

IN THE MATTER OF THE PETITION FOR THE HABEAS CORPUS OF EDMUNDO RAMIREZ ATTORNEY ABDON A. ARRIBA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 57069, August 31, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

The writ of habeas corpus was relied upon by a member of the Philippine Bar, Abdon A. Arriba, as counsel for Edmundo Ramirez, on the ground that the continued detention of his client, accused of attempted rape but unable to post his bail bond even after two years and five months had elapsed since the termination of the trial, was illegal. On the day after the petition was filed, on June 11, 1981, this Court issued the writ applied for, required respondent to make a return on or before Friday July 3, 1981, and set the hearing of the petition on Tuesday, July 7, 1981 at 11:00 o'clock in the morning.[1] The Court likewise dispensed with the appearance in person of detainee Edmundo Ramirez, who, according to the petition, was then confined in the provincial jail of Misamis Oriental.[2] It further required the Solicitor General to inquire as to "whether under the circumstances, release can be ordered and, if so, inform the Court." [3] In a compliance filed on July 3, 1981, Solicitor General Estelito P. Mendoza [4] stated the following: "1. In its subject resolution, the Solicitor General is required 'to inquire as to whether under the circumstances, release' of the detainee, Edmundo Ramirez, 'can be ordered, and, if so, inform the Court.' 2. Immediately upon receipt of a copy of said resolution on June 17, 1981, undersigned counsel dispatched separate tele-grams to Judge Tago M. Bantuas of the Court of First Instance of Misamis Oriental, Branch VII, before whom the criminal case of attempted rape against the subject detainee is pending, and to the respondent Provincial Warden of Misamis Oriental for information regarding the status and the facts and circumstances surrounding the detention in question. 3. Per information relayed to the undersigned counsel through long distance telephone by the Provincial Warden on July 1, 1981, detainee Edmundo Ramirez had been released on June 29, 1981, by virtue of an order issued by Judge Tago M. Bantuas who, on the same date, allegedly promulgated a decision in the aforementioned criminal case acquitting Edmundo Ramirez of the charge of attempted rape and that the foregoing is incorporated in the return which he allegedly filed with this Honorable Court. 4. In view of detainee's release, the instant petition may now be considered moot and academic." [5] A copy of the release order as well as the decision was thereafter submitted to the Court.

The plea of the Solicitor General to consider the petition moot and academic is warranted. The release was ordered. The writ of habeas corpus had thus served its purpose as a means for securing the liberty of an individual whose continued detention finds no support in law.

1. Chief Justice Marshall correctly characterized habeas corpus as "a high prerogative writ, known to the common law, the great object of which is the liberation of those who may be imprisoned without sufficient cause." [6] Correctly then was it described by Justice Malcolm as having been "devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and as the best and only sufficient defense of personal freedom." [7] Not so long ago this Court expressed a similar view: "The fundamental issue, to repeat, is the

availability of the writ of habeas corpus under the circumstances disclosed. Its latitudinarian scope to assure that illegality of restraint and detention be avoided is one of the truisms of the law. It is not known as the writ of liberty for nothing. The writ imposes on judges the grave responsibility of ascertaining whether there is any legal justification for a deprivation of physical freedom. Unless there be such a showing, the confinement must thereby cease. If there be a valid sentence it cannot, even for a moment, be extended beyond the period provided for by law. Any deviation from the legal norms calls for the termination of the imprisonment."^[8]

2. It can be said that the accused obtained justice ultimately but at too high a cost. Had the case been terminated promptly as the law requires, he would have been set free much sooner. In the traditional sense, the right to a speedy trial cannot be invoked after the termination of the proceedings. Nor is mandamus the only appropriate remedy for a decision to be rendered if the statutory period set forth by law had been exceeded. There could be cases where the writ of liberty would, in the language of Justice Malcolm, "be the most efficacious remedy." The judgment of acquittal, long overdue, reinforces such an approach.

WHEREFORE, the writ of habeas corpus is dismissed for being moot and academic. Judge Tago M. Bantuas is required to explain within fifteen (15) days the delay in rendering the decision of this case.

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

Makasiar, J., no part.

Abad Santos, J., on official leave.

[1]

[2] Ibid.

[3] Ibid.

[4] He was assisted by Assistant Solicitor General Ramon A. Barcelona and Solicitor Franklin S. Farolan.

[5] Compliance, 1-2.

[6] Ex parte Watkins, 3 Pet. 193, 202 (1830).

[7] Villavicencio v. Lukban, 39 Phil. 778, 788 (1919).

[8] Gumabon v. Director of the Bureau of Prisons, L-30026, January 30, 1971, 37 SCRA 420, 423.

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