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EN BANC

[G.R. No. L-44800. April 13, 1978]

MIGUEL A. ANAS, *petitioner, vs.* **Hon. JUAN PONCE ENRILE, in his capacity as Secretary of National Defense, GEN. ROMEO C. ESPINO, in his capacity as Chief of Staff, AFP Reviewing Authority, and MAJOR GEN. FIDEL V. RAMOS, in his capacity as Chief of the Philippine Constabulary and Commander of the Command for the Administration of Detainees,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL PROCEEDINGS; *HABEAS CORPUS*; SHALL BE DISMISSED IF PETITIONER IS NO LONGER DETAINED.— Petitioner admittedly being no longer detained, a moot and academic aspect had been imparted to this proceeding. So it has been from *Tan Me Nio v. Collector of Customs*, promulgated in 1916 to *Malolos v. Ramos*, the latest case in point, decided last year. This petition for the writ of *habeas corpus* is dismissed for being moot and academic.

APPEARANCES OF COUNSEL

Miguel A. Anas in his own behalf.

Acting Solicitor General Hugo E. Gutierrez, Jr., Assistant Solicitor General Nathanael P. de Pano, Jr. and *Trial Attorney Blesila Q. Quintillan* for respondents.

D E C I S I O N

FERNANDO, *J.*:

This petition for the writ of *habeas corpus* filed by Miguel A. Anas on October 1, 1976, then under detention in the New Bilibid Prison, Muntinlupa, Metro Manila, allegedly upon orders of respondent Juan Ponce Enrile, Secretary of National Defense, directed to respondent Major General Fidel V. Ramos, as Chief

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of the Constabulary, based on a decision of Military Commission No. 17 constituted by respondent Chief of Staff, General Romeo C. Espino, assailed the jurisdiction of such military tribunal, alleging that the sentence imposed on him did not clearly and distinctly state the facts and law on which it was based and that prior to its being final and executory, he should not have been confined.[1] It was also alleged that even on the assumption that the sentence was valid, he had been deprived of his liberty for a longer period than that allowed by the Indeterminate Sentence Law, which in his opinion should have been applied as he was prosecuted under Article 177.[2] The last jurisdictional question raised was that the delay in the final disposition of the court martial proceeding against him by the reviewing authority had rendered his detention illegal. The return submitted on behalf of Respondents alleged that petitioner was validly charged of "Usurpation of Authority or Official Function" under Article 177 of the Revised Penal Code and thereafter he was duly tried and that he was found guilty of the crime charged and sentenced him to suffer six (6) years and one (1) day as minimum to seven (7) years and four (4) months as maximum in conformity with the provisions of Presidential Decree No. 39. His confinement was not therefore tainted by illegality.

The petition was heard on October 21, 1976, petitioner appearing and arguing in his own behalf with Respondents being represented by Assistant Solicitor General Nathanael P. de Pano, Jr. and Trial Attorney Blesila O. Quintillan. After the hearing, both parties were given twenty days within which to file their simultaneous memoranda. Respondents filed their memorandum on November 10, 1976, with petitioner filing a pleading entitled by him "Reply to Return of Respondents" on November 2, 1976. Then came on November 19, 1976 this Manifestation from Respondents: "In the course of the hearing of this case before the Court *en banc* on October 21, 1976, the undersigned counsel committed themselves to request the

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[1] Petition, pars. 1-6.

[2] *Ibid.*, par. 7.

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Secretary of National Defense: (a) to cause the transfer of petitioner Miguel Anas from his confinement in Muntinlupa to some other place, such as Camp Bonifacio or Camp Aguinaldo; and (b) to cause the petitioner's immediate release, even temporary in nature, pending final determination of his appeal to the President. After the above hearing, counsel immediately wrote the Secretary of National Defense making the above requests. On November 17, 1976, the Secretary of National Defense issued a Memorandum addressed to the Chief Constabulary, who is concurrently in charge of the Command for the Administration of Detainees, directing the latter to effect the petitioner's immediate temporary release for humanitarian considerations, pending the final review of his case. * * * Appropriate steps have been taken in order to expedite the review of the petitioner's case now before the Office of the Secretary of National Defense.[3] Subsequently, Respondents, on December 7, 1976, submitted this other Manifestation: "1. In our Manifestation dated November 18, 1976, we informed this Honorable Court that the Secretary of National Defense had directed the immediate temporary release of Miguel Anas on November 17, 1976. Pursuant thereto, the Chief of Constabulary issued an Order, for his temporary release, directed to the Director, New Bilibid Prisons. 2. In a letter dated December 4, 1976, Victoriano Totaan, Penal Superintendent II of the Bureau of Prisons informed the Secretary of Justice that: a. The Bureau of Prisons received the order of the Chief of Constabulary directing the release of the petitioner Miguel Anas on November 23, 1976; b. They prepared the petitioner's discharge papers in compliance with the above release order; c. The petitioner was not immediately released because his prison record showed that he was being held in connection with two other criminal cases filed against him in the Court of First Instance of Iloilo, Branch II, docketed as Criminal Cases Nos. 2630 and 2631; d. On November 27, 1976, when Miguel Anas was turned over to the Court of First Instance of Iloilo City, it was finally confirmed that he is bonded in the said criminal cases filed against him;

[3] Manifestation of November 18, 1976, 1-2.

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e. Consequently, Miguel Anas was left by his escort guards in Iloilo City."[4]

Petitioner admittedly being no longer detained, a moot and academic aspect had been imparted to this proceeding. So it has been from *Tan Me Nio v. Collector of Customs*,[5] promulgated in 1916 to *Malolos v. Ramos*,[6] the latest case in point, decided last year.

WHEREFORE, this petition for the writ of *habeas corpus* is dismissed for being moot and academic.

Castro C.J., Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, Concepcion Jr., Fernandez, and *Guerrero, JJ.*, concur.

Teehankee, J., on leave.

Santos, J., took no part.

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[4] Manifestation of November 26, 1976.

[5] 34 Phil. 944.

[6] L-46520, August 16, 1977, 78 SCRA 238. The other cases reiterating such a doctrine follow: *Zagala v. Ilustre*, 48 Phil. 282 (1925); *Gonzales vs. Viola*, 61 Phil. 824 (1935); *Lino v. Fugoso*, 77 Phil. 933 (1927); *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; *In re Maximo Pamplona*, L-40879, July 25, 1975, 65 SCRA 477; *Cayaga v. Tangonan*, L-40970, Aug. 21, 1975, 66 SCRA 216; *Reyes v. Ramos*, L-40027, Jan. 29, 1976, 69 SCRA 153; *Kintanar v. Amor*, L-42975, March 15, 1976, 70 SCRA 61.