to protect the constitutional rights of all the parties. (emphasis and underscoring supplied)

These provisional reliefs are intended to assist the court before it arrives at a judicious determination of the amparo petition. For the appellate court to, in the present case, still order the inspection of the military camps and order the army units to conduct an investigation into the disappearance of Nicolas and Heherson after it absolved petitioners is thus not in order. The reliefs granted by the appellate court to respondents are not in sync with a finding that petitioners could not be held accountable for the disappearance of the victims.

Respondents posit that there appears to be some shared confusion as to whether the reliefs granted by the appellate court are final or interlocutory. They thus implore this Court to modify the appellate court's judgment by considering the reliefs as temporary or interlocutory and by adding thereto an order for the production of logbooks and reports.[32]

At this late stage, respondents can no longer avail themselves of their stale remedies in the guise of praying for affirmative reliefs in their Comment. No modification of judgment could be granted to a party who did not appeal.[33]

If respondents believed that the September 17, 2008 Decision of the appellate court was merely interlocutory, they had every opportunity to question the conclusion of said court, but they did not. They could have opposed petitioners' motion for reconsideration filed with the appellate court, it being a prohibited pleading^[34] under the Amparo Rule, but they did not.

WHEREFORE, the petition is GRANTED. The assailed September 17, 2008 Decision and March 3, 2009 Resolution of the Court of Appeals, insofar as it grants the assailed earlier-quoted reliefs are SET ASIDE.

SO ORDERED.

Puno, C.J., Carpio, Corona, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

[1] By authority of the Chief Justice (rollo, pp. 64-65), which the Court confirmed nunc pro tunc by Resolution of January 15, 2008.

[2] Rollo, pp. 66-72.

[3] The Commanding General of the Philippine Army (Army), the Commanding General of the Army's 7th Infantry Division in Fort Magsaysay in Palayan City, Camp Commander of Camp Servillano Aquino of the Northern Luzon Command (Nolcom) in Tarlac City, Detachment Commander of the Camp Detachment of the Army's 71st Infantry Battalion in Tarlac, and Camp Commander of the Camp of the Bravo Company of the Army's 71st Infantry Battalion inside Hacienda Luisita in Tarlac City. (Vide rollo, pp. 67-68)

[4] Both were assigned to the Bravo Company of the 71st Infantry Battalion of the Army's 7th Infantry Division.

[5] Both Nicolas and Heherson are Aetas.

[6] Josephine alleges in her affidavit that on September 24, 2006, she saw Nicolas cooking and Heherson sweeping the floor, while on November 1, 2006, she saw both of them gathering wood; rollo, pp. 69-70.

[7] The CHR also recommended that financial assistance by way of survivorship benefits in the amount of P10,000 be granted to Cleofas and Medina; rollo, p. 97.

[8] These are: Camp Servillano Aquino in San Miguel, Tarlac City; the Camp of the Bravo Company of the Army's 71st Infantry Battalion inside Hacienda Luisita, Tarlac City; and the Camp Detachment of the Army's 71st Infantry Battalion in Barangay Burgos, San Jose, Tarlac.

[9] Rollo, p. 70.

[10] Id. at 99-135.

[11] Id. at 103-105.

[12] Id. at 106-111.

[13] Id. at 112-114.

[14] Covering the provinces of Nueva Ecija, Tarlac, Bulacan, Bataan, Aurora, Pangasinan, Zambales and several municipalities in Nueva Ecija; rollo, p. 115.

[15] Id. at 114-117.

[16] Id. at 116-119.

[17] Id. at 119-121.

[18] Id. at 125.

[19] Penned by Justice Edgardo F. Sundiam with the concurrence of Justices Conrado M. Vasquez, Jr. and Monina Arevalo-Zenarosa; rollo, pp. 30-60.

[20] Id. at 58-60.

[21] Id. at 154-165.

[22] Penned by Justice Monina Arevalo-Zenarosa with the concurrence of Justices Conrado M. Vasquez, Jr. and Noel G. Tijam; rollo, pp. 62-63.

[23] Previously the Commanding General of the Philippine Army, he was appointed AFP Chief of Staff effective May 12, 2008 in view of the retirement of Gen. Esperon.

[24] Commanding General of the Philippine Army, in lieu of Lt. Gen. Yano who was promoted.

[25] Commander of the 7th Infantry Division of the Philippine Army, vice Maj. Gen. Gomez.

[26] Rollo, pp. 14-15.

[27] Id. at 55-58.

[28] *Saltiga de Romero v. Court of Appeals*, G.R. No. 109307, November 25, 1999, 319 SCRA 180, 192; *Dizon, Jr. v. NLRC*, G.R. No. L-69018 January 29, 1990, 181 SCRA 472, 477.

[29] *Vide Batingal v. Court of Appeals*, G.R. No. 128636, February 1, 2001, 351 SCRA 60, 67.

[30] The appellate court found it "equitable to grant petitioners some reliefs in the interest of human rights and justice." (rollo, p. 59).

[31] *Razon v. Tagitis*, G.R. No. 182498, December 3, 2009.

[32] Rollo, pp. 198-201

[33] *Loy, Jr. v. San Miguel Corporation Employees Union - Philippine Transport and Genral Workers Union*, G.R. No. 164886, November 24, 2009.

[34] Rule on the Writ of Amparo, Sec. 1, par. (k).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.