

RICARTE VILLEGAS Y BORROMEO, PETITIONER, VS. COLONEL RAMON MONTAÑO, COMMANDER, SPECIAL OPERATIONS GROUP, CAMP CRAME, QUEZON CITY AND INSPECTOR JORGE C. MERCADO, CHIEF INVESTIGAT...*G.R. No. 59962. September 21, 1982*

Ponente: FERNANDO, C.J.

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The principal allegation in this application for the writ of habeas corpus filed on March 20, 1982 is the absence of any legal justification for the restraint of his liberty, described in the language of the petition, thus: "Petitioner, Ricarte Villegas y Borromeo was arrested at about 11:30 in the evening of March 8, 1982 by four (4) men of the Special Operations Group under the command of respondents Col. Ramon Montaña and Inspector Jorge C. Mercado, on the basis of a xerox warrant of arrest issued by the Court of First Instance of Naval, Leyte, on May 28, 1981 and certified by the Deputy Sheriff on August 7, 1981. The said xerox copy of the warrant of arrest does not show any dry seal of the court nor any indorsement to the Special Operations Group. After Ricarte Villegas was arrested, he was brought to the office of the Special Operations Group at Camp Crame where he was 'investigated' without the assistance of a lawyer and finally detained in the stockade up to this time." [1] Respondent Col. Ramon Montaña is the Commander of the Special Operations Group of Camp Crame, Quezon City and respondent Inspector Jorge C. Mercado is its Chief Investigation Agent. [2] Accordingly, this Court on March 23, 1982 issued the writ of habeas corpus returnable before the first of April 1982.

In the return, the facts as well as the existence of a legal cause for detention were set forth by Assistant Solicitor General Reynato S. Puno and Assistant Solicitor General Nathanael P. de Pano, Jr. [3] in this wise: "1. The petitioner, Ricarte Villegas y Borromeo, who was duly and lawfully arrested on March 8, 1982 by operatives of the PC Special Operations Group, in the vicinity of Quirino Avenue, Baesa, Quezon City, is presently in the physical custody of the Commanding Officer of the PC/INP Jail in Camp Crame, Quezon City since 9 March, 1982. The petitioner's arrest was effected on the strength of a Warrant of Arrest issued on May 28, 1981 by Judge Godofredo P. Quimsing of the Court of First Instance of Leyte, Branch VII, Naval, Leyte. A copy of the Warrant of Arrest is attached as Annex '1' to form integral part hereof. Copy of the Memorandum effecting the turn-over of the petitioner's person to the CO, PC/INP is attached as Annex '2' to form part of this return. 2. The order of Arrest issued by Judge Godofredo P. Quimsing states that the petitioner stands charged of the crime of 'Illegal Possession of Handgrenade,' in Criminal Case No. N-0776 of the Court of First Instance of Leyte, Branch VII. The petitioner's bail was fixed at P40,000.00. The petitioner has not availed of his right to bail since his arrest on March 8, 1982 although the order of arrest states that he can be set at liberty upon posting bail. Instead, he chose to file a letter request, through counsel (dated March 12, 1982) requesting to be released. Copy of the said letter is here attached as Annex '3' to form part of this return. 3. The petitioner does not take issue with the existence of a warrant of arrest issued against his person, on the basis of which, elements of the Special Operations Group effected petitioner's arrest. The warrant is impugned simply on the ground that the 'xerox copy of the warrant of

arrest does not show any dry seal of the court.' The warrant on its face, shows that it is a certified true copy of the original. Nor does the petitioner question the existence of Criminal Case No. 0776, 'People vs. Ricarte Villegas, et al.', pending before the Court of First Instance of Leyte, Branch VII. Neither is there any hint that the said court is without jurisdiction to issue the warrant. It is a cardinal principle of law that matters of form and technicalities should be disregarded whenever they cease to serve the ends of justice and, instead, subvert it. 4. Petitioner's allegation that the xerox of the warrant of arrest does not show 'any indorsement to the Special Operations Group' is both inaccurate and irrelevant. The order of arrest is addressed ['To Any Officer of the Law']. The members of the Special Operations Group, which is a unit of the PC/INP Central Anti-Organized Crime Task Force based at Camp Crame, Quezon City, are, definitely, law enforcement officers. They are members of the National Police Force. Warrants of Arrest issued by a judge of the Court of First Instance 'may be served or executed anywhere within the Philippines.' (Sec. 4, Rule 113, Rules of Court). Lack of specific endorsement does not diminish the force of the warrant nor of the power to arrest the petitioner. Note may be taken of the fact that due return of the arrest was transmitted to the court of origin on March 11, 1982. Copy of the said return is attached as Annex '4' to form part hereof." [4] There was likewise in such return a denial of the allegation that at the stage of the custodial interrogation, there was a failure to have petitioner assisted by counsel. It was specifically pointed out that the "investigation" complained of by petitioner "was merely for the purpose of determining his identity and other personal circumstances." [5] Petitioner, in the language of the return is thus "being detained and confined under a valid warrant of arrest issued by the Court of First Instance of Leyte, Branch VII, Naval, Leyte, in connection with Criminal Case No. N-0776 for illegal possession of handgrenade." [6] There was no traverse to the return filed by petitioner.

Thereafter, in a pleading dated May 31, 1982, Assistant Solicitor General Nathanael P. de Pano, Jr. [7] submitted the following Manifestation with Motion: "1. On May 28, 1982, the Office of the Solicitor General received a copy of the resolution of this Honorable Court setting the hearing of the above-entitled petition on June 1, 1982 at 10:30 o'clock in the morning; 2. In the Return dated March 31, 1982 filed by respondents, they stated therein that petitioner's arrest on March 8, 1982 was effected on the strength of a Warrant of Arrest issued on May 28, 1981 by Judge Godofredo P. Quimsing of the Court of First Instance of Leyte, Branch VII, Naval, Leyte. The bail for the release of petitioner was fixed therein at P40,000.00; 3. Petitioner Ricarte Villegas subsequently posted a bail bond with the Court of First Instance of Leyte, Branch VII, Naval, Leyte which was duly approved by order of the Court dated April 7, 1982. Consequently, the trial court issued an order of release, copies of these are hereto attached as Annexes '1' and '2'; 4. On the basis of the said order of release, petitioner Ricarte Villegas y Borromeo was released from detention at the PC/INP Jail, Camp Crame, Quezon City, on April 21, 1982. A copy of the Certificate of Detention showing his release as of April 21, 1982, is attached as Annex '3'; 5. In posting bail for his provisional release, petitioner has impliedly admitted the validity of the Warrant of Arrest issued by Judge Godofredo P. Quimsing and, therefore, the legality of his arrest and detention by respondents; 6. Petitioner's release, on bail, renders this petition for habeas corpus moot and academic." [8] The prayer was: "that the instant petition be dismissed for having become moot and academic and the hearing of the case set on June 1, 1982 at 10:30 o'clock in the morning be cancelled." [9]

The Court, nevertheless, continued with the hearing scheduled for June 1, 1982. There was no appearance on the part of petitioner. Assistant Solicitor General Nathanael de Pano, Jr., who along with Solicitor Luisito P. Escutin appeared for respondents, "manifested that petitioner Ricarte Villegas y Borromeo was released from detention at the PC/INP Jail, Camp Crame, Quezon City on April 21, 1982 on a bail bond which was fixed in the amount of P40,000.00 and duly approved by the Court of First Instance of Leyte, Branch VII, Naval, Leyte on April 7, 1982." [10] On two counts, therefore, this petition cannot prosper. There was no illegality in his detention. He was "under a warrant of commitment in pursuance of law." [11] What is more, he is now out on bail. That again

suffices for the dismissal of the case.[12] It is in that sense that the petition has assumed a moot and academic character.

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

Barredo, Makasiar, Aquino, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur. Teehankee, J., in the result. Melencio-Herrera, J., no part.

[1] Petition, 1-2.

[2] Ibid, 1.

[3] They were assisted by Solicitor Luisito P. Escutin.

[4] Return of the Writ of Habeas Corpus, 1-3.

[5] Ibid, 4. Annex 5 of the return entitled Booking and Information Sheet consisted of the Personal Data of petitioner as well as the Arrest Data. According to the Arrest Data: "Subject was arrested on or about 082330 March 82 in the vicinity of Quirino Ave., Baesa, Quezon City by a team of SOG Operatives led by Sgt. Joseph Pintor PC by virtue of an Order of Arrest issued by the Honorable District Judge Godofredo P. Quimsing, Br. VII, 13th Judicial District, CFI, Naval, Leyte on 28 May 81 ICOW Crim. Case No. N-0776 entitled 'People versus Ricarte Villegas, et al.' for 'Illegal Possession of Handgrenade.'"

[6] Ibid, 5.

[7] He was assisted by Solicitor Luisito P. Escutin.

[8] Manifestation with Motion, 1-2.

[9] Ibid, 2.

[10] Resolution dated June 1, 1982.

[11] Rule 102, Section 13, Rules of Court. Cf. Florendo v. Javier, L-36101, June 29, 1979, 91 SCRA 204.

[12] Herrera v. Enrile, L-40181, February 25, 1975, 62 SCRA 547, citing among other cases Tan Me Nio v. Collector of Customs, 34 Phil. 944 (1916); Gonzales v. Viola, 61 Phil. 824 (1935); Lino v. Fugoso, 77 Phil. 933 (1947).

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