

**IN THE MATTER OF THE PETITION FOR A WRIT OF HABEAS CORPUS
OF NICOLAS BUENO, JR., LETICIA BUENO, PETITIONER, VS. PAT.
MANOLO REYES, AND COL. ALFREDO SAN DIEGO, RESPONDENTS.**

G.R. No. 64898. June 30, 1987

Ponente: PADILLA, J.

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PADILLA, J.:

Petition for habeas corpus, seeking the release of petitioner's husband who had been allegedly arrested without a warrant while sleeping in their house at No. 24 Kalayaan St., Sumilang, Pasig, Metro Manila, at about 5:00 o'clock in the morning of 3 August 1983 by agents of the Mandaluyong INP station, in connection with a robbery (hold-up) in a taxi, committed four (4) days before, or on 29 July 1983, and brought to the Mandaluyong INP station jail where he is illegally detained under the custody of respondents, Pat. Manolo Reyes, officer-in-charge of said jail, and Col. Alfredo San Diego, the police station commander.

The Court issued the writ on 30 August 1983 and re-quired the respondents to make a return on the writ on or before 7 September 1983, and set the case for hearing on 8 September 1983.[1]

The respondents filed a return on the writ in due time, praying for the dismissal of the petition on the ground that the person, subject of the writ, Nicolas Bueno, Jr., is detained for two (2) offenses of robbery (hold-up), docketed as Criminal Case nos. 55978 and 55979 of the Regional Trial Court, National Capital Judicial Region, Branch CLIX, Pasig, Metro Manila, and for the crime of estafa, docketed as Criminal Case no. 23947 of the same court, for which an alias warrant of arrest had been issued by Judge Celso L. Magsino on 28 November 1977.

As to the circumstances leading to the arrest and detention of Nicolas Bueno, Jr. on 3 August 1983, the return on the writ stated:

"4. In the evening of July 29, 1983, along Pioneer St., Mandaluyong, Metro Manila, Susan Ibe and Sonia Macatangay, while on board a taxi with plate number NWG-193, were divested of jewelry and other valuables amounting to P28,140.00 by the taxi driver and two (2) unidentified male companions. The victims immediately reported the incident to the Eastern Police District station at Meralco Avenue, Pasig, Metro Manila;

"5. On August 2, 1983, the Eastern Police District referred the case to substation No. 1, Mandaluyong INP, Southern Police District;

"6. In the early morning of August 3, 1983, on the basis of intelligence report, Nicolas Q. Bueno, Jr., was invited by operatives of the Mandaluyong INP for investigation. At the said investigation, the victims Sonia Ibe and Susan Macatangay positively identified Nicolas Q. Bueno, Jr., as the driver of the Mustang Taxi with plate number NWG-193 who, with the connivance of two (2) unidentified male companions, divested them of jewelry and other valuables along Pioneer St., Mandaluyong, Metro Manila;

"7. Immediately, the Mandaluyong INP operatives referred the case to an Inquest Fiscal, who on the same day prepared and signed the two informations for robbery (hold-up), Annexes '1' and '2';

"8. Also on the same day, operatives of the Mandaluyong INP, upon verification found that Bueno has a standing warrant of arrest for estafa issued by Judge Celso L. Magsino in Criminal Case No. 23947." [2]

As stated in the return on the writ, Nicolas Bueno, Jr. is detained, not only because of the two (2) cases of robbery (hold-up) perpetrated on 29 July 1983, but also because of a case for estafa (Criminal Case No. 23947) for which Judge Celso L. Magsino had earlier issued a warrant for his arrest.

The petitioner, in her petition for habeas corpus, merely questions the alleged illegal detention of her husband in connection with the two (2) cases for robbery. She does not challenge the detention of her husband under the valid warrant of arrest issued by Judge Celso L. Magsino in connection with the case for estafa (Crim. Case No. 23947). Under the circumstances, the detention of Nicolas Bueno, Jr. cannot be considered illegal. [3]

WHEREFORE, the petition should be, as it is, hereby dismissed for lack of merit.

SO ORDERED.

Teehankee, C.J., Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Bidin, Sarmiento, and Cortes, JJ., concur.

[1] Rollo, p. 7

[2] Id., p. 22

[3] *Pagalunan vs. Station Commander, Angeles City Police Station*, G.R. No. L-57051, May 27, 1985, 136 SCRA 596; *Beltran vs. Garcia*, G.R. No. L-49014, April 30, 1979, 89 SCRA 722; *Dacuyan vs. Ramos*, G.R. No. L-48471, September 30, 1978, 85 SCRA 492; *Medina vs. Orozco*, G.R. No. L-26723, December 22, 1966, 18 SCRA 1171

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