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SECOND DIVISION

[G.R. No. L-48825. October 20, 1978]

IN THE MATTER OF PETITION FOR *HABEAS CORPUS* OF AGUSTIN TIBO AND ARNALDO MAYOR. AGUSTIN TIBO, ARNALDO MAYOR, and TRADE UNIONS OF THE PHILIPPINES AND ALLIED SERVICES (TUPAS), *petitioners, vs.* **THE PROVINCIAL COMMANDER, PHILIPPINE CONSTABULARY, CAMP TOLENTINO, BALANGA, BATAAN,** *respondent.*

SYLLABUS

1. REMEDIAL LAW; SPECIAL PROCEEDINGS; *HABEAS CORPUS*; RULE IN CASE OF RESTRAINT OF LIBERTY DUE TO UNION ACTIVITIES; USEFULNESS OF WRIT DURING MARTIAL LAW. — There is need for alertness on the part of military officials to avoid trespassing on the physical freedom of an individual, to which he is entitled even during times of emergency unless his connection with the rebellion be duly shown.

2. ID.; ID.; ID.; CONDITION FOR RELEASE FROM CONFINEMENT; CASE AT BAR. — Where the apparent basis for petitioners' restraint of liberty was their active participation as labor union leaders in a certification election about to be held, their release from confinement conditioned on their restricting their activities as labor union leaders within Manila when voting was to take place in the business firm in Bataan did not signify that they could once again enjoy their full freedom which would call for the dismissal of the application for the writ of *habeas corpus.*

3. ID.; ID.; ID.; ID.; LABOR OFFICIALS TO ASSURE FULFILLMENT OF CONSTITUTIONAL MANDATE ON PROTECTION TO LABOR. — Labor officials should also display the utmost reluctance in minimizing or curtailing the range of activity a union leader may engage in to assure the fulfillment of the pledge in the Constitution, in clear and explicit language, of social justice and protection to labor.

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RESOLUTION

FERNANDO, ***Acting C. J.:***

There was an even greater urgency for immediate action in this application for *habeas corpus* filed by petitioners Agustin Tibo and Arnaldo Mayor[1] not only because of the allegation of utter lack of justification for their detention in Camp Tolentino, Balanga, Bataan,[2] but also because the apparent basis for their restraint of liberty was their active participation as labor union leaders in a certification election about to be held, a matter apparently viewed with great disfavor by groups possessed of sufficient influence, resulting in deprivation of their freedom. It was even more unfortunate that the restraint of liberty would have occurred at a time when the International Law Association was meeting in Manila, with the attention of foreign jurists and academicians focused on the state of human rights in the Philippines during periods of emergency. Accordingly, the petition filed on the afternoon of August 30, 1978 was immediately acted on as shown by this resolution of August 31, 1978: "The Court [issued] the writ of *habeas corpus* returnable to this Court on Thursday, September 7, 1978 at 10:30 a.m. and required the respondent to make a [return] of the writ not later than the aforesaid date and time."[3]

The deplorable character of such restraint must have impressed itself on the consciousness of respondent Provincial Commander of Camp Tolentino, Balanga, Bataan, for on the very next afternoon, September 1, 1978, came this manifestation from petitioners: "1. That on August 31, 1978, Petitioner Agustin Tibo was released from detention by the Military and turned over to the custody of the Deputy Minister of Labor, Amado G. Inciong. 2. That on September 1, 1978, Petitioner and counsel received a copy of the Writ of *Habeas Corpus* addressed to

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[1] Trade Unions of the Philippines and Allied Services joined them as co-petitioner.

[2] Petition, pars. 4 and 5.

[3] Resolution of August 31, 1978.

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the Provincial Commander, Philippine Constabulary, Camp Tolentino, Balanga, Bataan and commanding the latter to appear and produce the body of Agustin Tibo and Arnaldo Mayor before this Court and to make a return of the Writ to be done on September 7, 1978 at 10:30 a.m. at which date and time the parties will be heard. 4. That considering the release of petitioners Agustin Tibo and Arnaldo Mayor from the physical detention by the Provincial Commander of Philippine Constabulary, at Camp Tolentino, Balanga, Bataan, we respectfully submit that the instant petition has now become moot and academic, and for the better interest of all parties, the same should be withdrawn,"[4] The prayer, as could be expected, was for the dismissal of the petition for being moot and academic.

Although the release in the custody of the Deputy Minister did not signify that petitioners could once again enjoy their full freedom, the application could have been dismissed, as it could be withdrawn y the parties themselves. That is a purely voluntary act. When the hearing was held on September 7, 1978, it turned out that counsel for petitioner Bonifacio V. Tupaz could have acted in a hasty manner when he set forth the above allegations in his manifestation of August 30, 1978, for Attorney Jose C. Espinas, who appeared for petitioners, while conceding that there was such a release from confinement, also alleged that it was conditioned on their restricting their activities as labor union leaders to the premises of the Trade Unions of the Philippines and Allied Services, presumably in Manila, as well as the Ministry of Labor. As the voting was to take place in the business firm in Bataan, the limits set would nullify whatever efforts they could have exerted. To that extent, and with the prohibition against their going to Bataan, the restraint on liberty was undeniable. If so, the moot and academic character of the petition was far from clear.

It is to the credit of Solicitor General Estelito P. Mendoza, who appeared for respondent Provincial Commander of Bataan, that he readily saw the point of Attorney Espinas. Such further curtailment of their right to participate in the representation

[4] Urgent Manifestation and Motion to Withdraw dated September 1, 1978.

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election issued in accordance with the letter of Deputy Minister Amado G. Inciong should be withdrawn. Accordingly, on September 7, 1978, came this manifestation from the Office of the Solicitor General informing this Court that Deputy Minister of Labor Inciong had withdrawn his objection and that "petitioners Agustin Tibo and Arnaldo Mayor [would] be forthwith allowed to go to Bataan more specifically at the Bataan Export Processing Zone Authority to enable them to engage in legitimate labor union activities in connection with the alleged certification elections at the Apparel Worldwide Corporation (AWC) and Integrated Shoe, Inc. (ISI), scheduled to be held tomorrow, September 8, 1978."[5]

A resolution dismissing the petition is thus in order. It may not be amiss though to take note that once again, the writ of liberty has shown its usefulness in times of martial law, as the mere application thereof did suffice to point to the officials concerned how bereft of support in law was a detention of this character. As observed by Justice Guillermo S. Santos, a former Judge Advocate General of the Department of National Defense in the course of the hearing, there is need for alertness on the part of military officials to avoid trespassing on the physical freedom of an individual, to which he is entitled even during times of emergency unless his connection with the rebellion be duly shown. It may be stated further that labor officials should also display the utmost reluctance in minimizing or curtailing the range of activity a union leader may engage in to assure the fulfillment of the pledge in the Constitution, in clear and explicit language, of social justice[6] and protection to labor.[7]

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[5] Manifestation dated September 7, 1978. Solicitor General Mendoza was assisted by Assistant Solicitor General Eulogio Raquel-Santos and Solicitor Franklin S. Farolan.

[6] According to Article II, Section 6 of the Constitution: "The State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the States shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits."

[7] According to Article II, Section 9 of the Constitution: "The State shall afford protection to labor, promote full employment and equality in

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WHEREFORE, the petition is dismissed for being moot and academic. No costs.

Barredo (Actg. Chairman), Antonio, Aquino, and *Santos, JJ.*, concur.

Concepcion Jr., J., took no part.

SECOND DIVISION

[G.R. No. L-22469. October 23, 1978]

TOMAS CORPUS, *plaintiff-appellant, vs.* **ADMINISTRATOR and/or EXECUTOR of the Estate of Teodoro R. Yangco, RAFAEL CORPUS, AMALIA CORPUS, JOSE A. V. CORPUS, RAMON L. CORPUS, ENRIQUE J. CORPUS, S. W. STAGG, SOLEDAD ASPRER and CIPRIANO NAVARRO,** *defendants-appellees.*

SYLLABUS

1. CIVIL LAW; SUCCESSION; WILLS; DULY PROBATED WILL FORM PART OF JUDICIAL OR PUBLIC RECORDS; CASE AT BAR. — Appellant's contentions that the probative value of the will of Luis R. Yangco, dated June 14, 1907 which states that Teodoro R. Yangco was his acknowledged natural son, cannot prevail over the presumption of legitimacy found in Section 69, Rule 123 of the old Rules of Court and the statement of Teodoro Yangco's biographer that Luis Yangco had two

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employment, ensure equal work opportunities regardless of sex, race, or creed, and regulate the relations between workers and employers. The State shall assure the rights of workers to self-organization, collective bargaining, security of tenure, and just and humane conditions of work. The State may provide for compulsory arbitration."