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[G.R. No. L-49014. April 30, 1979]

In the Matter of the Petition for *Habeas Corpus* in behalf of ANDERSON BELTRAN and DEMETRIO RIVERA, MARIA BELTRAN and PRUDENCIA RIVERA, *petitioners, vs.* **P.C. CAPTAIN ROLANDO GARCIA,** *respondents.*

SYLLABUS

1. **CONSTITUTIONAL LAW; BILL OF RIGHTS; RIGHT TO LIBERTY; WRIT OF *HABEAS CORPUS*; BASIC AIM THEREOF.** — The basic aim and intent that inform this great writ of liberty, in the apt language of Justice Malcolm in the landmark case of *Villavicencio v. Lukban,* 93 Phil 778, "is to inquire into all manner of involuntary restraint as distinguished from voluntary and to relieve a person therefrom if such restraint is illegal. Any restraint which will preclude freedom of action is sufficient." This it could accomplish, for as emphatically stressed by Justice Holmes in *Frank v. Mangum*, 237 US 309, 346 (1915) it "cuts through all forms and goes to the very tissue of the structure."

2. **ID.; ID.; ID.; ID.; RESTRAINT OF LIBERTY DUE TO INEFFICIENCY OR INATTENTION TO DUTY OF PUBLIC OFFICIALS; CASE AT BAR.** — The detention of petitioners on September 21, 1978 without any criminal charges, the release of petitioner Rivera, the driver of the vehicle allegedly used to carry on the smuggling activities on Oct. 8 and the filing of the information on November 3 only after the petition was filed on October 2, 1978 is another instance of the irregular practice of persons being restrained of their liberty prior to the filing of any charge or even in the absence of any justification for such detention. There is no unfairness then in characterizing the release of Rivera and the filing of an information against Beltran as due to the filing of the application with the Supreme Court for the writ of *habeas corpus*. Were it not for this circumstance, it is not unreasonable to conclude that the officials concerned would not have been prodded into action. It certainly does not speak well of officialdom, whether civilian or military,

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if a person deprived of his liberty had to go to court before his rights are respected. The good name of the Administration is jeopardized, without any fault on its part, by such inefficiency or inattention to duty. Every precaution should be taken against its repetition. Otherwise, the parties responsible for this state of affairs would justly lay themselves open to the accusation that the greatest danger to constitutional rights comes from public officials, men of zeal, concededly well-meaning, but without sufficient understanding of the implications of the rule of law.

APPEARANCES OF COUNSEL

Buena B. Zamar for petitioners.

Solicitor General Estelito P. Mendoza, Assistant Solicitor General Eulogio Raquel-Santos and *Solicitor Tomas M. Dilig* for respondent.

D E C I S I O N

FERNANDO, *Acting C.J.*:

This application for the writ of *habeas corpus* was filed by Maria Beltran and Prudencia Rivera on behalf of Anderson Beltran and Demetrio Rivera, alleged to be "actually imprisoned and arbitrarily restrained of their liberty" by respondent Rolando Garcia, a Captain in the Philippine Constabulary, they being taken to the military stockade of the 164th P. C. Company.[1] The application likewise set forth the fact that no criminal complaint had been filed against the aforesaid individuals and that they were not informed either of any charge or charges lodged against them.[2] Accordingly. the plea was for the immediate restoration of their liberty and discharge from confinement as their detention was "without any legal authority."[3] On October

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[1] Petition, pars. 2 and 3.

[2] *Ibid*, par. 3.

[3] *Ibid*, par. 5 and Petitory part.

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3, 1978, this Court issued the following resolution: "The Court [issued] the writ of *habeas corpus* returnable to this Court not later than Wednesday, October 11, 1978 and to [set] the hearing of this case for Thursday, October 12, 1978 at 3:00 o'clock in the afternoon."[4]

On October 11, 1978, a return was filed by Solicitor General Estelito P. Mendoza.[5] It is worded thus: "1. As alleged in paragraph 3 of the Petition, Anderson Beltran and Demetrio Rivera were, on September 21, 1978, apprehended by Armed Forces Police Unit, U.S. Naval Base, Subic Bay, and were thereafter turned over and detained at the INP Integrated Jail, Olongapo Metropolitan District Command, Olongapo City, pursuant to ASSO No. 4597 dated September 20, 1978, ***; 2. Said Anderson Beltran was apprehended and detained for the offenses of smuggling (violation of Secs. 3601 and 3602 of the Revised Tariff and Customs Code) through falsification of public documents (violation of Art. 172 of the Revised Penal Code) which offenses have the effect of undermining public order within the contemplation of Section 3, General Order No. 60, dated June 24, 1977; 3. Demetrio Rivera has already been released from detention on October 8, 1978 as shown in the Certificate of Release dated October 6, 1978 ***, while Anderson Beltran is still under detention at the INP Integrated Jail, Olongapo Metropolitan District Command, at Olongapo City for criminal prosecution of the offenses aforementioned; 4. The imprisonment of Anderson Beltran is with legal authority; hence, the filing of the instant petition for *habeas corpus* is without legal basis."[6]

At the hearing on October 12, 1978, the persons detained appeared before the Court. The release of Demetrio Rivera from confinement was admitted. Hence, as to him, the petition

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[4] Resolution dated October 3, 1978.

[5] He was assisted by Assistant Solicitor General Eulogio Raquel-Santos and Solicitor Tomas M. Dilig.

[6] Return of the Writ, pars. 1-4.

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had become moot and academic.[7] A motion was filed on behalf of the other detained individual, Anderson Beltran, for his provisional release on the personal recognizance of his counsel, Attorney Buena B. Zamar. In a manifestation filed by respondent on October 21, 1978, it was shown that the detainee Beltran, was charged with the offense of smuggling under the Revised Tariff and Customs Code through falsification of public documents. Accordingly, the plea was for the denial of the motion for provisional release.

In the memorandum of petitioners filed on October 25, 1978, the detention of Anderson Beltran was challenged, the genuineness and authenticity of the arrest and seizure order being put in issue, with his counsel alleging that unfortunately he was not in a position to supply the needed documents. Accordingly, he did pray that respondent be made to furnish certain documents. Such memorandum likewise sought the release of Anderson Beltran "from custody of respondent in order to afford him the chance to save his hungry family of 7 children who are now in the brink of disastrous hunger and have to live under mercy of good neighbors feeding them to survive."[8] This Court, in a resolution of November 7, sought the comment of the Solicitor General on such request. He did so on December 11, 1978, refuting the allegations of petitioners' counsel. That aspect of the case need not be further inquired into, however, in view of this development.

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[7] *Herrera v. Ponce Enrile*, L-50181, February 25, 1975, 62SCRA 547, the opinion citing *Tan Me Nio v. Collector of Customs*, 34 Phil. 944 (1916); *Zagala v. Ilustre*, 48 Phil. 282 (1925); *Gonzales v. Viola*, 61 Phil. 824 (1935); *Lino v. Fugoso*, 77 Phil. 933 (1947); *Camasura v. Provost Marshall*, 78 Phil. 142 (1947); *Vivo v. Morfe*, L-24510, Dec. 18, 1967, 21 SCRA 1309; *Aquino v, Ponce Enrile*, L-35546, Sept. 17, 1974, 59 SCRA 183. After the Herrera decision came *Gonzaga v. Tangonan*, L-40970, August 21, 1975, 66 SCRA 216; *Reyes v. Ramos*, L-40027, January 29, 1976, 69 SCRA 153; and *Kintanar v. Amor*, L-42975, March 15, 1976, 70 SCRA 61. In all three cases, the release of the persons detained resulted in the petition becoming moot and academic.

[8] Petitioners' Memorandum, 7-8.

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The memorandum of respondent speaks for itself: "On October 12, 1978, complaints for estafa and falsification of public documents and violation of Section 3601 of the Tariff and Customs Code, docketed as IS No. 1972-78, were filed against Anderson Beltran with the City Fiscal's Office of Olongapo City. On October 19, 1978, a complaint for violation of Arts. 167, 168 and 172 of the Revised Penal Code, docketed as IS No. 78-1820, was filed against Anderson Beltran with the Angeles City Fiscal's Office. During the preliminary investigation conducted by the Olongapo City Fiscal's Office on October 26, 1978 in connection with IS No. 1972-78, Anderson Beltran executed a waiver of his right under Article 125 of the Revised Penal Code, ***. By his said waiver, Beltran in effect admitted the legality of his detention and has rendered the instant petition for *habeas corpus* moot and academic. On November 3, 1978, an information for falsification of private document was filed against Anderson Beltran with the Court of First Instance of Zambales (Olongapo Branch I) and there docketed as Criminal Case No. 3910.*** On the same day the court issued an order for the issuance of a warrant of arrest against Anderson Beltran,***. In addition, the Court issued a commitment order dated November 3, 1978 directing the Commanding officer of IRECAD Detention Center, Camp Olivas, San Fernando, Pampanga, to keep Anderson Beltran in his custody as detention prisoner subject to the order of the court. *** Presently, Anderson Beltran is being detained at the IRECAD Detention Center, Camp Olivas, San Fernando, Pampanga, pursuant to the commitment order of the Court of First Instance of Zambales (Olongapo Branch I). By virtue of the commitment order of the court, the custody of Anderson Beltran has in legal contemplation been transferred from the military to the civilian authority (*Lansang vs. Garcia*, 42 SCRA 448, 493 (1971)). As Beltran's detention is now by virtue of a judicial order, his petition for *habeas corpus* should be deemed to have been rendered moot and academic."[9]

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[9] Memorandum for Respondent, 9-11. The memorandum for respondent submitted as Annex 5 the information in Criminal Case No. 3910 for

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Such an appraisal of the situation by Solicitor General Mendoza is impressed with validity. This excerpt from *Cruz v. Montoya*,[10] finds relevance: "It would appear therefore that the writ had served its purpose and whatever illegality might have originally infested his detention had been cured. In that sense, his petition has become academic. What is undeniable is that the ordinary civil process of the law is now being followed. The grievance complained of therefore no longer exists. What is more, there is adherence to the basic aim and intent that inform this great writ of liberty which, in the apt language of Justice Malcolm in the landmark case of *Villavicencio v. Lukban*, "is to inquire into all manner of involuntary restraint as distinguished from voluntary and to relieve a person therefrom if such restraint is illegal. Any restrain which will preclude freedom of action is sufficient.' This it could accomplish, for as emphatically stressed by Justice Holmes, it "cuts through all forms and goes to the very tissue of the structure.'"[11] Such a doctrine was affirmed in the two subsequent cases of *De la Plata v. Escorcha*[12] and *Cañas v. Director of Prisons*.[13]

One last word. It was on September 21, 1978 that Beltran and Rivera were detained without any criminal charge against them.[14] The petition was filed on October 2, 1978. Rivera, the driver of the vehicle allegedly used by Beltran to carry on his smuggling activities, was not released until October 8, 1978.[15]

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falsification of a private document against Anderson Beltran, and as Annex 6 the order of Judge Regino T. Veridiano of November 3, 1978 fixing the bail at ₱12,000.00 as well as Annex 7, the commitment order.

[10] L-39823, February 25, 1975, 62 SCRA 543.

[11] *Ibid*, 546. *Villavicencio v. Lukban*, decided in 1919, is reported in 93 Phil. 778. The excerpt from Justice Holmes comes from *Frank v. Mangum*, 237 US 309, 346 (1915).

[12] L-46367, August 1, 1977, 78 SCRA 208.

[13] L-41557, August 18, 1977, 78 SCRA 271.

[14] Petition, par. 3.

[15] Return of the Writ, par. 3.

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In the case of Beltran, the information was not filed until November 3, 1978.[16] This is another instance then of the practice, irregular, to say the least, of persons being restrained of their liberty prior to the filing of any charge or even in the absence of any justification for such detention. There is no unfairness then in characterizing the release of Rivera and the filing of an information against Beltran as due to the filing of the application with this Tribunal for the writ of *habeas corpus*. Were it not for this circumstance, it is not unreasonable to conclude that the officials concerned would not have been prodded into action. It certainly does not speak well of officialdom, whether civilian or military, if a person deprived of his liberty had to go to court before his rights are respected. The good name of the Administration is jeopardized, without any fault on its part, by such inefficiency or inattention to duty. Every precaution should be taken against its repetition. Otherwise, the parties responsible for this state of affairs would justly lay themselves open to the accusation that the greatest danger to constitutional rights comes from public officials, men of zeal, concededly well-meaning, but without sufficient understanding of the implications of the rule of law.

WHEREFORE, the petition is dismissed in the case of Rivera for being moot and academic and in the case of Beltran, because of his commitment being due to a lawful order by a court of justice.

Aquino, Concepcion Jr., Santos, Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

Teehankee, J., took no part.

Makasiar and *Antonio, JJ.*, concurs in the result.

Barredo and *Abad Santos, JJ.*, on leave.

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[16] Memorandum of Respondent, Annex 5.