

**IN THE MATTER OF THE PETITION FOR HABEAS CORPUS OF
CARLOS TRINIDAD Y ALCARAZ, ISIDRO YALONG, MARIO LEGASPI
AND JOHNNY LEGASTE, PRISCILLA GONZALES TRINIDAD,
PETITIONER, VS. HON. ...**

G.R. No. 56435. July 20, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

In this application for habeas corpus filed by Priscilla G. Trinidad on behalf of her spouse, Carlos A. Trinidad, and three other persons, Isidro Yalong, Mario Legaspi and Johnny Legaste, the basic allegation is that at the time of the filing of the petition on March 16, 1981 they were "confined, detained and restrained of their liberty" by the Philippine Constabulary at Camp Crame.[1] Minister of National Defense Juan Ponce Enrile, Chief of the Philippine Constabulary Major General Fidel Ramos, and Colonel Ishmael L. Rodrigo, Commanding Officer of the alleged place of detention, were named as respondents.[2] It was then pointed out, that the "continued confinement and detention of the four (4) persons on whose behalf this petition is filed is clearly illegal because they are not charged of rebellion, insurrection, or any other offense involving the security of the State, or any such offense justifying the issuance" of an arrest and seizure order which was served on them on March 4, 1981.[3] On March 17, 1981, the Court issued a writ returnable on or before March 23, 1981, the petition to be heard on the morning of the next day.[4] On March 23, the return was made on behalf of respondents by Solicitor General Estelito P. Mendoza.[5] After narrating what transpired in the statement of facts, the return set forth the following: "The accused were arrested by authority of ASSO NO. 4852 issued by the President on January 12, 1981. Under Section 4 of General Order No. 69 dated January 12, 1981, persons arrested by authority of an ASSO issued by the President should be turned over to the proper civil judicial authorities. As recited above, the Philippine Constabulary agents tried to turn over to the Provincial Fiscal of Bulacan, and later to the Court of First Instance of Bulacan, the custody over the accused in Criminal Case No. 4119-B but the Provincial Fiscal and the Court of First Instance of Bulacan refused to accept custody over them. * * * Under the circumstances obtaining in this case, it does not indubitably appear that the detention of the accused in Criminal Case No. 4119-M is illegal." [6] The case was duly heard on the morning of March 24, 1981, petitioner being represented by Attorney Paquito C. Ochoa [7] and respondents, by Solicitor General Estelito P. Mendoza. [8] It was then set forth in the resolution of this Court of March 24, 1981: "Petitioners were granted permission to file a manifestation regarding their plea for bail. Respondents also sought to file their manifestation to the effect that a warrant of arrest will be issued before Friday, March 27, 1981. Thereafter, the Court Resolved to consider the case [submitted] for decision." [9] Then followed an Urgent Manifestation by counsel for petitioner, setting forth the release of Juan Legaspi, alias Johnny Legaste, and Mario Legaspi from the detention center. What was prayed therefore is an order from this Court "allowing petitioners, Carlos Trinidad and Isidro Yalong, to post bail in an amount set therein for their provisional liberty, in Criminal Case No. 4119-M in the Court of First Instance of Bulacan, Fifth Judicial District, Branch VI, at Malolos, Bulacan, be earliest promulgated, for petitioners relief from their languishing in jail after posting the requisite bail." [10] On April 2, 1981, this Court issued the following resolution: "Acting on the urgent

manifestation filed by counsel for petitioners wherein petitioners admitted 'that respondents had already caused the release of petitioners Juan Legaspi, alias Johnny Legaste, and Mario Legaspi from the PC-CRSU detention center, Camp Crame on March 27, 1981,' and praying that the decision in the above-entitled special proceeding be rendered or if not, an order issue allowing accused Carlos Trinidad and Isidro Yalong to post bail in the amount set therein for their provisional liberty in Criminal Case No. 4119-M in the Court of First Instance of Bulacan, 5th Judicial District, Branch VI at Malolos, 'be earliest promulgated for petitioners' relief from their languishing in jail after posting the requisite bail,' the Court Resolved to FIX bail bond in the amount of P15,000.00 for each of the two above-named accused for their provisional liberty."^[11] On April 3, 1981, came this manifestation from the Solicitor General: "[Come Now] the respondents, through the Solicitor General, and to this Honorable Court respectfully manifest that the Court of First Instance of Bulacan had already issued in Criminal Case No. 4119-M warrants of arrest against Carlos Trinidad and Isidro Yalong, and by virtue thereof, they have been turned over to the custody of the Provincial Warden, Bulacan Provincial Jail, at Malolos, Bulacan, on March 27, 1981. Petitioners Mario Legaspi and Juan (Johnny) Legaspi have also been released on March 28, 1981, as shown by a certification dated March 28, 1981, signed by said petitioners and Zenaida Yalong Legaspi, wife of Mario Legaspi, * * *."^[12] Hence this resolution.

It is clear that the petition has become moot and academic. It is not likely to occur in the future, as the practice of issuing arrest and seizure orders has ceased with the lifting of martial law. Nonetheless, it may serve as a timely reminder to members of the judiciary that with such lifting on January 17, 1981, there appears to be no justification for a court refusing custody of persons detained under an arrest and seizure order. Such an occurrence ought not to be repeated. The lower court judge was not entirely at fault as the deferment of such custody by civilian authorities was sought by the prosecutor himself. Now more than ever the rights of a person detained under the Constitution and the Rules of Court are to be respected in every particular. That is a solemn duty cast on the judiciary. This reminder during the period of martial law in *Cayaga v. Tangonan*^[13] to the military has even more pertinence to civilian authorities: "Martial law has precisely been provided in both the 1935 Charter and the present Constitution to assure that the State is not powerless to cope with invasion, insurrection or rebellion or any imminent danger of its occurrence. When resort to it is therefore justified, it is precisely in accordance with and not in defiance of the fundamental law. There is all the more reason then for the rule of law to be followed * * *. It is true, of course, as admitted by Willoughby, who would limit the scope of martial law power, that the military personnel are called upon to assist in the maintenance of peace and order and the enforcement of legal norms. They can therefore act like ordinary peace officers. In effecting arrests, however, they are not free to ignore, but are precisely bound by, the applicable Rules of Court and doctrinal pronouncements."^[14]

WHEREFORE, the case is dismissed for being moot and academic.

Barredo, Makasiar, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Teehankee, J., no part.

[1] Petition, par. 4.

[2] Ibid, par. 3.

[3] Ibid, par. 11.

[4] Resolution of the Court of March 17, 1981.

[5] He was assisted by Assistant Solicitor General Romeo C. de la Cruz and Solicitor Cecilio O. Estoesta.

[6] Return, 4-5.

[7] He was assisted by Attorneys Alfredo Alto and Jose Valmonte.

[8] He was assisted by Assistant Solicitor General Romeo de la Cruz and Solicitor Cecilio Estoesta.

[9] Resolution of this Court dated March 24, 1981.

[10] Urgent Manifestation, 2.

[11] Resolution of this Court dated April 2, 1981.

[12] Solicitor General Estelito P. Mendoza was assisted by Assistant Solicitor General Romeo C. de la Cruz and Solicitor Cecilio O. Estoesta.

[13] L-40970, August 21, 1975, 66 SCRA 216.

[14] Ibid, 219-220.

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