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WHEREFORE, the appealed decision is REVERSED and the petitioner is ACQUITTED. No costs.

Abad Santos, Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., and *Paras, JJ.*, concur.

Teehankee, C. J., took no part.

EN BANC

[G.R. No. 68922. July 11, 1986]

IN THE MATTER OF THE APPLICATION FOR A WRIT OF HABEAS CORPUS. FIDEL AGCAOILI, LOURDES AGCAOILI, ALFONSO V. AGCAOILI and ROSARIO AGCAOILI, *petitioners, vs.* **HON. JUAN PONCE ENRILE, Minister of National Defense, GEN. FABIAN C. VER, Chief of Staff of the Armed Forces of the Philippines and Commander of the Command for the Administration of Detainees, GEN. FIDEL V. RAMOS, Commanding General of the Philippine Constabulary, MAJ. GEN. PROSPERO OLIVAS, Commanding General of the Metropolitan Command (METROCOM), COL. JULIANITO MANALO, Camp Commander, Camp Bagong Diwa Detention Center of Detainees, MAJ. JAIME OLIQUIÑO, Gen. Superintendent, PC Metrocom Jail, Bicutan, Taguig, Metro Manila, SPECIAL MILITARY COMMISSION NO. 1, LT. COL. ANIANO DESIERTO, Military Trial Counsel for Special Military Commission No. 1,** *respondents.*

SYLLABUS

1. POLITICAL LAW; HABEAS CORPUS; PRESIDENTIAL DECREE NO. 39, AS AMENDED BY PRESIDENTIAL DECREE NO. 566; EXECUTION OF SENTENCE OF A

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MILITARY COMMISSION REQUIRES APPROVAL OF THE PRESIDENT.— It would appear that despite the fact that AGCAOILI was deemed to have already fully served the prison sentence imposed on him by the Military Commission because the latter credited or considered, as service thereof, the entire period of his preventive confinement, the case could not be deemed terminated in view of the fact that, as stated by the Defense Minister in his indorsement of July 16, 1984, the case was still subject to "the final disposition by the President," after review thereof by the Board of Military Review, OMND, said review being "contingent on conclusion of trial of all his (Agcaoili's) co-accused and transcription of records of the case." The law does indeed so provide. Sub-paragraph c(2), Section 4 of Presidential Decree No. 39, as amended by Presidential Decree No. 566 (eff. October 18, 1974), states that: "(2) No sentence of a military commission shall be executed unless the same is approved and ordered executed by the President of the Philippines. The recommendation of the Chief of Staff, Armed Forces of the Philippines, as Reviewing Authority, along with the record of trial of the case and the opinion of the Board of Review shall be forwarded to the President of the Philippines for final action, through the Secretary of National Defense who shall conduct a thorough and exhaustive review of such record of trial as firm basis for the President's dispositive action. In any case, the President shall have the power to reverse, confirm, increase the penalty imposed, or otherwise modify any decision of the military commission."

2. **ID.; ID.; PETITIONER'S RELEASE RENDERS PETITION MOOT AND ACADEMIC.**— While acknowledging the actuality that "the Commission's judgment is subject to review by the Board of Military Review and by the President of the Philippines," petitioners nonetheless contended "that such review cannot justify the further custody of petitioner Fidel V. Agcaoili." They argued that. "x x x. In the first place, the unusual circumstances prevailing in the present case, more particularly the fact that petitioner Fidel V. Agcaoili had already served the maximum period of the sentence imposed upon him, constitute urgent and compelling reason to complete as soon as possible the review of his case. The review cannot await completion of the trial of his other co-accused as such review, if it would be valid basis of his continued incarceration, would unduly violate his constitutional rights. Secondly, even the

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(Defense) MINISTER himself had taken cognizance of (said facts and recommended) the temporary release of Fidel AGCAOILI." This issue however ceased to be justiciable upon the release of Fidel Agcaoili from military custody on October 24, 1984 by Order of the President dated October 22. His release rendered his petition for *habeas corpus* moot and academic.

TEEHANKEE, *C.J.*, *concurring:*

CONSTITUTIONAL LAW; PRIVILEGE OF THE WRIT OF *HABEAS CORPUS;* SUSPENSION THEREOF REVOKED BY THE ISSUANCE OF PROCLAMATION NUMBER 2.— President Corazon C. Aquino with the people's mandate resolved these critical issues in favor of freedom and the preservation of the citizens' birthright of inalienable basis human rights and dignity. One of her first acts was the issuance of Proclamation No. 2 on March 2, 1986, wherein she proclaimed that "the Filipino people have established a new government bound to the ideals of genuine liberty and freedom for all," and rejected and got rid of the tools of oppression, repression and intimidation, the PDA and the suspension of the privilege of the writ of habeas corpus. She revoked Proclamation Nos. 2045 and 2045-A of the deposed ruler (which suspended the privilege of the writ of *habeas corpus* even for alarms and scandals) and proclaimed the lifting of the suspension thereof "so that this guardian of liberty and freedom may be available to all." The Filipino people's long and anguished cry for abolition of the repressive Presidential detention orders and restoration of the great writ of liberty has finally been heard and fulfilled.

APPEARANCES OF COUNSEL

Cirilo E. Doronilla & Nilo B. Peña for petitioners.
The Solicitor General for respondents.

R E S O L U T I O N

NARVASA, *J.*:

Fidel V. Agcaoili was one of several accused in Criminal Case No. MG-1-92 of Military Commission No. 1 entitled

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"*People vs. Jose Maria Sison, et al.*," involving two (2) crimes of rebellion. The case was subsequently renumbered "SMC-NR-I-1", and reassigned to Special Military Commission No. 1. An Amended Charge Sheet was afterwards filed, reducing the accusation to a single crime of rebellion under Article 134 in relation to Article 125 of the Revised Penal Code.

Agcaoili was arrested on May 12, 1974 by elements of the Philippine Constabulary pursuant to Arrest, Search and Seizure Order (ASSO) No. 3225. He thereafter remained under continuous incarceration in various detention areas, the last being in Camp Bagong Diwa, Bicutan, Taguig, Metro Manila.

After Martial Law was lifted (Proclamation No. 2045), the President of the Philippines issued Letter of Instructions (LOI)No. 1125-A declaring that:

"In every case where no commitment order is issued by the President, the accused under detention may be released on bail in accordance with the provisions of the Constitution and applicable laws."

Agcaoili forthwith filed with the Military Commission an application for bail dated February 13, 1982, invoking said LOI No. 1125-A. Because no action was taken on his bail application, and taking that inaction as a presumed denial thereof, he filed with this Court on April 14, 1984 a petition for *mandamus* to compel the Military Commission, among others, to release him on bail. The case was docketed as G.R. No. L-60190.

On June 8, 1984 the Minister of National Defense wrote to the President, recommending that Fidel Agcaoili be temporarily released on bail without prejudice to the continuation of his trial before the Military Commission. The Minister's communication to the President reads as follows:

"Respectfully forwarded to the President, Malacañang, Metro Manila the herein letter of Mrs. Rosario S. Agcaoili dated February 21, 1984 requesting for the temporary release of her husband, PDC FIDEL V AGCAOILI alleging among other things that her husband has been in detention for more than nine (9) years and nine (9) months for the charge of Rebellion which, at the time of his alleged commission carried only the penalty of from six (6) years minimum to twelve

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(12) years imprisonment; that with the time off for good behavior, her husband would have already served more than his possible sentence were he to be convicted. In addition, Mrs. Agcaoili alleged that more than forty (40) of PDC AGCAOILI's co-accused in the rebellion case have long been granted temporary release or amnesty, including some who face another charge of subversion (only 4 of the accused are now in detention; PDCs Jose Ma. Sison, Victor Corpuz Saturnino Ocampo and subject). Finally, she alleged that the forced separation of subject from his family has been most painful and cruel to their children and with his release, their family can become whole again.

Records reveal that AGCAOILI was arrested on May 12, 1974 at Balicon Subdivision, Calasiao, Pangasinan by elements of 5th CSU by virtue of ASSO No. 3225. He is one of the principal accused in the case of PP *vs.* Jose Ma. Sison and 90 others (M/V Karagatan and M/V Doña Andrea II) for Rebellion which is currently being tried by Special Military Commission No. 1. At the time of his arrest and prior thereto, Agcaoili was the Chairman of the Finance Committee, CPP. He was also a member of the Executive Committee, CPP and he figured prominently in the purchase in Japan of the M/V Karagatan which was used by the CPP/NPA to surreptitiously land military hardware from the Peoples Republic of China at Digoyo Point, Palanan, Isabela, in July 1972 and also of the M/V Doña Andrea II which was used by the CPP/NPA in the 1974 aborted landing of firearms in La Union and Pangasinan.

The Judge Advocate General, AFP commenting on the request for temporary release of Fidel V. Agcaoili filed by Cardinal Sin stated that the maximum penalty imposable for the offense of rebellion at the time when the offense was committed by Agcaoili as provided under Art. 135, RPC was 12 years. Agcaoili has been in detention for 9 years, 9 months and 5 days as of February 17, 1984 (ten years as of this writing), excluding allowance for good conduct. The current policy is to release detainees who have been detained for a period equivalent or longer than the maximum imposable penalty. TJAG, AFP concluded that the release of PDC AGCAOILI may be considered on humanitarian grounds subject to approval of the President.

The Deputy Chief of Staff for Intelligence, J-2, AFP as Director for Security Investigation, CAD, acting on the letter of Cardinal Sin and on the letter of Mrs. Agcaoili stated that for humanitarian considerations and in the context of the national reconciliation policy of the government, SID, CAD interposes no objection to the temporary release of Fidel Agcaoili.

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The Chief of Constabulary, however, through the Assistant Chief of Staff for Intelligence, C-2 objects to herein request for temporary release premised on the absence of any guarantee of subject detainee's having reformed.

The above considered, even with the objection of the Chief of Constabulary, the undersigned feels that provisional liberty for PDC AGCAOILI may be considered for the reasons that being similarly situated as his other co-accused in the rebellion case already released, he should also be given a chance to prove that he too has reformed like his released companions; he being the breadwinner of his family of four growing children, his presence during their formative years is very necessary and therefore should be considered, and finally in the context of the government's policy of national reconciliation and in order to give him a chance like the others who erred against the government but were given the chance to return to the fold of the law and became assets to society.

The temporary release of PDC FIDEL V. AGCAOILI is therefore respectfully recommended without prejudice to continuation of his trial before Special Military Commission No. 1 for Rebellion."

No action was taken on the Defense Minister's recommendation. In the meantime, the trial of Criminal Case No. SMC-NR-I-1 before the Military Commission continued.

On July 5, 1984, after the prosecution has rested its case, Agcaoili waived his right to present evidence, submitted his case for decision and prayed for immediate judgment (independently of his co-accused). The Commission promptly declared petitioner Agcaoili's case submitted for resolution, and after due deliberation, rendered the following sentence:

"In this morning's hearing, Atty. Mariano Marcos, counsel for the accused Fidel Agcaoili, manifested that Fidel Agcaoili is waiving his right to present evidence in his behalf and, therefore, he was submitting his case for immediate partial decision, the Court announced that it will close to consider the case of Fidel Agcaoili in this afternoon's decision.

"After deliberation in closed session, the Court, considering very carefully the massive evidence adduced by the prosecution consisting of the extrajudicial confessions of Fidel Agcaoili, the interlocking confessions of his co-accused, the testimonies in Court of the witnesses

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presented by the prosecution and the voluminous documentary and physical evidence adduced by the prosecution, finds the accused Fidel Agcaoili guilty beyond reasonable doubt:

'of specification 1 and 2 of the charge - *Guilty*

of the charge - *Guilty*'

"Under Article 135 of the Revised Penal Code, the imposable penalty for rebellion is *prision mayor* or imprisonment for six (6) years and 1 day to 12 years, there being no mitigating or aggravating circumstances. The proper penalty is *prision mayor* medium, or 8 years and 1 day to 10 years. He has been under preventive confinement since his capture in May, 1974. Considering the stance continuously exhibited by accused Fidel Agcaoili, *the Court hereby orders that he be credited with full time of his preventive imprisonment.*

"The prosecution is hereby directed to furnish copies of this decision to the convening authority and to the military custodian of accused Fidel Agcaoili for their information.

SO ORDERED, 5 July 1984."

On July 16, 1984, the Minister of Defense indorsed to the President of the Philippines the Report of Result of Trial in Criminal Case No. SMC-NR-I-1. In his indorsement, the Defense Minister reiterated his earlier recommendation for Agcaoili's provisional liberty, this time "pending final disposition of his case by the President" in accordance evidently, with Presidential Decrees Numbered 566 and 1042-A, *infra*. The Minister said:

"The Report of Result of Trial shows that the Court finds Fidel Agcaoili guilty beyond reasonable doubt of both specification 1 and 2 of the charge and the charge itself: that he was sentenced to suffer 8 years and one (1) day to 10 years; and that he is credited with the full time of his preventive detention which date back to his capture on 12 May 1974.

x x x x x x x x x

"It is to be recalled that Fidel Agcaoili was recommended by this Ministry on 08 June 1984 for temporary release for meritorious reasons for having been in detention for ten (10) years which may be already more than the sentence to be imposed on him, and in the context of the government's policy of national reconciliation. This aforementioned Report of Result of Trial confirms this position as Agcaoili would

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have been in detention for ten (10) years and two (2) months as of this writing as compared to the recommended sentence imposed upon him by the trial court of eight (8) years and one (1) day to ten (10) years.

"Pending the final disposition of his case by the President and the review of his case by the Board of Military Review, OMND, which review is contingent on conclusion of trial of all his co-accused and transcription of records of the case, the undersigned respectfully recommends the temporary release of Fidel AGCAOILI having served more than the sentence imposed on him by Special Military Commission No. 1."

But again, the recommendation of the Defense Minister for Agcaoili's temporary release went unheeded.

Upon the foregoing basic facts, a petition for *habeas corpus* was filed with this Court on October 22, 1984 by Fidel Agcaoili, his wife, and his parents. The petition postulated that Agcaoili's continued detention — notwithstanding that the sentence imposed on him by the Military Commission on July 5, 1984 of imprisonment of 8 years and 1 day to 10 years of *prision mayor*, was deemed fully served because the Commission, in the same sentence, had credited him for the entire period of his preventive detention which, as of October 22, 1984, had already lasted for 10 years and 5 months — had "no constitutional warrant and violates his constitutional right to due process and to equal protection of the law, as well as his right to be subjected to cruel or unusual punishment, all of which rights are enshrined in the Bill of Rights of the Constitution" (par. 13-16, petition).

Acting on the petition, the Court *en banc* issued a Resolution dated October 23, 1984 reading as follows:

"G.R. No. 68922 (In the Matter of the Petition for Habeas Corpus of Fidel V. Agcaoili; Fidel V. Agcaoili, Lourdes V. Agcaoili, Alfonso V. Agcaoili and Rosario Agcaoili *v.* Hon. Juan Ponce Enrile, Gen. Fabian C. Ver, Gen. Fidel V. Ramos, Maj. Gen. Prospero Olivas, Col. Julianito Manalo, Maj. Jaime Oliquino, Special Military Commission No. 1 and Lt. Col. Aniano Desierto). — The Court Resolved to ISSUE the Writ of Habeas Corpus: to require the respondents to make a RETURN of the writ on or before 3:00 P.M.

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on Thursday, October 25, 1984 and to HEAR the petition on the same date at 4:00 P.M.

Fernando, *C. J.*, adheres to his separate opinion in *Renato Cañete v. Brig. Gen. PEDRITO DE GUZMAN*, that the action of acquittal is to be fully respected, being impressed with finality and therefore immediately executory, and that once a sentence has been fully served, the person detained must be set free. According to the petition itself: 'Petitioners are cognizant that the [Commission's] judgment is subject to review by the Board of Military Review and by the President of the Philippines.' At this stage, therefore, it may be premature to order his immediate release. At any rate, this Court's action in setting the case for hearing next Thursday will assure that in the shortest possible time, the matter can be definitely resolved.

Teehankee and Abad Santos, *JJ.*, voted to order the immediate release of petitioner Fidel V. Agcaoili since he has been under confinement for over ten (10) years by the military since May, 1974 and thus served already more than the sentence of eight years and 1 day to ten years imposed by the Military Commission for rebellion in its Order of 5 July 1984 which ordered that 'he be credited with full time of his preventive imprisonment.' (Record, p. 6) and respondent Minister Ponce Enrile's 1st endorsement of 16 July 1984 'recommended (his) temporary release having served more than the sentence imposed on him by Special Military Commission No. 1. (Record, p. 57). This is but in consonance with their opinions in the cases of Renato Cañete and Aristides Sarmiento that accused who are acquitted by the courts are entitled to be released forthwith from confinement notwithstanding the issuance of a Presidential Commitment Order against them at the time of their being taken into custody. More so, are convicted persons entitled to their liberty upon full service of their sentence. Concepcion, Jr., J., is on leave of absence."

Shortly before noon on October 25, 1984, the Solicitor General filed, as required, a "Return of the Writ" advising that by order of the President, Fidel Agcaoili had been released from Campo Bagong Diwa Detention Center on October 24, 1984, and praying that in consequence the "petition be dismissed on ground of mootness." According to the Solicitor General.

"x x x On October 22, 1984 the President of the Philippines, acting as review authority, approved and ordered executed the penalty of *prision mayor* medium or a prison term of 8 years and 1 day to 10

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years imposed upon petitioner by Special Military Commission No. 1 in Criminal Case No. SMC-NR-I-1. And adopting the Military Commission's ruling crediting petitioner the entire period of his detention which now exceeds 10 years, the President likewise ordered the release of petitioner. x x x"

In the afternoon of that same day, October 25, 1984, the petition was heard as scheduled. What transpired at the hearing is succinctly recited in the Resolution promulgated on that day, to wit:

"The return of the writ of Habeas Corpus filed by the Solicitor General for respondents, is NOTED.

When the case was called for hearing, Atty. Cirilo E. Doronila appeared for the petitioners. Counsel for public respondents were not yet in Court as the hearing was scheduled at 4:00 P.M. Atty. Doronila confirmed the allegation in the return of the writ that detainee Fidel V. Agcaoili had already been released. Atty. Alfonso Agcaoili, father of the detainee, and the detainee himself answered the questions regarding the circumstances of the detainee's release and the proceedings before the Military Commission, respectively. Atty. Agcaoili extended to the Court the appreciation of his family for the resolution dated October 23, 1984 which contained the brief opinions of Fernando, *C.J.*, and Teehankee and Abad Santos, *JJ.* ATTY. Doronila submitted a copy of the release order of President Ferdinand E. Marcos dated October 22, 1984. At 4:00 P.M., Assistant Solicitor General Zoilo Andin and Solicitor Roberto Abad arrived and the Court continued the hearing. Assistant Solicitor General Andin and Solicitor Abad answered the questions regarding the procedure before the Military Commission, the period of appeal, the body to which the appeal may be brought and whether the penalty may be increased in the appeal. The Court Resolved to require counsel for public respondents to submit as soon as possible copies of P.D. Nos. 566 and 1042-A. Thereafter, the case shall be considered SUBMITTED for resolution."

It would appear that despite the fact that AGCAOILI was deemed to have already fully served the prison sentence imposed on him by the Military Commission because the latter credited or considered, as service thereof, the entire period of his preventive confinement, the case could not be deemed terminated in view of the fact that, as stated by the Defense Minister in his indorsement of July 16, 1984, the case was still subject to "the final disposition by the President,"

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after review thereof by the Board of Military Review, OMND, said review being "contingent on conclusion of trial of all his (Agcaoili's) co-accused and transcription of records of the case."

The law does indeed so provide. Sub-paragraph c(2), Section 4 of Presidential Decree No. 39, as amended by Presidential Decree No. 566 (eff. October 18, 1974), states that:

"(2) No sentence of a military commission shall be executed unless the same is approved and ordered executed by the President of the Philippines. The recommendation of the Chief of Staff, Armed Forces of the Philippines, as Reviewing Authority, along with the record of trial of the case and the opinion of the Board of Review shall be forwarded to the President of the Philippines for final action, through the Secretary of National Defense who shall conduct a thorough and exhaustive review of such record of trial as firm basis for the President's dispositive action. In any case, the President shall have the power to reverse, confirm, increase the penalty imposed, or otherwise modify any decision of the military commission."[1]

While acknowledging the actuality that "the Commission's judgment is subject to review by the Board of Military Review and by the President of the Philippines" (par. [g], p. 23, petition), petitioners nonetheless contended "that such review cannot justify the further custody of petitioner Fidel V. Agcaoili." They argued that.

"x x x. In the first place, the unusual circumstances prevailing in the present case, more particularly the fact that petitioner Fidel V. Agcaoili had already served the maximum period of the sentence imposed upon him, constitute urgent and compelling reason to complete as soon as possible the review of his case. The review cannot await completion of the trial of his other co accused as such review, if it would be valid basis of his continued incarceration, would unduly violate his constitutional rights. Secondly, even the (Defense) MINISTER himself had taken cognizance of (said facts and recommended) the temporary release of Fidel AGCAOILI" (pp. 23-24, petition).

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[1] The appellate review procedures are governed by Presidential Decree No. 1042-A (eff. October 27, 1976).

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This issue however ceased to be justiciable upon the release of Fidel Agcaoili from military custody on October 24, 1984 by Order of the President dated October 22. His release rendered his petition for habeas corpus moot and academic.

WHEREFORE, the petition is dismissed with costs *de oficio*.

SO ORDERED.

Abad Santos, Feria, Yap, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, and *Paras, JJ.*, concur.

Teehankee, C.J., see concurring opinion.

Fernan, J., no part.

TEEHANKEE, *C.J., concurring*:

The main Resolution faithfully depicts the ordeal and travails of citizens under the deposed regime, whereby notwithstanding the lifting of martial law under Proclamation No. 2045 dated January 17, 1981, any person could be ordered detained indefinitely without charges with the issuance by the then President of a Presidential Commitment Order (PCO) or its successor, the Preventive Detention Action (PDA), and yet have no recourse to the courts with the suspension of the privilege of the writ of *habeas corpus* for alleged offenses against national security, which effectively stifled the basic constitutional rights and freedoms of our people.

The then majority of the Court in the *habeas corpus* case of *Dr. Aurora Parong, et al.* (121 SCRA 472) upheld the PCO as an indefinite detention order that no citizen could question thru a petition of the great writ of habeas corpus and that no court could override. It further held that "on the occasion of the grave emergencies dealt with by the President under the Commander-in-Chief clause, 'The President takes absolute command, for the very life of the nation and its government, which, incidentally, includes the courts, is in grave peril. In so doing, the President is answerable only to his conscience, the people and to God. For their part, in giving him the supreme mandate as their President, the people can only trust and pray that, giving him their own loyalty with utmost patriotism, the President will not fail them." This fueled the regime's hardline stand that the

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PCO or PDA was superior to the Court's orders for release or judgments of acquittal. The regime held that even if a convicted person, like petitioner, had fully served the sentence imposed on him, he still could not be set free unless the PCO or PDA against him was lifted. (See *Toyoto vs. Hon. Fidel V. Ramos*, 139 SCRA 316 [1985]). Dr. Parong and her co-detainees were temporarily released under house arrest after long periods of detention, reaching almost 3 years in the case of some six companions of hers. The majority decision raised a great outcry for the abolition of the PCO and restoring the privilege of the writ of habeas corpus. This resulted in a palliative in the form of the issuance of another Presidential Decree replacing the PCO with the PDA but generally with the same oppressive effects.

But their motion for reconsideration of the majority decision and reiterating their challenge of the validity of such peremptory presidential detention orders as rendering nugatory the Bill of Rights and subordinating the courts and their decision and orders to the unchecked will of one man was left unresolved. The majority in its Resolution of July 19, 1985 declared their petition for habeas corpus as having become moot and academic with their temporary release from detention. In maintaining my dissent, I stated that the critical issues raised in the motion for reconsideration would have to await determination in other pending appropriate cases awaiting the Court's resolution.

I write this concurrence to record and celebrate the historical fact that with the true will of the people expressed against all odds in the February 7, 1986 snap elections and the four glorious days of bloodless revolution from February 22nd to February 25th, which saw the deposed President and his family flee the country in the darkness of the night of February 25th and the installation of the new government headed by the seventh President and first woman President of the Republic, Corazon C. Aquino, and her Vice-President Salvador H. Laurel, it is now unnecessary to await the resolution of these critical issues in "pending appropriate cases." President Corazon C. Aquino with the people's mandate resolved these critical issues in favor

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of freedom and the preservation of the citizens' birthright of inalienable basic human rights and dignity. One of her first acts was the issuance of Proclamation No. 2 on March 2, 1986, wherein she proclaimed that "the Filipino people have established a new government bound to the ideals of genuine liberty and freedom for all," and rejected and got rid of the tools of oppression, repression and intimidation, the PDA and the suspension of the privilege of the writ of habeas corpus. She revoked Proclamation Nos. 2045 and 2045-A of the deposed ruler (which suspended the privilege of the writ of habeas corpus even for alarms and scandals) and proclaimed the lifting of the suspension thereof "so that this guardian of liberty and freedom may be available to all." The Filipino people's long and anguished cry for abolition of the repressive Presidential detention orders and restoration of the great writ of liberty has finally been heard and fulfilled.

EN BANC

[G.R. No. 73155. July 11, 1986]

PATRICIO TAN, FELIX FERRER, JUAN M. HAGAD, SERGIO HILADO, VIRGILIO GASTON, CONCHITA MINAYA, TERESITA ESTACIO, DESIDERIO DEFERIA, ROMEO GAMBOA, ALBERTO LACSON, FE HOFILENA, EMILY JISON, NIEVES LOPEZ AND CECILIA MAGSAYSAY, *petitioners, vs.* **THE COMMISSION ON ELECTIONS and THE PROVINCIAL TREASURER OF NEGROS OCCIDENTAL,** *respondents.*

SYLLABUS

1. **CONSTITUTIONAL LAW; LOCAL GOVERNMENT; CREATION OF PROVINCES; REQUIREMENTS.**— It can