

**IN RE: PETITION FOR HABEAS CORPUS OF MANUEL M. VILLAR,
ERROL ORGAYA AND MIGUEL QUE-BEDO, PETITIONERS, VS. JOLLY
R. BUGARIN, AD DIREC-TOR, NATIONAL BUREAU OF
INVESTIGATION; THE ...**

G.R. No. 54761. November 13, 1985

Ponente: MAKASIAR, C.J.

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MAKASIAR, C.J.:

This is a petition for habeas corpus filed on August 30, 1980 by petitioners Manuel M. Villar, Errol Orgaya and Miguel Quebedo, naming as respondents herein Jolly R. Bugarin, in his capacity as Director of the National Bureau of Investigation, The Chief of the Philippine Constabulary and the Minister of National Defense.

The antecedent facts are as follows:

On February 11, 1980, respondent Jolly R. Bugarin, as Director of the NBI, sought clearance from the Office of the President, for the issuance of an Arrest, Search and Seizure Order (ASSO) against the following officers of the Abba Holdings Corporation in Naga City and Rural Bank of Buhi, Bato and Pasacao: Manuel Villar, Erlinda Villar, Orlando Bernardino, Nestor Poro, Errol Orgaya, Jaime Fabi, Jose Adorable, Nestor Arulia, Lagrimas Geronimo, Lydia Mabesa; and Miguel Que-bedo, as Assistant Manager, Pasacao Rural Bank, for their alleged complicity in a large-scale swindle (estafa) against the Central Bank and innocent third parties through the fraudulent grant of loans by rural banks under its control to "ghost borrowers" and obtaining rediscounts from the Central Bank, to the prejudice of the public and the Central Bank.

On February 26, 1980, acting on the letter-request of the NBI Director, the President of the Philippines approved the issuance of an Arrest, Search and Deizure Order (ASSO).

On March 10, 1980, Arrest, Search and Seizure Order No. 4785 was issued by the Minister of National Defense pursuant to the Presidential Memorandum of February 26, 1980.

Having learned of the issuance of an ASSO against them, petitioners herein voluntarily surrendered to the authorities and were thus subsequently detained at Camp Aguinaldo (petitioner Manuel Villar) and Camp Crame (petitioners Errol Orgaya and Miguel Quebedo) in Quezon City, respectively.

On May 5, 1980, petitioners, along with five others, through counsel, wrote the President asking "for compassion and for their release soonest, to enable them to go about their livelihood for the survival of their families and those who depend upon them for daily subsistence."

On June 5, 1980, in a 2nd Indorsement signed by the Director of the NBI, respondent herein, and by way of reply to the letter-appeal of May 5, 1980, petitioners' request for a temporary release was denied on the ground that "x x x a favorable action on said requests may be recommended only after all cases for which ASSO No. 4785 dated March 10, 1980 shall have been filed."

On September 2, 1980, this Court adopted a resolution for the issuance of the writ of habeas corpus. The respondents were also required to make a return of the writ. The hearing was then scheduled for September 11, 1980.

The respondents in their return (pp. 21-24, rec.) filed on September 10, 1980, alleged that eighty-two (82) cases for estafa against herein petitioners were filed for preliminary investigation at the Ministry of Justice. The preliminary investigation of thirty (30) charges have been terminated already, while the remaining fifty-two (52) are still undergoing preliminary investigation. Respondents further alleged that another forty-nine (49) similar charges are about to be filed also with the Ministry of Justice against petitioners herein in connection with fictitious loan transactions at the Rural Bank of Bato, Camarines Sur. Moreover, respondents alleged, other investigations involving nine other rural banks under the control of the petitioners as officers and directors of the ABBA Holdings Corporation are still going on. In the same return, respondents herein likewise attached a summary (Annex "L", p. 26, rec.) prepared by Central Bank Examiner King C. Disimulacion, showing the large-scale swindling activities allegedly committed by petitioners herein.

In a resolution dated September 19, 1980, this Court resolved to require the NBI representatives, Atty. Ricardo P. Robles Jr. and Atty. Wilfredo Bantay, to submit a manifestation of compliance that they have contacted NBI Director Jolly R. Bugarin who was abroad regarding the recommendation to lift the Arrest, Search and Seizure Order.

On September 26, 1980, the NBI representatives filed a compliance stating that the Director of the NBI was amenable to recommending to the President the temporary release of the petitioners after all the criminal cases against them shall have been filed with the Ministry of Justice, and subject to the condition that petitioners herein report to the NBI at least once a week.

On October 25, 1980, petitioners, thru counsel, filed a manifestation stating that all criminal complaints against them have already been filed with the Ministry of Justice. Petitioners likewise pray that the petition be resolved and that they be released.

In a resolution dated November 6, 1980, the Court resolved to require the Solicitor General to comment on the petitioners' manifestation of October 25, 1980.

On December 10, 1980, the Solicitor General filed his comment in compliance with the resolution of this Court dated November 6, 1980. In his comment, the Solicitor General stated that the petition has become moot and academic in view of the fact "that all the petitioners have been released, as evidenced by the Temporary Release Orders, dated October 30, 1980 of General Romeo C. Espino, Chief of Staff of the Armed Forces of the Philippines, directing the temporary release of petitioners Manuel Villar, Errol Orgaya and Miguel Quebedo, respectively, copies of which are attached hereto as Annexes 'B', 'C' and 'D'."

In a letter dated January 21, 1981, Atty. Juanito C. Ranjo, Clerk of Court I of this Court, upon instruction of then Chief Justice Enrique M. Fernando, wrote a letter (p. 56, rec.) to the NBI Director requesting information regarding the "status of the detention of the three (3) petitioners, namely: Manuel M. Villar, Errol Orgaya and Miguel Quebedo, who have been released x x x pursuant to an Order issued by General Romeo C. Espino, Chief of Staff, AFP, in his capacity as Commander CAD dated 30 October 1980."

Likewise, on the same date — January 21, 1981 — Atty. Juanito C. Ranjo wrote a similar letter to the Honorable Carmelo Barbero (now deceased), then Deputy Minister of National Defense, also asking information regarding the status of the detention of the petitioners herein.

In an answer to the letter of Atty. Juanito C. Ranjo of this Court, the NBI Director wrote a letter also dated

January 21, 1981, hereunder quoted as follows:

"S i r :

"Anent your letter of instant date, please be informed that ERROL ORGAYA y FRIA and MIGUEL QUEVEDO y RAPISORA, who were detained in this Bureau on 21 March 1980 and 24 March 1980, respectively, by virtue of ASSO No. 4785 dated 10 March 1980, were both turned over for custody to the military authorities in Camp Crame, Quezon City on 10 May 1980.

"MANUEL M. VILLAR, who reportedly surrendered to the military, was never detained with us.

Very truly yours,

(SGD.) JOLLY R. BUGARIN
Director"

(p. 58, rec.).

In a letter dated February 10, 1981, the Office for Detainee Affairs of the Ministry of National Defense likewise wrote a letter addressed to Atty. Juanito C. Ranjo, the contents of which are as follows:

"Dear Atty. Ranjo,

"This has reference to your letter of January 21, 1981, requesting information regarding the status of the detention of the petitioners for Habeas Corpus, namely, Miguel Quevedo, Manuel Villar, and Errol Orgaya who were granted temporary release on October 30, 1980 under the supervision of Director, National Bureau of Investigation.

"Please be informed that the status of their release will remain temporary until their case is finally resolved by the court which has jurisdiction over their case.

Very truly yours,

FOR THE CHIEF:

(SGD.) JOSE O. STA. ROMANA
Col., JAGS PC (Ret)
Deputy Chief"

(p. 59, rec.).

On February 26, 1981, Atty. Juanito C. Ranjo submitted a memorandum to then Chief Justice Enrique M. Fernando pointing out some discrepancies in the letter-replies of the Director of the NBI and the Office for Detainees Affair of the Ministry of National Defense. It was also recommended therein that NBI Director Jolly R. Bugarin be required to comment on the letter of Col. Jose O. Sta. Romana, and vice versa, within ten (10) days from notice.

On March 10, 1981, Atty. Juanito C. Ranjo wrote two separate letters addressed to the aforementioned officials inquiring specifically about the status of the detention of the petitioners herein.

On September 8, 1981, Atty. Juanito C. Ranjo submitted a memorandum to the Chief Justice, the pertinent portion of which reads as follows:

"xxx From the letters-reply of NBI Acting Director Ponciano V. Fernando dated March 17, 1981, and Col. Cesar P. Nazareno, Office for Detainee Affairs, Ministry of National Defense, dated August 27, 1981, the following may be gathered: Several criminal cases were filed in court against petitioners for which reason they

were arrested. Manuel Villar was released on bail. A few days after his release, other warrants were issued for his arrest. However, the NBI could not effect his arrest because he could not be located. The same is true with respect to Errol Orgaya and Miguel Quevedo. After they were released on bail, several warrants were issued for their arrest in connection with other criminal cases. However, only Miguel Quevedo was arrested and is now under detention. In short, only Miguel Quevedo is under detention by virtue of a warrant of arrest issued in connection with another criminal case filed in court against him. The other petitioners, Manuel Villar and Errol Orgaya, are at large, their whereabouts unknown which accounts for the failure of the NBI to re-arrest them in connection with other criminal cases filed in court against them.

"Considering that the corresponding criminal charges against petitioners have already been filed in court, it is submitted that the submission of the Solicitor General in his comment that the petition is already moot and academic and, therefore, should be dismissed, merits favorable action" (pp. 82-83, rec.).

In a resolution dated April 25, 1985, this Court resolved to require Atty. Juanito C. Ranjo to ascertain and report the criminal cases filed against petitioner Manuel M. Villar.

In two separate letters - both dated April 30, 1985 — addressed to the Minister of National Defense and the Director of National Bureau of Investigation, Atty. Juanito C. Ranjo formally asked for information about the criminal cases filed against petitioner Manuel M. Villar.

On June 27, 1985, Atty. Ranjo filed a compliance with respect to the letter-answer of the NBI Director dated May 8, 1985, which states in part that they "cannot determine from the records available on file whether the aforementioned information pertain to the person subject of your request."

On August 21, 1985, Atty. Ranjo filed a manifestation before this Court, the pertinent portions of which are as follows:

"1. On July 25, 1985, the undersigned addressed three (3) letters to the Honorable Chief State Prosecutor, Ministry of Justice, Manila, one (1) letter each to the Honorable Judge, Metropolitan Trial Court Branch XXXII at Quezon City (formerly Quezon City Court Branch II), and to the Honorable City Fiscal, Naga City, inquiring about the status of the criminal cases filed against the petitioner Manuel M. Villar.

xxx xxx xx

"2. The aforesaid officials, except the City Fiscal, responded stating the status of said cases, to wit:
"a. Chief State Prosecutor Artemio G. Tuquero

"(a.1) The '30 criminal cases for Estafa thru Falsification of Public and/or Commercial documents involving the operations of the Pasacao Rural Bank' 'are being jointly tried before Branch XXII of the Regional Trial Court of Naga City.'

"Status of Cases: 'The last trial date was on June 14, 1985.'

"(a.2) The '45 cases for Estafa thru Falsification of Public and/or Commercial documents involving the operation of the Bato Rural Bank' 'are being tried jointly before Judge Abonal of the Regional Trial Court of Iriga City.'

"Status of cases: 'The last trial date was on August 1, 1985.'

"The prosecution of all the criminal cases mentioned in subparagraphs (a.1) and (a.2) are being handled/conducted by State Prosecutor R. Victorino.

"(a.3) The '53 cases [People vs. Manuel M. Villar, et al., Criminal Cases Nos. 1679 to 1731] for Estafa thru Falsification of Public and/or Commercial documents involving the operation of the Rural Bank of Bacon' are being jointly tried before Branch LI of the Regional Trial Court of Sorsogon.'

"Status of Cases: 'There is a pending prosecution motion to discharge some accused to be utilized as state witnesses.' This motion is pending resolution.

"(a.4) 'The 25 cases [People vs. Manuel M. Villar, et al., Criminal Cases Nos. L-098 to 122] of Falsification of Public and/or Commercial documents involving the operation of the Libmanan Rural Bank' 'are being jointly tried before Branch XXIX of the Regional Trial Court at Libmanan, Camarines Sur.'

"Status of Cases: These cases are pending trial.

"The prosecution of all the criminal cases mentioned in subparagraphs (a.3) and (a.4) are being handled/conducted by Senior State Prosecutor Melquiades A. Gabriel.

"(a.5) The '51 cases [Criminal Cases Nos. IR-1222 to IR-1273, People of the Philippines vs. Manuel M. Villar, et al.] for Estafa thru Falsification of Public and/or Commercial documents involving the operation of Buhi Rural Bank' 'are being jointly tried before the Regional Trial Court Branch XXXIV at Iriga City.'

"Status of Cases: 'Scheduled trial last March 12 and 13, 1985 was suspended in view of the restraining order issued by the First Special Cases Division, IAC, on the petition for certiorari filed by accused Manuel M. Villar and Miguel Quevedo.'" [The prosecution is still presenting its evidence].

"(Note: 'Manuel M. Villar, Erlinda Villar and ten [10] others except Orlando and Florante Bernardino who are at large, had already been arraigned and out on bail').

"(a.6) The '5 cases [Criminal Cases Nos. IR-1956 to IR-1963, People of the Philippines vs. Manuel M. Villar, et al.] for Estafa thru Falsification of Public and/or Commercial documents involving the operation of Balatan Rural Bank, Balatan, Camarines Sur' 'are being jointly tried before the Regional Trial Court Branches XXXIV and XXXVII at Iriga City.'

"Status of Cases: These cases have not yet been set for trial.

"(Note: 'Accused Manuel M. Villar is presently under the NBI custody at Naga City by reason of the earlier disapproval of his property bond per the Court's order dated May 27, 1985') [underscoring supplied].

"The prosecution of all the cases stated in subparagraphs (a.5) and (a.6) are being handled/conducted by State Prosecutor Eugenio M. Cruz Jr.

"b. Branch Clerk of Court Emelita C. Camaya, Metropolitan Trial Court Branch XXXI at Quezon City.

"Criminal Case No. 11-21149, People of the Philippines vs. Manuel M. Villar, for violation of Sec. 24(d), in relation to Sec. 28(e) of RA 1161, as amended, was raffled to the Quezon City Court, Branch II at Quezon City (now Metropolitan Trial Court, Branch XXXII at Quezon City).

"Status of the Case: The case was dismissed by the Metropolitan Court with costs de officio in an order dated October 5, 1982, upon written motion of the prosecution" (pp. 102-105, rec.).

From the foregoing, as shown by the Memorandum of Atty. Juanito C. Ranjo dated September 8, 1981, it appears that petitioners herein were arrested because of several criminal cases filed in court against them. They were later released on bail. However, other warrants for several other criminal cases were issued against them. But, only petitioner Miguel Quebedo was arrested in connection with another criminal case filed against him. Petitioners Manuel Villar and Errol Orgaya remain at large, their whereabouts unknown.

On July 31, 1985, however, by way of reply to the letter of Atty. Ranjo dated July 24, 1985, asking for information as to the status of the cases filed against petitioner Manuel Villar, Chief State Prosecutor Artemio G. Tuquero submitted the reply-letters of State Prosecutors Melquiades A. Gabriel and Eugenio M. Cruz (pp. 111-113, rec.).

In the reply-letter of State Prosecutor Eugenio M. Cruz, likewise dated July 31, 1985, which was cited in the Manifestation by Atty. Ranjo on August 21, 1985 before this Court, it was stated, inter alia, that "Accused Manuel Villar is presently under the NBI custody at Naga City by reason of the earlier disapproval of his property bond per the Court's order dated May 27, 1985" in connection with Criminal Case Nos. IR-1956 to IR-1963 before the Regional Trial Court, Branch XXXIV & XXXVII, Iriga City, Camarines Sur.

It thus appear clear from the record that petitioners Manuel Villar and Miguel Quebedo are in custody of the law in connection with several criminal cases filed against them, while petitioner Errol Orgaya remains at large.

WHEREFORE, THE PETITION IS HEREBY DISMISSED. NO COSTS.

SO ORDERED.

Abad Santos, Melencio-Herrera, Plana, Escolin, De La Fuente, Cuevas, Alampay, and Patajo, JJ., concur.

Gutierrez, Jr., J., in the result

Teehankee and Aquino, JJ., no part

Concepcion, Jr., and Relova, JJ., on leave.

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