

IN THE MATTER OF THE PETITION FOR THE ISSUANCE OF THE WRIT OF HABEAS CORPUS FOR JOSEPH OLAYER, ALEX B. MARCELINO, DANILO DELA FUENTE, VIOLETA MARASIGAN, LAURA OCAMPO, EDWIN TULA...

G.R. No. 59787. May 03, 1985

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

In this petition for the issuance of a writ of habeas corpus, the prayer was for respondents to produce before this Court the persons of Joseph Olayer, Alex B. Marcelino, Danilo dela Fuente, Violeta Marasigan, Laura Ocampo, Edwin Tulalian, Belen Diaz Flores, Charlie Palma, Avelina Enrile, Alan Jasminez, Marco Palo, Manuel Mario Guzman, Rodolfo Benusa, Rogelio Abarga, Nestor Bodina, Arturo Tabara and one other person surnamed Darocin.[1] Thereafter in two latter Motions to Amend the original Resolution which issued the writ based on their petition, the names of Fred Mansos and Edwin Lopez were included as petitioners. Later on, came a Motion to Admit Amended Petition and to Amend Writ to include petitioners Elizabeth Protacio, Benjamin Sesgundo, Rebecca Tulalian and Noel Etabag. Even after the Return had been filed, the name of another detainee, Rolando Salutin, was added. It was alleged that the persons detained were taken into custody without warrants of arrest.[2] In the case of detainees Violeta Marasigan, Laura Ocampo and Avelina Enrile, the allegation was that a search warrant was used at a raid in 8 Ragang Street, Quezon City, where they were found.[3] The place of detention, according to the petition, was either at the Metrocom Intelligence Service Group at Camp Crame or its safehouses.[4] Hence this plea for their liberty, considering that no criminal charges had been filed against any of the detainees.

In issuing the writ, this Court specifically ordered that the persons detained "may confer with counsel and may be visited by immediate relatives subject to reasonable regulations as to time and with due regard to security measures."

In the return of the writ, there was an admission that the twenty-three persons for whom the present petition for habeas corpus had been filed were under detention.[5] It was further alleged that the above persons "were arrested and were being detained for offenses with respect to which under Proclamation No. 2045 the privilege of the writ of habeas corpus continues to be suspended." [6] The subsequent paragraphs of the Return set forth in detail the reasons for the detention. It was alleged that as a result of a raid conducted by Task Force Makabansa, it was discovered that there were two underground houses in Quezon City, one at Gen. Luis Street in Novaliches and the other one in Urduja Village also in Novaliches.[7] From the evidence obtained in the above two raids according to the Return, the existence of other underground houses in Metropolitan Manila was revealed, one in Yale Street, Cubao, Quezon City; another in No. 8 Ragang Street, Banawe, Quezon City; a third in Gen. Luis Street in Novaliches; and the fourth one in Leland Drive, Balongbato, Novaliches, Quezon City.[8] Specific reference was then made to detainee Jasminez as the head of the Finance Section of the Kawanihan sa Tulong Ugnayan of the Communist Party of the Philippines; of detainee Etabag as the highest officer of the Western Visayas Regional

Committee of the Communist Party of the Philippines in the Province of Cebu, and the rest of the persons detained being officers and members of such Communist Party acting as party organizers and couriers.[9]

On March 8, 1985, petitioners by counsel submitted a status report on the twenty-three detainees. According to such Manifestation "Of the twenty-three (23) detainees fifteen (15) have been granted temporary release, four (4) reportedly escaped, and four (4) remain under detention." [10] These are the fifteen detainees who were released temporarily: Elizabeth Protacio, Laura Ocampo, Avelina Enrile, Violeta Marasigan, Marco Palo, Alex Marcelino, Edwin Tulalian, Carlos Palma, Manuel Mario Guzman, Rodolfo Benusa, Benjamin Ssegundo, Fred Manzos, Rebecca Tulalian, Rolando Salutin and Nestor Bodino." The four detainees who reportedly escaped were: Belen Diaz Flores, Joseph Olayer, Rogelio Abarga and Arturo Tabara. As likewise alleged in such Manifestation, the following detainees remained under detention as of March 8, 1985: Noel Etabag, Danilo de la Fuente, Alan Jasminez and Edwin Lopez.[13]

The Comment on such Manifestation coupled with a motion to declare it moot and academic submitted by the Solicitor General, after noting the release of the petitioners mentioned in the Manifestation, confirmed that the aforesaid detainees did escape under the following circumstances: "Petitioner Belen Diaz Flores eluded her lone escort when she was accompanied to the Station Hospital at Camp Crame on April 3, 1984 for medical treatment. On the other hand, petitioners Joseph Olayer, Rogelio Abarga, and Arturo Tabara breached the walls of the Bicutan detention compound on October 24, 1984 to make good their escape. They have not been caught since then. As to them, the case may also be considered moot." [14] It likewise confirmed that four detainees, namely Noel Etabag, Danilo de la Fuente, Alan Jazminez and Edwin Lopez, as set forth in the Manifestation of petitioners, continued to remain under detention.[15] All four are facing criminal charges.

In the light of the above, the motion to declare the petition moot and academic must be granted.[16]

WHEREFORE, the 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] In a Motion to Admit Amended Petition and to Amend Writ, the name of Darocin was excluded as petitioner.

[2] Petition, par. 12.

[3] Ibid., par. 11.

[4] Ibid., par. 10.

[5] Return of the Writ and Comment on the Urgent Motion and Its Supplement, par. 1.

[6] Ibid., par. 2.

[7] Ibid., pars. 3 and 4.

[8] Ibid., pars. 5 and 6.

[9] Ibid., par. 7. The last sentence of this paragraph reads as follows: "It is believed that some of them are communist terrorists and members of the NPA out to cause civil disturbances in Metro Manila."

[10] Manifestation, par. 2.

[11] Ibid., par. 3.

[12] Ibid., par. 4.

[13] Ibid., par. 5.

[14] Comment and Motion, par. 3.

[15] Ibid, par. 5.

[16] Cf. Cruz v. Montoya, 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-41557, 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-3610I, June 29, 1979, 91 SCRA 204.

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