

Title: Gen. Emmanuel Bautista, et al. v. Atty. Maria Catherine Dannug-Salucon

Facts:

1. Atty. Maria Catherine Dannug-Salucon, a human rights lawyer and co-founder of the National Union of People's Lawyers (NUPL), worked on cases involving political detainees and human rights defenders accused of being communists, often targeted for harassment by government agents.
2. On March 24, 2014, during a meeting regarding a political detainee she was defending, Salucon's paralegal, William Bugatti, noticed they were under surveillance, a fact he reported to her.
3. Bugatti was gunned down on the same day he reported the surveillance to Salucon.
4. That evening, a civilian asset for the Philippine National Police (PNP) Intelligence Section informed Salucon about a directive from the PNP to investigate her as a "Red Lawyer."
5. Salucon was reportedly followed by agents from the Intelligence Service of the Armed Forces of the Philippines (ISAFP) and individuals who looked like military or police personnel.
6. Multiple incidences were reported, where unknown individuals or supposed agents made inquiries about Salucon and her whereabouts from her neighbors and people around her office.
7. Salucon's secretary confirmed visits to their law office by individuals claiming to be from CIS-CIDG and military personnel, who inquired about Salucon without stating their purpose.
8. Multiple accounts by Salucon's driver and confidential informants reiterated that individuals who appeared military-like engaged in activities consistent with surveillance.
9. Salucon filed a petition for writs of amparo and habeas data, alleging that these surveillance and intimidating activities suggested preliminary acts leading potentially to her abduction or killing.
10. The Court of Appeals (CA) ruled in favor of Salucon, granting the writs and ordering the military and police officials involved to ensure her safety and to conduct further investigation while providing periodic reports to the court.
11. The officials, including Gen. Bautista and others, denied these allegations and objected to their inclusion based on command responsibility.
12. The CA decision was appealed to the Supreme Court.

Issues:

1. Whether the CA erred in admitting and considering evidence that was largely based on hearsay.
2. Whether the CA properly found sufficient evidence to justify granting the writs of amparo

and habeas data.

3. Whether the hearsay evidence met the substantial evidence requirement.
4. Whether the CA erred in granting the writ of habeas data despite insufficient evidence of the petitioners' possession of data about Salucon.
5. Whether the CA correctly directed the petitioners to exert extraordinary diligence and efforts to investigate Salucon's harassment allegations.

Court's Decision:

1. **\*\*Admissibility and Consideration of Evidence:\*\*** The Court upheld the CA's decision, emphasizing the "totality of evidence" standard in amparo petitions. The unique nature of enforced disappearances and extrajudicial threats demands flexibility in evidence admissibility, including hearsay, if consistent with other evidence.
2. **\*\*Sufficiency of Evidence:\*\*** The Court found Salucon's evidence met the substantial evidence threshold for summary proceedings like amparo petitions. The Court acknowledged that given the nature of the threats, evidence would likely be circumstantial or indirect.
3. **\*\*Hearsay Evidence as Substantial Evidence:\*\*** Accepting hearsay under the context of totality of evidence is essential, particularly in preventing potential extrajudicial actions. The combination of Salucon's affidavits, witness testimonies, and documented harassment incidents sufficed as substantial evidence.
4. **\*\*Writ of Habeas Data:\*\*** The CA's issuance was justified, considering evidence that indicated ongoing surveillance and likely data collection about Salucon. The directive to disclose and possibly destroy such information was to protect her privacy and security.
5. **\*\*Extraordinary Diligence Directive:\*\*** The CA properly directed the officials to undertake efforts to investigate diligently. Section 9 and 17 of the Rule on the Writ of Amparo impose a duty on public officials to exert extraordinary diligence, extending beyond mere procedural compliance.

Doctrine:

- **\*\*Totality of Evidence Standard:\*\*** In amparo proceedings, hearsay and circumstantial evidence can be admissible if consistent with the overall evidence, given the difficulty of proving state-involved harassment and enforced disappearances.
- **\*\*Substantial Evidence Requirement:\*\*** A lower evidentiary threshold applied in amparo cases compared to criminal cases. Substantial evidence is sufficient and not as stringent as

beyond a reasonable doubt.

- **Extraordinary Diligence:** Public officials must show extraordinary diligence in verifying claims and protecting the life, liberty, and security of individuals under threat from the state or its agents.

Class Notes:

- **Writ of Amparo:** A legal remedy to protect constitutional rights in situations of extrajudicial killings and enforced disappearances.

- **Hearsay Evidence:** Generally inadmissible under usual rules but permissible under the amparo rule if it aligns with other consistent evidence.

- **Substantial Evidence:** Defined as relevant evidence a reasonable mind might accept as adequate to support a conclusion in summary proceedings.

- **Extraordinary Diligence:** Required from public officials in amparo cases to investigate and protect threatened individuals against state-initiated threats. This is enshrined in Sections 9 and 17 of the Rule on the Writ of Amparo.

Historical Background:

- **The Writ of Amparo in the Philippines:** Enacted as a protective remedy following increasing cases of enforced disappearances and extrajudicial killings, often involving state actors. It provides mechanisms for protection and accountability, facilitating the right to life, liberty, and security amidst threats purportedly from government forces or related entities. The writ actions are designed to be expeditious, allowing quick court intervention. Salucon's case underscores the judiciary's proactive role in safeguarding human rights advocates, who often become targets in politically sensitive disputes.