

LEANDRO ALEJANDRO, J. VIRGILIO BAUTISTA, SALVACION L. ALEJANDRO AND FACUNDO T. BAUTISTA, PETITIONERS, VS. THE HON. MINISTER OF JUSTICE; THE HON. MINISTER OF NATIONAL DEFENSE; TH...

G.R. No. 69979. June 10, 1986

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This is a petition for Habeas Corpus, prohibition, mandamus and release on bail, with writ of preliminary prohibitory injunction and preliminary writ of mandatory injunction. The records show that petitioner Leandro Alejandro is at present the deputy secretary-general of the Coalition of Organizations for the Realization of Democracy (CORD), while petitioner Bautista is a member of the National Council of the said CORD and of the National Council of the Nationalist Alliance for Justice, Freedom and Democracy (NAJFD). On Thursday afternoon, February 13, 1985, there was a student demonstration along the way to Camp Aguinaldo. The students were dispersed before they could reach their destination and in the course of the dispersal they were driven towards N. Domingo St. in San Juan, Metro Manila. At about that time, 4:00 o'clock that afternoon of Thursday, February 13, 1985, Alejandro and Bautista were in the SFI Compound (Sisters Formation Institute) in N. Domingo St. discussing CORD matters in the Task Force Detainees Office. Some students rallyists requested Alejandro and Bautista to make representations with the police officers so that they could proceed to Cubao and there disperse peacefully. At N. Domingo St., fronting the SFI Compound, the Western Police District unit was closing in from the direction of Sta. Mesa. Leandro and Virgilio together with one Nani Braganza, Chairman of the CLUP, approached Col. Dula Torres of the Western Police District to convey the students' message and as they approached Col. Torres, an anti-riot contingent under Brig. Gen. Alfredo Lim, Commander of the Northern Police District, came from the Cubao side. Seeing Gen. Alfredo Lim, petitioners Alejandro and Bautista went towards him and informed the latter of the students' plan to disperse peacefully at Cubao. General Alfredo Lim was not receptive to the idea of the student group proceeding yet to Cubao and there to disperse. At that time, he was also informed that a PDA had been issued against Alejandro. Petitioners were taken in a jeep and brought to Camp Crame Special Operations Group (SOG) Investigation Division for verification as to the existence of a PDA issued against Alejandro. Petitioner S.V. Bautista expressed his desire to join Leandro Alejandro. From there, they were taken to the Northern Police Headquarters at Camp Karingal, Sikatuna Village, Quezon City and later before the Criminal Investigation Division of the Northern Police District. At about ten o'clock in the evening on February 13, 1985, in the Northern Police District at Camp Karingal, the counsel of detainees was shown a xerox copy of the PDA dated December 4, 1985, wherein the names of both petitioners herein are included.

Petitioners having been kept in detention since February 13, 1985, without any charge presented against them, the instant petition was filed on February 15, 1985, principally for habeas corpus and also for their release on bail pending resolution of the matters recited in their petition.

The petition was heard on March 5, 1985. Petitioners Alejandro and Bautista as well as General Alfredo Lim, Police Superintendent, Northern Police District, answered the questions asked by the Court regarding the circumstances of the arrest of the aforesaid petitioners. The submissions and arguments of the parties were duly

heard and received, to be later deliberated upon by the Court.

The case was again placed in the agenda of March 28, 1985 as there was submitted a memorandum signed by sang members of the Batasang Pambansa and concerned citizens expressing their views on the case, which the court then noted. The Court also obtained information from the City Fiscal of Quezon City and the Executive Judge of the Metropolitan Trial Court of Quezon City, which disclosed that petitioners Alejandro and Bautista were charged in Criminal Case No. 226726 of the Metropolitan Trial Court, Branch XXXIII, Quezon City for tumults and other disturbances of public order under Article 153 of the Revised Penal Code.

On April 17, 1985, respondents filed a Manifestation and Motion dated April 16, 1985 stating therein that Petitioners Lenadro Alejandro and Virgilio Bautista were temporarily released from detention on April 11, 1985 and, therefore, the instant petition has become moot and academic.

On April 25, 1985, Petitioners thru counsel filed a motion for leave/time to file comment/opposition to Respondents' Manifestation and Motion, and upon leave granted by the Court, Petitioners, on May 20, 1985, submitted their comment/opposition, re: Respondents' Manifestation and Motion dated April 16, 1985.

Petitioners urge that notwithstanding their release on bail, this Court should resolve the issue of the constitutionality of Presidential Decrees Nos. 1877 and 1877-A, which were issued on July 21, 1983 and July 27, 1983, respectively, to implement Proclamations Nos. 2045 and 2045-A, maintaining the suspension of the writ of habeas corpus in the autonomous regions of Mindanao and also with respect to persons detained for the crimes of insurrection, rebellion, subversion, conspiracy or proposal to commit such crimes and for all the other crimes and offenses committed by them in furtherance or on the occasion thereof or incident thereto or in connection therewith.

Considering, however, that Petitioners appear to have been already released and there being now a change of government because of the events that have recently transpired, resulting in the issuance of President Corazon Aquino of Proclamation No. 2, on March 2, 1986, expressly revoking Proclamations Nos. 2045 and 2045-A, the Court RESOLVES to dismiss the instant petition which has been rendered moot and academic.

SO ORDERED.

Teehankee, C.J., Abad Santos, Yap, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, and Paras, JJ., concur.

Feria and Fernan, JJ., on official leave.

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