

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS IN BEHALF OF PEDRO SISON, JR., PEDRO SISON, SR., PETITIONER, VS. MINISTRY OF NATIONAL DEFENSE, MINISTRY OF JUSTICE, AND DIRECTOR O...

G.R. No. 56893. May 03, 1985

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

In this application for a writ of habeas corpus filed by petitioner in behalf of his son, Pedro Sison, Jr., it was alleged that Pedro Sison, Jr. was arrested and apprehended by the team of the Criminal Intelligence Service agents presumably on the strength of an Arrest, Search and Seizure Order believed to have been issued by the Ministry of National Defense.[1] No formal complaint or information was thereafter filed against him in any court, nor was there any judicial writ or order for his commitment which would justify his continued detention.[2] Hence this plea for his liberty.

The Court issued the writ, required a Return and set the case for hearing on June 2, 1981 at 11:00 o'clock in the morning.

In the return of respondents it was alleged: "ASSO No. 4745 was issued against Pedro Sison, Jr. and several military personnel because they allegedly took a number of high-powered firearms from the AFP Research and Development Center located at Libis, Quezon City." [3] After being previously detained at the PC Stockade at Camp Crame, Quezon City, "he was transferred to the New Bilibid Prisons at Muntinlupa," his case being transferred to the Ministry of Justice pursuant to Section 1 of General Order No. 69, dated January 12, 1981. [4] The Ministry in turn endorsed this case to the Tanodbayan which up to the time of the petition had "not resolved the case by either filing the proper charge or dismissing the case." [5] The prayer was for respondents to "be given opportunity to make representation with the Tanodbayan to either file the proper charge against Pedro Sison, Jr., within ten (10) days from the hearing of this case or to cause his release if no charge is filed." [6]

The hearing was duly held on June 2, 1981. Thereafter, the Court issued the following resolution: "Acting on the petition for habeas corpus on behalf of Pedro Sison, Jr., after the hearing held on June 2, 1981 with petitioner represented by Atty. Adriano S. Javier, Sr. and respondents represented by Assistant Solicitor General Romeo dela Cruz and Solicitor Cecilio Estoesta, and taking into consideration the return of respondents, duly NOTED wherein they respectfully prayed 'that they be given opportunity to make representation with the Tanodbayan to either file the proper charge against Pedro Sison, Jr. within ten (10) days from the hearing of this case or to cause his release,' as well as the manifestation of counsel for petitioner Adriano S. Javier, Sr., that on his recognizance, the plea for liberty of Pedro Sison, Jr. be granted during the pendency of this petition, the Court resolved to GRANT the release sought on such recognizance and to REQUIRE the Office of the Solicitor General to submit within ten (10) days from today a manifestation as to whether a charge had been filed against Pedro Sison, Jr." [7]

An order of release was then forthcoming. Such an order to release immediately detainee Pedro Sison, Jr. to Attorney Adriano S. Javier, addressed to the Director of Prisons, the Minister of the Ministry of National Defense

and the Minister of Ministry of Justice, was issued by Clerk of Court I Juanito C. Ranjo of this Court on June 4, 1981, with the proviso that unless there be other cause for which he should be further detained. Thereafter a manifestation was forthcoming from the Office of the Solicitor General on June 11, 1981 enclosing the information against Pedro Sison as well as his co-accused[8] for the crime of unlawful sale/disposition of firearms.

Under the above circumstances, first the order of release' followed thereafter with the filing of the information, the petition did assume a moot and academic aspect.[9] The failure of petitioner to take any further steps since then is thus easily understandable.

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

Makasiar, Aquino, AbadSantos, Melencio-Herrera, Plana, Escolin, Relova, De la Fuente, Cuevas, and Alampay.JJ., concur.

Teehankee and Gutierrez, Jr., JJ., took no part.

Concepcion, Jr., J., on leave.'

[1] Petition, pars. 2 and 3.

[2] Ibid., par. 3.

[3] Respondents' Return, par.

[4] Ibid., par. 3.

[5] Ibid., par. 4.

[6] Ibid., Prayer.

[7] Resolution of this Court dated June 2, 1981.

[8] Edgardo Mangapit. Federico Obra and Dominador Salvador.

[9] Cf. Cruz v. Momoya, L-39823. February 25, 1975. 62 SCRA 543; De la Plata v. Escarcha. L-46367. August 1, 1977. 78 SCRA 208; Canas v. Director of Prisons. L-41 557. August 18, 1977. 78 SCRA 271; Anas v. Ponce Enrile. L-44800. April 13, 1978. 82 SCRA 333; Dacuyan v. Ramos. L-48471. September 30, 1978. 85 SCRA 487; Ventura v. People, L-46576, November 6, 1978. 86 SCRA 188; Beltran v. Garcia, L-49014. April 30, 1979, 89 SCRA 717; Florendo v. Javier. L-36101. June 29, 1979. 91 SCRA 204.

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