

IN THE MATTER OF THE PETITION FOR HABEAS CORPUS FOR JAIME B. BERNAL, DR. RAMON A. BERNAL, PETITIONER VS. MINISTER JUAN PONCE ENRILE, GENERAL FABIAN C. VER, BRIG. GENERAL PROSPER...*G.R. No. 60326. June 29, 1982*

Ponente: FERNANDO, C.J.

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This application for habeas corpus was filed by the petitioner, Doctor Ramon A. Bernal on behalf of his son, Jaime B. Bernal, who, on the morning of April 24, 1982, was arrested without any warrant of arrest by agents of the 15th Military Intelligence Group, and brought to Camp Bago Bantay, Quezon City, the alleged place of detention.[1] The respondents are the Minister of National Defense, Juan Ponce Enrile, the Chief of Staff, General Fabian C. Ver, the Commanding General of the PC Metrocom, General Prospero Olivas and the Commanding Officer of the 15th Military Intelligence Group, Colonel Galileo Quintanar.[2] It was then stated that Jaime B. Bernal, 49 years old, was recently confined at the Philippine Heart Center for Asia, where he was treated for a stroke resulting from hemorrhage in the occipital side of his brain and that he is a diabetic, required to observe a strict non-fat, non-sugar diet.[3] There was a request by counsel, Attorney Jose W. Diokno, to respondent Colonel Quintanar informing the latter of the ailments afflicting the detainee and requesting his immediate release or in the alternative, his immediate transfer to the Philippine Heart Center for Asia.[4] It was then set forth that petitioner "has not committed any crime and has not been arrested for committing any crime nor is he detained by lawful order of any court." [5] Mention was next made of Bernal being "without medication for three (3) days," his "continued detention and deprivation of immediate medical care and attention" could thus "lead to the loss of his life." [6]

On the very same day the petition was filed, a resolution of this Court was issued, worded as follows: "The Court Resolved to [issue] the writ of habeas corpus; to require the respondents to make a [return] of the writ on Monday before 4:00 P.M., May 3, 1982, and to hear the petition on Tuesday, May 4, 1982 at 10:00 o'clock in the morning." [7] In the return of the writ filed by Solicitor General Estelito P. Mendoza, [8] it was alleged that Jaime Bernal "is under detention by virtue of a Presidential Arrest and Commitment Order approved by the President of the Philippines on April 22, 1982 for the crime of subversion." [9] It was further stated that he "was arrested and is being detained for an offense with respect to which under Proclamation No. 2045 the privilege of the writ of habeas corpus continues to be suspended, . . . [resulting in such privilege being unavailable] as to Bernal." [10] Then came this allegation: "Bernal and companion were arrested by elements of Task Force [MAKABANSA] on April 24, 1982 near the Bocaue Toll Gate of the North Diversion Road as they were driving in the direction of Manila. The evidence in the hands of the military disclose that Bernal is a member of the Communist Party of the Philippines (GPP) and is active in the CPP front organization called the National Democratic Front (NDF). The NDF is a broad alliance of subversives seeking the overthrow of the Government thru the use of force." [11] Lastly, the return stated: "On April 25, 1982, the day following his arrest, on being informed by Bernal himself

that he has a heart ailment, the military authorities concerned brought him to the V. Luna Medical Center for medical examination. Upon confirmation of the ailment, Bernal was authorized to be confined at the Center for medical treatment and observation."^[12]The prayer was for the dismissal of the petition for habeas corpus.

Prior to the hearing on May 4, 1982, there was a manifestation and motion from petitioner Doctor Ramon A. Bernal, reading thus: "1. On April 28, 1982 he filed a petition for habeas corpus in the above-entitled case on behalf of his son Jaime Bernal. 2. However, on April 29, 1982 petitioner was able to see his son and ascertain that he is in sound health. Although he remains under the custody of the Military Intelligence Group 15, ISAFP, he is presently confined at the V. Luna Medical Center in Quezon City. 3. Since the primary reason for petitioner's filing the petition for habeas corpus was his concern for the life and health of his son, petitioner is no longer interested in further pursuing the petition. He will instead work for the release of his son from custody through the procedures prescribed by the Ministry of National Defense. 4. Petitioner has informed his counsel, Atty. Jose W. Diokno about this development."^[13] The prayer is for the dismissal of the petition. Nonetheless, the case was duly heard on May 4, 1982, a resolution being thereafter issued to the following effect: "Atty. Joker P. Arroyo, assisted by Atty. Efren Mercado, appeared for petitioner while Assistant Solicitor General Reynato Puno, assisted by Solicitor Roberto Abad, appeared for the respondents. Petitioner Dr. Ramon A. Bernal and detainee Jaime B. Bernal were both present in Court. Petitioner Dr. Bernal manifested that he is withdrawing his petition as he already saw his son and that the latter is in good health. When asked by the Court as to whether or not in filing the said motion to withdraw, he in effect is admitting that his son was not illegally detained, he answered in the affirmative. The Court asked Assistant Solicitor General Puno to state his stand on the rights of the detainee to confer with his counsel and to be visited by his relatives. Assistant Solicitor General Puno expressed no objection to the detainee's enjoyment of such rights subject to proper security measures. Thereafter, the Court considered this case [Submitted] for resolution."^[14]

It is always timely to recall this categorical affirmation in the ponencia of Justice Malcolm in the landmark case of *Villavicencio v. Lukban*:^[15] "The writ of habeas corpus was 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. Any further rights of the parties are left untouched by decision on the writ, whose principal purpose is to set the individual at liberty."^[16] The Court, therefore, acted with all the promptness required. Moreover, notwithstanding the manifestation, as quoted above, petitioner was asked in open court as to whether he was reiterating his plea to withdraw the petition. That affirmation he made, making it clear that he would "instead work for the release of his son from custody through the procedures prescribed by the Ministry of National Defense." This is not the first time that a petitioner after filing an application for the writ would resort to an appeal to the Executive.^[17] It is not for this Court, therefore, to insist on inquiring on the merits of the controversy when the party himself is of the firm belief that the remedy for any detention could be supplied by the Ministry of National Defense. At any rate, both the father and the person detained, his son Jaime B. Bernal, were heard and they left no doubt of their determination to withdraw the petition. As observed in the resolution of May 4, 1982, Assistant Solicitor General Reynato Puno, who appeared for respondents, informed the Court that detainee's rights to confer with his counsel as well as to be visited by his relatives would be respected. It must be made equally clear that any other right which under the Constitution a person under detention enjoys should likewise be available to him.

WHEREFORE, this case is dismissed for being moot and academic subject to the above qualification. No Costs.

Barredo, Makasiar, Aquino, Concepcion Jr., Guerrero, Abad Santos, De Castro, Plana, Escolin, Vasquez, Relova and Gutierrez, JJ, concur.

Teehankee J., concurs in the result.

Melencio-Herrera, J., is on leave.

[1]Petition, 1(1.01) and II (2.01).

[2]Ibid, I (1.02 to 1.05),

[3] Ibid, II (2.02).

[4]Ibid, (2.03).

[5] Ibid, 111 (3.01).

[6] Ibid, III (3.02).

[7] Resolution dated April 28, 1982

[8] He was assisted by Assistant Solicitor General Reynato S. Puno and Solicitor Roberto A. Abad.

[9] Return of the Writ, 1.

[10] Ibid, 1-2.

[11]Ibid, 3. 12

[12]Ibid,3-4.

[13] Manifestation and Motion, 1.

[14]Resolution dated May 4, 1982.

[15] 39 Phil. 778 (1919).

[16] Ibid, 788-789.

[17] Cf. Patron v. Commanding Officer, L-37083, May 30, 1974, 57 SCRA 229; Duque v. Vinarao L-40060, March 21, 1975, 63 SCRA 206; Vda. de Castro v. Ver, L-42399, January 30, 1976, 69 SCRA 295.

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