

EN BANC

[G.R. No. 182165, November 25, 2009]

P/SUPT. FELIXBERTO CASTILLO, POLICE OFFICERS ROMEO BAGTAS, RUPERTO BORLONGAN, EDMUNDO DIONISIO, RONNIE MORALES, ARNOLD TRIA, AND GILBERTO PUNZALAN, ENGR. RICASOL P. MILLAN, ENGR. REDENTOR S. DELA CRUZ, MR. ANASTACIO L. BORLONGAN, MR. ARTEMIO ESGUERRA, "TISOY," AND JOHN DOES, PETITIONERS, VS. DR. AMANDA T. CRUZ, NIXON T. CRUZ, AND FERDINAND T. CRUZ, RESPONDENTS.

D E C I S I O N

CARPIO MORALES, J.:

Petitioners^[1], employees and members of the local police force of the City Government of Malolos, challenge the March 28, 2008 Decision of the Regional Trial Court (RTC) of Malolos, Branch 10 in a petition for issuance of writs of *amparo* and *habeas data* instituted by respondents.

The factual antecedents.

Respondent Amanda Cruz (Amanda) who, along with her husband Francisco G. Cruz (Spouses Cruz), leased a parcel of land situated at Barrio Guinhawa, Malolos (the property), refused to vacate the property, despite demands by the lessor Provincial Government of Bulacan (the Province) which intended to utilize it for local projects.

The Province thus filed a complaint for unlawful detainer against the Spouses Cruz before the then Municipal Trial Court (MTC) of Bulacan, Bulacan.

By Decision of September 5, 1997, the MTC rendered judgment against the Spouses Cruz, which judgment, following its affirmance by the RTC, became final and executory.

The finality of the decision in the ejectment case notwithstanding, the spouses Cruz refused to vacate the property. They thereupon filed cases against the Province^[2] and the judges who presided over the case.^[3] Those cases were dismissed *except* their petition for annulment of judgment lodged before Branch 18 of the RTC of Malolos, and a civil case for **injunction** 833-M-2004 lodged before Branch 10 of the same RTC Malolos.

The Spouses Cruz sought in the case for injunction the issuance of a permanent writ of injunction to prevent the execution of the final and executory judgment against them.

By Order of July 19, 2005, the RTC, finding merit in the Spouses Cruzes' allegation that subsequent events changed the situation of the parties to justify a suspension

of the execution of the final and executory judgment, issued a permanent writ of injunction, the dispositive portion of which reads:

WHEREFORE, the foregoing petitioners' Motion for Reconsideration of the Order dated August 10, 2004 is hereby **GRANTED**. Order dated August 10, 2004 is hereby **RECONSIDERED** and **SET ASIDE**. Further, the verified petition dated November 05, 2002 are hereby **REINSTATED** and **MADE PERMANENT** until the MTC-Bulacan, Bulacan finally resolves the pending motions of petitioners with the same determines the metes and bounds of 400 sq. meters leased premises subject matter of this case with immediate dispatch. Accordingly, **REMAND** the determination of the issues raised by the petitioners on the issued writ of demolition to the MTC of Bulacan, Bulacan.

SO ORDERED.^[4] (Emphasis in the original; underscoring supplied)

Finding that the *fallo* of the RTC July 19, 2005 Order treats, as a suspensive condition for the lifting of the permanent injunction, the determination of the boundaries of the property, the Province returned the issue for the consideration of the MTC. In a Geodetic Engineer's Report submitted to the MTC on August 31, 2007, the metes and bounds of the property were indicated.

The MTC, by Order of January 2, 2008, approved the Report and ruled that the permanent injunction which the RTC issued is ineffective. On motion of the Province, the MTC, by Order of January 21, 2008, thus issued a Second Alias Writ of Demolition.

On receiving notice of the January 2, 2008 MTC Order, the Spouses Cruz filed a motion before Branch 10 of the RTC for the issuance of a temporary restraining order (TRO) which it set for hearing on January 25, 2008 on which date, however, the demolition had, earlier in the day, been implemented. Such notwithstanding, the RTC issued a TRO.^[5] The Spouses Cruz, along with their sons-respondents Nixon and Ferdinand, thereupon entered the property, placed several container vans and purportedly represented themselves as owners of the property which was for lease.

On February 21, 2008, petitioners Police Superintendent Felixberto Castillo et al., who were deployed by the City Mayor in compliance with a memorandum issued by Governor Joselito R. Mendoza instructing him to "protect, secure and maintain the **possession of the property**," entered the property.

Amanda and her co-respondents refused to turn over the property, however. Insisting that the RTC July 19, 2005 Order of Permanent Injunction enjoined the Province from repossessing it, they shoved petitioners, forcing the latter to arrest them and cause their indictment for direct assault, trespassing and other forms of light threats.

Respondents later filed on March 3, 2008 a "Respectful Motion-Petition for Writ of Amparo and Habeas Data," docketed as **Special Civil Action No. 53-M-2008**, which was coincidentally raffled to Branch 10 of the RTC Malolos.

Respondents averred that despite the Permanent Injunction, petitioners unlawfully entered the property with the use of heavy equipment, tore down the barbed wire

fences and tents,^[6] and arrested them when they resisted petitioners' entry; and that as early as in the evening of February 20, 2008, members of the Philippine National Police had already camped in front of the property.

On the basis of respondents' allegations in their petition and the supporting affidavits, the RTC, by Order of March 4, 2008, issued writs of *amparo* and *habeas data*.^[7]

The RTC, crediting respondents' version in this wise:

Petitioners have shown by preponderant evidence that the facts and circumstances of the alleged offenses examined into on Writs of Amparo and Habeas Data that there have been an on-going hearings on the verified Petition for Contempt, docketed as Special Proceedings No. 306-M-2006, before this Court for alleged violation by the respondents of the Preliminary Injunction Order dated July 16, 2005 [*sic*] in Sp. Civil Action No. 833-M-2002, hearings were held on January 25, 2008, February 12 and 19, 2008, where the respondents prayed for an April 22, 2008 continuance, however, in the pitch darkness of February 20, 2008, police officers, some personnel from the Engineering department, and some civilians proceeded purposely to the Pinoy Compound, converged therein and with continuing threats of bodily harm and danger and stone-throwing of the roofs of the homes thereat from voices around its premises, on a pretext of an ordinary police operation when interviewed [*sic*] by the media then present, but at 8:00 a.m. to late in the afternoon of February 21, 2008, zoomed in on the petitioners, subjecting them to bodily harm, mental torture, degradation, and the debasement of a human being, reminiscent of the martial law police brutality, sending chill in any ordinary citizen,^[8]

rendered judgment, by Decision of March 28, 2008, in favor of respondents, disposing as follows:

"**WHEREFORE**, premises considered, the Commitment Orders and waivers in Crim. Cases Nos. 08-77 for Direct assault; Crim. Case No. 08-77 for Other Forms of Trespass; and Crim. Case No. 08-78 for Light Threats are hereby **DECLARED** illegal, null and void, as petitioners were deprived of their substantial rights, induced by duress or a well-founded fear of personal violence. Accordingly, the commitment orders and waivers are hereby **SET ASIDE**. The temporary release of the petitioners is declared **ABSOLUTE**.

Without any pronouncement as to costs.

SO ORDERED."^[9] (Emphasis in the original; underscoring supplied)

Hence, the present petition for review on certiorari, pursuant to Section 19^[10] of The Rule on the Writ of *Amparo* (A.M. No. 07-9-12-SC),^[11] which is essentially reproduced in the Rule on the Writ of *Habeas Data* (A.M. No. 08-1-16-SC).^[12]

In the main, petitioners fault the RTC for

... giving due course and issuing writs of amparo and habeas data when from the allegations of the petition, the same ought not to have been issued as (1) the petition in [sic] insufficient in substance as the same involves property rights; and (2) criminal cases had already been filed and pending with the Municipal Trial Court in Cities, Branch 1, City of Malolos. (Underscoring supplied)

The petition is impressed with merit.

The Court is, under the Constitution, empowered to promulgate rules for the protection and enforcement of constitutional rights.^[13] In view of the heightening prevalence of extrajudicial killings and enforced disappearances, the Rule on the Writ of *Amparo* was issued and took effect on October 24, 2007 which coincided with the celebration of United Nations Day and affirmed the Court's commitment towards internationalization of human rights. More than three months later or on February 2, 2008, the Rule on the Writ of *Habeas Data* was promulgated.

Section 1 of the Rule on the Writ of *Amparo* provides:

Section 1. *Petition*. - The petition for a writ of amparo is a remedy available to **any person whose right to life, liberty and security is violated or threatened with violation by an unlawful act or omission** of a public official or employee, or of a private individual or entity. The writ shall cover extralegal killings and enforced disappearances or threats thereof. (Emphasis and underscoring supplied)

Section 1 of the Rule on the Writ of *Habeas Data* provides:

Section 1. *Habeas Data*. - The writ of habeas data is a remedy available to any person whose **right to privacy in life, liberty or security is violated or threatened by an unlawful act or omission** of a public official or employee or of a private individual or entity **engaged in the gathering, collecting or storing of data or information** regarding the person, family, home and correspondence of the aggrieved party. (Emphasis and underscoring supplied)

From the above-quoted provisions, the coverage of the writs is limited to the protection of rights to **life, liberty and security**. And the writs cover not only actual but also threats of unlawful acts or omissions.

Secretary of National Defense v. Manalo^[14] teaches:

As the Amparo Rule was intended to address the intractable problem of "extralegal killings" and "enforced disappearances," its coverage, in its present form, is confined to these two instances or to threats thereof. "Extralegal killings" are "killings committed without due process of law, i.e., without legal safeguards or judicial proceedings." On the other hand, "enforced disappearances" are "attended by the following characteristics: an arrest, detention or abduction of a person by a government official or organized groups or private individuals acting with the direct or indirect acquiescence of the government; the refusal of the State to disclose the fate or whereabouts of the person concerned or a refusal to acknowledge