

SPOUSES ROZELLE RAYMOND MARTIN AND CLAUDINE MARGARET SANTIAGO, PETITIONERS, VS. RAFFY TULFO, BEN TULFO, AND ERWIN TULFO, RESPONDENTS.

G.R. No. 205039. October 21, 2015

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Assailed in this petition for review on certiorari[1] are the Resolutions dated August 6, 2012[2] and January 7, 2013[3] of the Regional Trial Court of Quezon City[4] (RTC) in SP No. Q-12-71275, which (a) dismissed the petition for writ of amparo filed by petitioners-spouses Rozelle Raymond Martin "Raymart" (Raymart) and Claudine Margaret Santiago (Claudine; collectively, petitioners) and (b) dissolved the temporary protection order (TPO) previously issued therein.

The Facts

At around 11:40 in the morning of May 6, 2012, petitioners arrived at the Ninoy Aquino International Airport Terminal 3 (NAIA 3) aboard a Cebu Pacific Airline flight from a vacation with their family and friends. They waited for the arrival of their baggage but were eventually informed that it was offloaded and transferred to a different flight. Aggrieved, petitioners lodged a complaint before the Cebu Pacific complaint desk. As they were complaining, they noticed a man taking photos of Claudine with his cellular phone. Raymart approached the man and asked what he was doing. Suddenly, the man, later identified as Ramon "Mon" Tulfo (Mon), allegedly punched and kicked Raymart, forcing the latter to fight back. When Claudine saw the commotion, she approached Mon and the latter likewise allegedly kicked and pushed her back against the counter. At that instance, Raymart rushed to defend his wife, while one Edoardo Benjamin Atilano (Atilano) joined in the brawl. Immediately thereafter, several airport security personnel came to stop the altercation and brought them to the Airport Police Department for investigation.[5]

Days after the incident, respondents Raffy, Ben, and Erwin Tulfo (respondents), brothers of Mon, aired on their TV program comments and expletives against petitioners, and threatened that they will retaliate.[6] Terrified by the gravity of the threats hurled, petitioners filed a petition for the issuance of a writ of amparo against respondents on May 11, 2012 before the RTC.[7]

On May 23, 2012, Erwin Tulfo filed a Manifestation and Motion to Deny Issuance of Protection Order and/or Dismissal of the Petition *Motu Proprio*[8] (May 23, 2012 Motion) which was opposed by petitioners for being a prohibited pleading.[9]

On May 24, 2012, then Presiding Judge Bayani Vargas (JudgeVargas) issued a Resolution[10] granting a TPO in favor of petitioners and directed respondents to file their return/answer.[11]

In his return/answer,[12] Ben Tulfo claimed that the statements he uttered did not involve any actual threat and that he merely expressed his strong sentiments to defend his brother.[13]

On June 29, 2012, Judge Vargas submitted the case for resolution but eventually retired on July 11, 2012. Consequently, Judge Maria Filomena Singh (Judge Singh) was designated as the Acting Presiding Judge who assumed office and handled the present case.[14]

The RTC Ruling

In a Resolution[15] dated August 6, 2012, the RTC, through Judge Singh, dismissed the petition and ordered the dissolution of the TPO.[16] It held that the petition is not a proper subject of a writ of amparo since the rules were intended to apply solely to cases of extralegal killings and enforced disappearances, noting that the purpose of the law is to, among others, ascertain the whereabouts of an aggrieved party, recover evidence related to the death or disappearance of the person identified in the petition, and determine the facts surrounding the death or disappearance of a missing person. Consequently, it held that it did not have the authority to issue said writ in favor of petitioners. In this relation, it explained that while it is true that the May 23, 2012 Motion was a motion to dismiss and as such, a prohibited pleading under the rules, it still had the discretion to dismiss the case when in its own determination the case is not covered by the same rule. It expressed that the prohibition against motions to dismiss was meant to expedite the proceedings; thus, in line with the same objective, it has the primary duty to so declare if it cannot grant the remedy at the outset so as not to waste the time and resources of the litigants and the courts, both in a moot and academic exercise.[17]

Petitioners filed a motion for reconsideration,[18] which was, however, denied for lack of merit in a Resolution[19] dated January 7, 2013; hence, this petition.

The Issue Before the Court

The essential issue in this case is whether or not the RTC's dismissal of petitioners' amparo petition was correct.

Petitioners argue that the issuance of a writ of amparo is not limited to cases of extrajudicial killings, enforced disappearances, or threats thereof.[20] They submit that they need not undergo the human rights abuses such as extrajudicial killings or enforced disappearances, as is common to landmark decisions on military and police abuses, before their right to life, liberty, and security may be protected by a writ of amparo.[21] Further, they insist that the May 23, 2012 Motion was a prohibited pleading and, hence, should not have been allowed.[22]

The Court's Ruling

The petition is bereft of merit.

In the landmark case of *Secretary of National Defense v. Manalo* (Manalo),[23] the Court has already explained that the writ of amparo, under its present procedural formulation, namely, A.M. No. 07-9-12-SC,[24] otherwise known as "The Rule on the Writ of Amparo," was intended to address and, thus, is presently confined to cases involving extralegal killings and/or enforced disappearances, or threats thereof:

As the Amparo Rule was intended to address the intractable problem of "extralegal killings" and "enforced disappearances," its coverage, in its present form, is confined to these two instances or to threats thereof, x x x.
(Emphasis and underscoring supplied)

Indeed, while amparo (which literally means "protection" in Spanish) has been regarded as a special remedy provided for the enforcement of constitutional rights, the parameters of protection are not the same in every jurisdiction. In *Manalo*, the origins of amparo were discussed as follows:

The writ of amparo originated in Mexico. "Amparo" literally means "protection" in Spanish. In 1837, de

Tocqueville's *Democracy in America* became available in Mexico and stirred great interest. Its description of the practice of judicial review in the U.S. appealed to many Mexican jurists. One of them, Manuel Crescencio Rejon, drafted a constitutional provision for his native state, Yucatan, which granted judges the power to protect all persons in the enjoyment of their constitutional and legal rights. This idea was incorporated into the national constitution in 1847, viz:

The federal courts shall protect any inhabitant of the Republic in the exercise and preservation of those rights granted to him by this Constitution and by laws enacted pursuant hereto, against attacks by the Legislative and Executive powers of the federal or state governments, limiting themselves to granting protection in the specific case in litigation, making no general declaration concerning the statute or regulation that motivated the violation.

Since then, the protection has been an important part of Mexican constitutionalism. If, after hearing, the judge determines that a constitutional right of the petitioner is being violated, he orders the official, or the official's superiors, to cease the violation and to take the necessary measures to restore the petitioner to the full enjoyment of the right in question. Amparo thus combines the principles of judicial review derived from the U.S. with the limitations on judicial power characteristic of the civil law tradition which prevails in Mexico. It enables courts to enforce the constitution by protecting individual rights in particular cases, but prevents them from using this power to make law for the entire nation.

The writ of amparo then spread throughout the Western Hemisphere, gradually evolving into various forms, in response to the particular needs of each country. It became, in the words of a justice of the Mexican Federal Supreme Court, one piece of Mexico's self-attributed "task of conveying to the world's legal heritage that institution which, as a shield of human dignity, her own painful history conceived." What began as a protection against acts or omissions of public authorities in violation of constitutional rights later evolved for several purposes: (1) amparo libertad for the protection of personal freedom, equivalent to the habeas corpus writ; (2) amparo contra leyes for the judicial review of the constitutionality of statutes; (3) amparo casacion for the judicial review of the constitutionality and legality of a judicial decision; (4) amparo administrativo for the judicial review of administrative actions; and (5) amparo agrario for the protection of peasants' rights derived from the agrarian reform process.

In Latin American countries, except Cuba, the writ of amparo has been constitutionally adopted to protect against human rights abuses especially committed in countries under military juntas. In general, these countries adopted an all-encompassing writ to protect the whole gamut of constitutional rights, including socio-economic rights. Other countries like Colombia, Chile, Germany and Spain, however, have chosen to limit the protection of the writ of amparo only to some constitutional guarantees or fundamental rights.[26]

In our jurisdiction, the contextual genesis, at least, for the present Amparo Rule has limited the remedy as a response to extrajudicial killings and enforced disappearances, or threats thereof. "Extrajudicial killings," according to case law, are generally characterized as "killings committed without due process of law, i.e., without legal safeguards or judicial proceedings,"[27] while "enforced disappearances," according to Section 3 (g) of Republic Act No. 9851,[28] otherwise known as the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity," "means the arrest, detention, or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing from the protection of the law for a prolonged period of time." In *Navia v. Pardico*,[29] the Court held that it must be shown and proved by substantial evidence that the disappearance was carried out by, or with the authorization, support or acquiescence of, the State or a political organization, followed by a refusal to acknowledge the same or give information on the fate or whereabouts of said missing persons, with

the intention of removing them from the protection of the law for a prolonged period of time. Simply put, the petitioner in an amparo case has the burden of proving by substantial evidence the indispensable element of government participation.[30] Notably, the same requirement of government participation should also apply to extralegal killings, considering that the writ of amparo was, according to then Chief Justice Reynato S. Puno, who headed the Committee on the Revision of the Rules of Court that drafted A.M. No. 07-9-12-SC, intended to "hold public authorities, those who took their oath to defend the constitution and enforce our laws, to a high standard of official conduct and hold them accountable to our people. [In this light] [t]he sovereign Filipino people should be assured that if their right[s] to life and liberty are threatened or violated, they will find vindication in our courts of justice." [31] Stated differently, the writ of amparo is an extraordinary remedy that is meant to balance out the government's incredible power in order to curtail human rights abuses on its end.

Consistent therewith, the delimitation of our current writ of amparo to extralegal killings and/or enforced disappearances, or threats thereof, is explicit from Section 1 of A.M. No. 07-9-12-SC, which reads:

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.

While the foregoing rule, as per Section 1 of A.M. No. 07-9-12-SC's first paragraph, does state that the writ is a remedy to protect the right to life, liberty, and security of the person desiring to avail of it, the same section's second paragraph qualifies that the protection of such rights specifically pertain to extralegal killings and enforced disappearances or threats thereof, which are more concrete cases that involve protection to the rights to life, liberty and security. The two paragraphs should indeed be read together in order to construe the meaning of the provision. Clearly applicable is the statutory construction rule that "clauses and phrases must not be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole. Every part of the statute [or, in this case, procedural rule] must be interpreted with reference to the context, i.e., that every part of the statute must be considered together with other parts of the statute and kept subservient to the general intent of the whole enactment." [32]

In this case, it is undisputed that petitioners' amparo petition before the RTC does not allege any case of extrajudicial killing and/or enforced disappearance, or any threats thereof, in the senses above-described. Their petition is merely anchored on a broad invocation of respondents' purported violation of their right to life and security, carried out by private individuals without any showing of direct or indirect government participation. Thus, it is apparent that their amparo petition falls outside the purview of A.M. No. 07-9-12-SC and, perforce, must fail. Hence, the RTC, through Judge Singh, properly exercised its discretion to *motu proprio* dismiss the same under this principal determination, regardless of the filing of the May 23, 2012 Motion. The court, indeed, has the discretion to determine whether or not it has the authority to grant the relief in the first place. And when it is already apparent that the petition falls beyond the purview of the rule, it has the duty to dismiss the petition so as not to prejudice any of the parties through prolonged but futile litigation.

WHEREFORE, the petition is DENIED. The petition for writ of amparo filed by petitioners-spouses Rozelle Raymond Martin and Claudine Margaret Santiago before the Regional Trial Court of Quezon City, docketed as SP No. Q-12-71275, is hereby DISMISSED.

SO ORDERED.

Sereno, C.J., (Chairperson), Velasco, Jr.,[*] Leonardo-De Castro, and Bersamin, JJ., concur.

[*] Designated Acting Member per Special Order No. 2253 dated October 14, 2015.

[1] Rollo, pp. 2-37.

[2] Id. at 42-49. Penned by Acting Presiding Judge Maria Filomena D. Singh.

[3] Id. at 50-59.

[4] Branch 219 for the Resolution dated August 6, 2012 and Branch 85 for the Resolution dated January 7, 2013.

[5] See id. at 5-7.

[6] See id. at 8-10.

[7] See id. at 12-13.

[8] Not attached to the rollo. See rollo, pp. 13 and 42-43.

[10] Not attached to the rollo.

[11] Rollo, p. 42.

[12] Not attached to the rollo.

[13] See rollo, pp. 13-14.

[14] See id. at 42.

[15] Id. at 42-49.

[16] Id. at 48.

[17] See id. at 43-48.

[18] Not attached to the rollo. See id. at 50.

[19] Id. at 50-59.

[20] See id. at 16-27.

[21] Id. at 24.

[22] See id. at 27-30.

[23] 589 Phil. 1 (2008).

[24] Effective October 24, 2007.

[25] Secretary of National Defense v. Manalo, supra note 23, at 37-38; citations omitted.

[26] Id. at 38-40; citations omitted.

[27] Id. at 37.

[28] Entitled "AN ACT DEFINING AND PENALIZING CRIMES AGAINST INTERNATIONAL

HUMANITARIAN LAW, GENOCIDE AND OTHER CRIMES AGAINST HUMANITY, ORGANIZING JURISDICTION, DESIGNATING SPECIAL COURTS, AND FOR RELATED PURPOSES" (approved on December 11, 2009).

[29] G.R. No. 184467, June 19, 2012, 673 SCRA 618.

[30] *Id.* at 634-635.

[31] Rempillo, Jay B., "SC Approves Rule on Writ of Amparo," *Bench Mark*, Vol. VIII, No. 9, September 2007, p. 1., quoting a statement of then Chief Justice Reynato S. Puno.

[32] *Civil Service Commission v. Jason, Jr.*, 473 Phil. 844, 858 (2004).

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