

## **EN BANC**

**[ G.R. No. 252117, July 28, 2020 ]**

### **IN THE MATTER OF THE URGENT PETITION FOR THE RELEASE OF PRISONERS ON HUMANITARIAN GROUNDS IN THE MIDST OF THE COVID- 19 PANDEMIC,**

**DIONISIO S. ALMONTE, REPRESENTED BY HIS WIFE GLORIA P. ALMONTE,  
IRENEO O. ATADERO, JR., REPRESENTED BY HIS DAUGHTER APRILLE JOY  
A. ATADERO, ALEXANDER RAMONITA K. BIRONDO, REPRESENTED BY HIS  
SISTER JEANETTE B. GODDARD, WINONA MARIE O. BIRONDO,  
REPRESENTED BY HER SISTER-IN-LAW JEANETTE B. GODDARD, REY CLARO  
CASAMBRE, REPRESENTED BY HIS DAUGHTER XANDRA LIZA C. BISENIO,  
FERDINAND T. CASTILLO, REPRESENTED BY HIS WIFE NONA ANDAYA-  
CASTILLO, FRANCISCO FERNANDEZ, JR., REPRESENTED BY HIS SON  
FRANCIS IB LAGTAPON, RENANTE GAMARA, REPRESENTED BY HIS SON  
KRISANTO MIGUEL B. GAMARA, VICENTE P. LADLAD, REPRESENTED BY HIS  
WIFE FIDES M. LIM, EDIESEL R. LEGASPI, REPRESENTED BY HIS WIFE  
EVELYN C. LEGASPI, CLEOFE LAGTAPON, REPRESENTED BY HER SON  
FRANCIS IB LAGTAPON, GEANN PEREZ REPRESENTED BY HER MOTHER  
ERLINDA C. PEREZ, ADELBERTO A. SILVA, REPRESENTED BY HIS SON  
FREDERICK CARLOS J. SILVA, ALBERTO L. VILLAMOR, REPRESENTED BY  
HIS SON ALBERTO B. VILLAMOR, JR., VIRGINIA B. VILLAMOR,  
REPRESENTED BY HER DAUGHTER JOCELYN V. PASCUAL, OSCAR BELLEZA,  
REPRESENTED BY HIS BROTHER LEONARDO P. BELLEZA, NORBERTO A.  
MURILLO, REPRESENTED BY HIS DAUGHTER NALLY MURILLO, REINA MAE  
NASINO, REPRESENTED BY HER AUNT VERONICA VIDAL, DARIO TOMADA,  
REPRESENTED BY HIS WIFE AMELITA Y. TOMADA, EMMANUEL BACARRA,  
REPRESENTED BY HIS WIFE ROSALIA BACARRA, OLIVER B. ROSALES,  
REPRESENTED BY HIS DAUGHTER KALAYAAN ROSALES, LILIA BUCATCAT,  
REPRESENTED BY HER GRANDCHILD LELIAN A. PECORO, PETITIONERS, V.  
PEOPLE OF THE PHILIPPINES, EDUARDO AÑO, IN HIS CAPACITY AS  
SECRETARY OF THE INTERIOR AND LOCAL GOVERNMENT, MENARDO  
GUEVARRA, IN HIS CAPACITY AS SECRETARY OF JUSTICE, J/DIRECTOR  
ALLAN SULLANO IRAL IN HIS CAPACITY AS THE CHIEF OF THE BUREAU OF  
JAIL MANAGEMENT AND PENOLOGY, USEC. GERALD Q. BANTAG, IN HIS  
CAPACITY AS THE DIRECTOR GENERAL OF THE BUREAU OF CORRECTIONS,  
J/CINSP. MICHELLE NG - BONTO IN HER CAPACITY AS THE WARDEN OF  
THE METRO MANILA DISTRICT JAIL 4, J/CINSP. ELLEN B. BARRIOS, IN  
HER CAPACITY AS THE WARDEN OF THE TAGUIG CITY JAIL FEMALE DORM,  
J/SUPT. RANDEL H. LATOZA IN HIS CAPACITY AS THE WARDEN OF THE  
MANILA CITY JAIL, J/SUPT. CATHERINE L. ABUEVA, IN HER CAPACITY AS  
THE WARDEN OF THE MANILA CITY JAIL-FEMALE DORM, J/CSUPT.  
JHAERON L. LACABEN, IN HIS CAPACITY AS THE CORRECTION  
SUPERINTENDENT NEW BILIBID PRISON- WEST, CTSUPT. VIRGINIA S.  
MANGAWIT, IN HER CAPACITY AS THE ACTING SUPERINTENDENT OF THE  
CORRECTIONAL INSTITUTION FOR WOMEN, RESPONDENTS.**

## **D E C I S I O N**

### **Antecedents**

On April 6, 2020, Dionisio S. Almonte, Ireneo O. Atadero, Jr., Alexander Ramonita K. Birondo, Winona Marie O. Birondo, Rey Claro Casambre, Ferdinand T. Castillo, Francisco Fernandez, Jr.,



Renante Gamara, Vicente P. Ladlad, Ediesel R. Legaspi, Cleofe Lagtapon, Ge-Ann Perez, Adelberto A. Silva, Alberto L. Villamor, Virginia B. Villamor, Oscar Belleza, Norberto A. Murillo, Reina Mae A. Nasino, Dario Tomada, Emmanuel Bacarra, Oliver B. Rosales, and Lilia Bucatcat (petitioners) filed a petition before this Court entitled "*In the Matter of the Urgent Petition for the Release of Prisoners on Humanitarian Grounds in the Midst of the COVID<sup>[1]</sup>-19 Pandemic.*" Here, petitioners allege that they are prisoners and are among the elderly, sick, and pregnant population of inmates exposed to the danger of contracting COVID-19 where social distancing and self-isolation measures are purportedly impossible.<sup>[2]</sup> As such, they are invoking this Court's power to exercise "equity jurisdiction" and are seeking "temporary liberty on humanitarian grounds" either on recognizance or on bail.<sup>[3]</sup> Moreover, they are also asking the Court to order the creation of a "Prisoner Release Committee" similar to those set up in other countries to conduct a study and implement the release of prisoners in congested penal facilities. In seeking their provisional release on recognizance or bail, petitioners essentially argue that: (a) their continued confinement which poses a high risk of contracting COVID-19 is tantamount to cruel and unusual punishment proscribed under the Constitution;<sup>[4]</sup> (b) the United Nations (UN) standards, particularly the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), imposes a duty on the part of the State to protect the health and safety of prisoners consistent with the guarantees of the right to life;<sup>[5]</sup> (c) the government's response to the pandemic is not enough to protect the safety of the inmates;<sup>[6]</sup> (d) the government should take a cue from other countries which undertook measures to decongest their jails by releasing eligible prisoners;<sup>[7]</sup> (e) the Court may brush aside procedural rules and grant temporary liberty based on humanitarian reasons and equity jurisdiction;<sup>[8]</sup> and (f) it is not feasible for them to file petitions for *certiorari* with the trial courts due to the Luzon-wide enhanced community quarantine (ECQ).<sup>[9]</sup>

For respondents' part who are represented by the Office of the Solicitor General, they filed their comment opposing petitioners' plea for their temporary release and for the creation of a Prisoner Release Committee and argued that: (a) petitioners are valuable members of the Communist Party of the Philippines — New People's Army — National Democratic Front (CPP-NPA-NDF) who have committed heinous crimes and are merely taking advantage of the current public health as well as the "fickle arena of public opinion" situation in seeking for their temporary release based on humanitarian reasons;<sup>[10]</sup> (b) the government has adequate medical facilities, personnel and measures to address the threat of COVID-19 in jails and other detention facilities;<sup>[11]</sup> (c) petitioners have ample remedies under this Court's several circulars which addressed the needs to decongest the jails in response to the COVID-19 pandemic;<sup>[12]</sup> (d) petitioners violated the doctrine of hierarchy of courts;<sup>[13]</sup> (e) the grant or denial of bail, the evaluation of petitioners' respective medical conditions, and the determination of whether or not the evidence of guilt is strong are questions of fact which should be determined by the trial courts;<sup>[14]</sup> (f) petitioners cannot be temporarily released on recognizance because they were charged with capital offenses;<sup>[15]</sup> (g) petitioners cannot be granted provisional liberty based on equity because governing laws exist;<sup>[16]</sup> (h) the doctrine espoused in *Enrile v. Sandiganbayan*<sup>[17]</sup> is inapplicable because petitioners present a threat to public safety due to their supposed membership in the CPP-NPA-NDF;<sup>[18]</sup> (i) releasing petitioners violates the equal protection clause as there is no substantial difference between them and the rest of the detainees as everyone is equally vulnerable to COVID-19;<sup>[19]</sup> and (j) the Philippines is not bound to adopt the manner of decongesting jails undertaken by other countries as they operate under their own set of laws.<sup>[20]</sup>

## **Issues**

### **-I-**

*Whether or not the instant petition filed directly before this Court may be given due course...*

### **-II-**

*Whether or not the Nelson Mandela Rules are enforceable in Philippine courts...*



-III-

*Whether or not petitioners may be given provisional liberty on the ground of equity...*

-IV-

*Whether or not the Court has the power to pass upon the State's prerogative of selecting appropriate police power measures in times of emergency...*

**Ruling**

The Supreme Court is a collegiate judicial body whose rulings and binding opinions are the results of its members' collective and majoritarian consensus. The doctrines it establishes do not depend on the judgment or will of a sole magistrate as such is the spirit of collegiality. Thus, after initial deliberations and exchanges of ideas, it was collectively realized that the instant case presents several complex issues making the interaction of applicable principles ridden with far-reaching implications. Nonetheless, the members of this Court have unanimously arrived at the conclusion to treat the petition as petitioners' application for bail or recognizance, as well as their motions for other practicable and suitable confinement arrangements relative to the alleged serious threats to their health and lives.

At the outset, it is a settled rule that the Supreme Court is not a trier of facts.<sup>[21]</sup> Relatedly, a direct invocation of this Court's original jurisdiction is generally proscribed to prevent inordinate demands upon its time and attention which are better devoted to those matters within its exclusive jurisdiction as well as to prevent further over-crowding of its docket.<sup>[22]</sup>

Concomitantly, the Constitution guarantees the right to bail of all the accused except those charged with offenses punishable by *reclusion perpetua* when the evidence of guilt is strong.<sup>[23]</sup> However, in cases where the offense is punishable by *reclusion perpetua* and where the evidence of guilt is strong, bail is a matter of discretion.<sup>[24]</sup> Here, trial courts are granted the discretion to determine in bail applications whether there is strong evidence of guilt on the part of the accused.<sup>[25]</sup> A summary hearing is conducted merely for the purpose of determining the weight of evidence.<sup>[26]</sup> Only after weighing the pieces of evidence as contained in the summary will the judge formulate his own conclusion as to whether the evidence of guilt against the accused is strong based on his discretion.<sup>[27]</sup> Therefore, the entitlement to bail is a question of fact.

In this case, petitioners have been charged with offenses punishable by *reclusion perpetua*. As such, they are not entitled to bail as a matter of right. Consequently, there is a need to conduct summary hearings for the purpose of weighing the strength of the prosecution's evidence as to petitioners' guilt. This process entails a reception and an evaluation of evidence which the trial courts are competent to handle. The foregoing holds true with respect to the motions for other confinement arrangements which also necessitate reception and evaluation of evidence by a trial court. Hence, being a court of last resort, this Court ingeminates and reminds the Bench and the Bar that it is not the proper avenue or forum to ventilate factual questions especially if they are presented for adjudication on the first instance.

Like the case of ***Versoza v. People, et al.***<sup>[28]</sup> and ***Cruz, et al. v. Secretary of Environment and Natural Resources, et al.***<sup>[29]</sup> the Court deems it fitting to have the other remaining issues threshed out in the separate opinions of its members that are attached to and made integral parts of this Decision.

**WHEREFORE**, in view of the foregoing reasons, the Court **TREATS** the present petition as petitioners' applications for bail or recognizance as well as their motions for other confinement arrangements, and **REFERS** the same to the respective trial courts where their criminal cases are pending, which courts are hereby **DIRECTED** to conduct the necessary proceedings and consequently, resolve these incidents with utmost dispatch. Accordingly, the proceedings before this Court are considered **CLOSED** and **TERMINATED**.

No pronouncement as to costs.



**SO ORDERED.**

*Gesmundo, J. Reyes, Jr., Hernando, Carandang, Inting, Gaerlan, and Baltazar-Padilla, JJ., concur. Peralta, C.J., Perlas-Bernabe, Leonen, Caguioa, Lazaro-Javier, Zalameda, and Delos Santos, JJ., see separate opinions.*

*Lopez, J., see concurring opinion.*

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[1] Corona Virus Disease.

[2] *Rollo*, p. 14.

[3] *Id.* at 8.

[4] *Id.* at 7-8.

[5] *Id.* at 6-7, 42-54.

[6] *Id.* at 23-29, 42-59.

[7] *Id.* at 6.

[8] *Id.* at 8-10, 54-58.

[9] *Id.* at 10.

[10] *Id.* at 225, 232.

[11] *Id.* at 225-226, 233-238, 256-259.

[12] *Id.* at 238, 263-265.

[13] *Id.* at 240-245.

[14] *Id.* at 242-245, 247-249, 256.

[15] *Id.* at 245-247.

[16] *Id.* at 249-250.

[17] *Id.* at 250-251.

[18] *Id.* at 252-254.

[19] *Id.* at 252-256, 261.

[20] *Id.* at 259-263.

[21] ***Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza, et al.***, 810 Phil. 172, 177 (2017).

[22] ***Rayos, et al. v. City of Manila***, 678 Phil. 952, 957 (2011). (Citations omitted)

[23] See: ***Obosa v. Court of Appeals, et al.***, 334 Phil. 253, 270 (1997). (Citations omitted)

[24] See: ***Leviste v. Court of Appeals, et al.***, 629 Phil. 587, 610-611 (2010). (Citations omitted)

[25] ***Napoles v. Sandiganbayan***, 820 Phil. 506, 517 (2017).

[26] See: ***Go v. Court of Appeals, et al.***, 293 Phil. 425, 447 (1993). (Citations omitted)



[27] **People v. Tanes**, G.R. No. 240596, April 3, 2019. (Citations omitted)

[28] G.R. No. 184535, September 3, 2019.

[29] G.R. No. 135385, December 6, 2000, 400 Phil. 904, 931.

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## SEPARATE OPINION

### PERALTA, C.J.:

I join the majority in treating the instant petition as petitioners' application for bail or recognizance. I submit this opinion, however, in order to articulate my views on some salient points.

The instant Petition<sup>[1]</sup> calls for the release of prisoners on humanitarian grounds in the midst of the pandemic created by the 2019 Novel Coronavirus Disease (COVID-19) that now grips the world at the neck.

Petitioners, who deem themselves as political prisoners detained in various penal institutions in the country, profess that they are most vulnerable to COVID-19 as they are either elderly, pregnant, or afflicted with hypertension and/or diabetes. Believing that an outbreak of the disease in their respective places of confinement is not unlikely owing to what they perceive to be hellish conditions in highly-congested local prisons, they fear that they stand to be the most susceptible to infection if and when such outbreak does occur.<sup>[2]</sup>

In support of this bid, petitioners cite a number of medical reports and abstracts tending to demonstrate that the elderly, sickly and those already afflicted with certain ailments, are the easiest victims of the novel disease.<sup>[3]</sup> Thus, they plead for their release from confinement either on bail or recognizance, as well as for the creation, by directive of the Court, of a Prisoner Release Committee with accompanying ground rules for the conditional release of similarly situated prisoners.<sup>[4]</sup> They invoke humanitarian considerations based on international law principles, specifically those embodied in the Revised United Nations Standard Minimum Rules for the Treatment of Prisoners (*The Mandela Rule of 2015*) and Article 9.1 of the International Covenant on Civil and Political Rights (*ICCPR*).<sup>[5]</sup>

By way of Comment,<sup>[6]</sup> the Office of the Solicitor General (*OSG*) advocates for the dismissal of the petition based on outright violation of judicial hierarchy. It explains that the plea should be offered before the courts where petitioners' respective cases are being heard, and not directly with the High Court. It also calls attention to the fact that petitioners have all been charged and, except for one<sup>[7]</sup> who has already met conviction and is currently serving sentence, are under prosecution for non-bailable offenses in relation to their alleged membership in the CPP-NPA-NDF. More than half of them are in custody at Camp Bagong Diwa, Taguig City and none of them has yet been reported to exhibit signs of infection.

As said, the Petition must be treated as petitioners' application for bail or recognizance.

## I

The release of petitioners on bail is restricted by twin fundamental provisions of the Constitution and the Rules of Court. Section 7 of Rule 114 of the Rules of Court instructs that a person charged with a capital offense or with an offense punishable by *reclusion perpetua* or life imprisonment shall not be entitled to bail when the evidence of guilt is strong.<sup>[8]</sup> The rule echoes from Section 13, Article III of the Constitution which stresses that bail, while ordinarily a right of an accused, is not available to those charged of a capital offense or an offense punishable by life imprisonment or *reclusion perpetua* when the evidence of guilt is strong.<sup>[9]</sup>