

SUPREME COURT OF THE PHILIPPINES
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SUPREME COURT
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Republic of The Philippines
SUPREME COURT
Manila

THIRD DIVISION

JODY C. SALAS, ex rel Person
Deprived of Liberty (PDL)
RODOLFO C. SALAS,
Petitioner,

G.R. SP PROC. No. 251693

-versus-

HON. THELMA BUNYI-MEDINA, Presiding Judge of the Regional Trial Court of the City of Manila, Branch 32, JCINSP.
LLOYD GONZAGA, Warden of the Manila City Jail Annex, and all those taking orders, instructions, and directions from him,
Respondents.

FOR: *HABEAS CORPUS, TRO and INJUNCTION AND ALL OTHER LEGAL AND EQUITABLE REMEDIES*

X-----X

COMPLIANCE

Petitioner, by counsel, in compliance with the order of this Honorable Court in its Advisory dated 2 March 2020, submits the following:

- A copy of the Opening Statement as **Annex A**
- A copy of the Table of Authorities as **Annex B**
- A copy of the Amended Information dated October 24, 1986 as **Annex C**
- A copy of the Order dated February 28, 2020, issued by the Regional Trial Court of Manila Branch 32, as **Annex D**
- A copy of the Barangay Certification dated March 6, 2020 as **Annex E**

A copy of the *Sertipiko ng Pagpapahalaga* dated
October 13, 1992 as Annex F

A copy of Petitioner's Powerpoint presentation as
Annex G

Originals of Annexes "E" and "F" are not yet in the possession of
counsel but will be submitted at the hearing.

Respectfully submitted.

Quezon City for Manila City, 11 March 2020.

**FREE LEGAL ASSISTANCE GROUP
(FLAG)**

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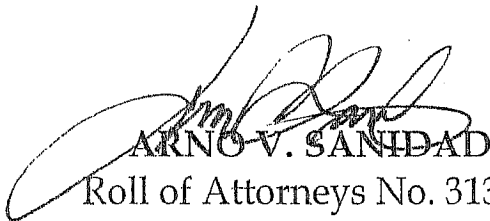
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OFFICE OF THE SOLICITOR-GENERAL

Counsel for the Respondents

134 Amorsolo St., Legaspi Village

Makati City, Metro Manila

OPENING STATEMENT

ANNEX A

YOUR HONORS, MR. CHAIRPERSON AND THE MEMBERS OF THE THIRD DIVISION, may it please the Court.

In its Advisory, the Court assigned two issues for the parties to address. With due respect, there really is just one: is Mr. Rodolfo Salas lawfully detained?

It is our respectful submission that he is not. Perforce, the privilege of the writ of habeas corpus must be granted to Mr. Rodolfo Salas.

TRO Must Be Issued

As a preliminary matter, Mr. Salas reiterates his urgent application for a TRO as well as his alternative application for bail.

The trial court has scheduled arraignment on March 17, 2020, with a warning to Mr. Salas that the arraignment will not be reset. Should he be arraigned, Mr. Salas will be forced to undergo trial for patently unconstitutional charges. For this reason, the application for a TRO becomes urgent. On behalf of Mr. Salas, we respectfully pray for the immediate issuance of a TRO while the Court resolves this Petition.

Additionally, pending resolution of the habeas corpus petition, Mr. Salas requests for temporary liberty on reasonable bail, following the same treatment in *Ocampo*.

Sui Generis

Addressing the main issue presented to this Court, it is respectfully submitted that Mr. Salas's situation is *sui generis*, and for this reason, this Court must consider looking beyond a reflexive reaction to rely simply on the text of Rule 102, particularly section 4, and to consider the unique circumstances of his captivity to determine the appropriate remedy.

This petition is anchored on the application of two controlling rulings of the Court—*People v. Hernandez* and *Gumabon v. Director of Prisons*—which, despite their vintage, remain evergreen.

Hernandez tells us that when a person is charged with rebellion, all common crimes committed in furtherance of, in connection with, or are

necessarily included in such a felony are absorbed in the rebellion charge and cannot be complexed with rebellion nor prosecuted separately. Hernandez has, by now, become canonical as to be beyond serious dispute or challenge.

Mr. Salas was charged with rebellion and convicted thereof in May 10, 1991 through a plea bargain voluntarily entered into by Mr. Salas with the full concurrence of the State, represented by the Department of Justice and its prosecutors. That plea bargain was approved, resulting in a judgment that has become final and is the law of the case, as it were, as far as the parties are concerned.

Mr. Salas served fully his sentence under the plea bargain and, thus, the judgment constitutes first jeopardy, as far as the Constitution's guarantee against double jeopardy is concerned.

The *sui generis* nature of Mr. Salas's situation arises from the stipulation contained in the judgment of the trial court approving the plea bargain. That stipulation reads:

"(2-e) That both accused will be covered by the mantle of protection of the **HERNANDEZ-ENRILE political offense doctrine** against being charged and prosecuted for any common crime allegedly committed in furtherance of rebellion or subversion (sic);"

The stipulation is simply a reaffirmation and reiteration of what this Court has said, through the years: that *Hernandez* applies to absorb any and all common crimes committed in furtherance of or in connection with rebellion.

However, its effects extend beyond the reach of the trial court's decision in 1991. It extends to today.

The judgment of the trial court, which contains that stipulation, expressly reaffirms the protection of *Hernandez* to all cases that could have been filed at that time but also to all other cases that may be discovered but could not be filed at that time.

Which brings us to today.

There is no valid order, process, or writ justifying arrest or detention.

There is double jeopardy.

Mr. Salas is now being charged with murders allegedly committed in connection with a rebellion for which was already convicted of in 1991. Under *Hernandez*, the charges should have been absorbed had they been filed at the time of his trial for rebellion. Under the final judgment of the trial court convicting him of rebellion then, these alleged murders are barred now as they are absorbed in the rebellion conviction.

To make it plain: *Hernandez* characterizes any and all related felonies and crimes as elements of or acts inherent in the felony of rebellion. For this reason, any charges for these related felonies and crimes outside of a charge of rebellion would be a prosecution for the same act and the same crime. Under the Constitution, that constitutes double jeopardy.

In *Gumabon v. Director of Prisons*, this Court ruled that when a violation of a constitutional right is shown, the court that issued the order or rendered a judgment in violation of such right is deemed ousted of its jurisdiction and its orders and judgments are void.

Mr. Salas is protected by the Constitution against double jeopardy. The application of *Hernandez* and the final judgment for rebellion further underscores this protection.

The present Information, charging Mr. Salas for murders allegedly committed in 1985, and the warrants issued under the Information place Mr. Salas in double jeopardy. ***To emphasize, Mr. Salas was convicted of rebellion for acts committed as its leader between 1970 and 1986.***

As a factual matter, the alleged murders currently charged are absorbed. As a legal matter, the alleged murders currently charged are barred. As a constitutional matter, the alleged murders constitute double jeopardy.

In *People v. Geronimo*, this Court ruled that the commission of serious violence upon civilians is a necessary part of rebellion. And, more

specifically, this Court held in People v. Agarín that the execution of civilians suspected of being spies and government informants is not murder but simple rebellion.

The mere filing of an *Information* for charges covered by the now-final judgment for rebellion places Mr. Salas in double jeopardy. For this reason, *Gumabon* applies.

The patent violation of his constitutional right to be protected against double jeopardy ousts the trial court of its jurisdiction and voids the *Information* and all processes—including the warrants and the commitment order—as against Mr. Salas.

Traversing the Return, it is clear that Rule 102, section 4 therefore does not apply. The provision is contingent on a court with jurisdiction. The trial court seeking to try Mr. Salas for these murders is not that court.

Further traversing the Return which cites Ocampo v. Abando in response to the doctrine in People v. Hernandez, it is respectfully submitted that *Ocampo* does not apply to this case for the following reasons:

First, Mr. Salas has already been tried, convicted, and has fully served his sentence for Rebellion. In *Ocampo*, the Rebellion case was being tried simultaneously with the case for Murder. Here, Mr. Salas has already pleaded guilty to the offense of Rebellion for acts committed from 1970-1986.

Second, Mr. Salas, unlike his co-accused in *Ocampo*, has no burden to demonstrate political motive. The 1986 Amended *Information* for Rebellion and the 2007 *Information* for Murder - documents which the State itself prepared - readily shows that the acts being charged were committed ***in the same timeframe, in the same capacity, and for the same offense.***

Ilagan does not apply; Habeas Corpus is the viable remedy

Applying *Hernandez*, as expressly applied to Mr. Salas through the trial court's final judgment for rebellion, and *Gumabon*, which ousts the respondent trial court of jurisdiction, the remedy of habeas corpus remains for Mr. Salas to be the only viable and effective remedy. This notwithstanding this Court's pronouncement in *Ilagan v. Ponce Enrile*, which does not apply.

For Mr. Salas, habeas corpus is the only proper remedy because it is the only remedy that can immediately relieve him of the State's unconstitutional deprivation of his liberty. Any other remedy will cause him to remain in jail more than he should.

Traversing the Return, Mr. Salas cannot be required to invoke remedies before the trial court as this would render nugatory the peremptory protection of the guarantee against double jeopardy. For this reason, there is no violation of the principle of hierarchy of courts. For one, there are no serious factual matters in dispute; further, this Court, under Article VIII, section 5 of the Constitution, is the enshrined protector of fundamental rights; and finally, this Court retains concurrent jurisdiction over habeas corpus.

Requiring Mr. Salas to invoke remedies in the trial court against a patently void charge to free him from a consequently void detention would force him to give up some of his rights in order to invoke others. For instance, to require Mr. Salas to plead his previous conviction under Rule 117 to plead double jeopardy would require him to give up his right to due process and speedy trial as it would require him to participate in proceedings that are void and would eventually be declared void under both *Hernandez* and *Gumabon*.

Further traversing the Return, forcing Mr. Salas to prove that he had political motive means that he has to go to trial. This is precisely the evil that the Constitution right against double jeopardy seeks to prevent.

What the State, through the Solicitor General suggests in the Return, is an unacceptable situation that this Court must shield Mr. Salas from. This, the Court can do by granting Mr. Salas the privilege of the writ of habeas corpus, which, as demonstrated, remains viable and is, under the circumstances, urgent.

Thank you, Your Honors, and may it please the Court.

TABLE OF AUTHORITIES

<u>CONSTITUTIONAL PROVISIONS</u>
<ol style="list-style-type: none"> 1. Section 1, Article III 2. Section 14(1), Article III 3. Section 16, Article III 4. Section 21, Article III 5. Section 5(1), Article VIII
<u>STATUTES</u>
<ol style="list-style-type: none"> 1. Article 22, Revised Penal Code, as amended 2. Article 8, Civil Code of the Philippines 3. Article 134, Revised Penal Code, as amended 4. Article 135, Revised Penal Code, as amended
<u>RULES</u>
<ol style="list-style-type: none"> 1. The Rules of Court - Rule 102
<u>JURISPRUDENCE</u>
<ol style="list-style-type: none"> 1. People v. Hernandez, G.R. Nos. L-6025-26. July 18, 1956 2. Gumabon v. Director of Prisons, G.R. No. L-30026 January 30, 1971 3. People v. Geronimo, G.R. No. L-8936. October 23, 1956 4. People v. Rodriguez, G.R. No. L-13981. April 25, 1960 5. People v. Agarin, G.R. No. L-12298, September 29, 1960 6. Celeste v. People, G.R. No. L-31435, January 30, 1970 7. In the Matter for the Petition for Habeas Corpus of Juan Ponce Enrile v. Judge Jaime Salazar, G.R. No. 92163, June 5, 1990 8. Umil v. Ramos, G.R. No. 81567 July 9, 1990 9. Calvin v. Court of Appeals, G.R. No. 140823, October 3, 2000 10. In Re: The Writ of Habeas Corpus for Reynaldo De Villa, G.R. No. 158802, November 17, 2004 11. Ocampo v. Abando, G.R. No. 176830, February 11, 2014 12. In the Matter of the Petition for Habeas Corpus of Datukan Malang Salibo v. Warden of the Quezon City Jail Annex, G.R. No. 197597, April 8, 2015 13. Labay v. Sandiganbayan, G.R. Nos. 235937-40, July 23, 2018

ANNEX C

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
M a n i l a

BRANCH XII, CFI-MANILA

JUDICIAL CASE NO. 86-46920
For: REBELLION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

RODOLFO C. SALAS, alias
Commander Bilog/Henry (detained
at Camp Crame),
JOSLFINA CRUZ alias
Mrs. Mercado and
JOSE CONCEPCION alias Eugene
Zamora, both c/o Atty. Romeo Capulong
of 7484 Magtikan St., San Antonio
Village, Makati, Metro Manila,
Accused.

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AMENDED INFORMATION

The undersigned City Fiscal of Manila and State Prosecutors of the Ministry of Justice hereby accuse RODOLFO C. SALAS alias Commander Bilog/Henry, JOSLFINA CRUZ alias Mrs. Mercado, and JOSE CONCEPCION alias Eugene Zamora of the crime of REBELLION under Article 134 in relation to Article 135 of the Revised Penal Code as amended, committed as follows:

That in or about 1968 and for some time before said year and continuously thereafter until the present time, in the City of Manila and elsewhere in the Philippines, the Communist Party of the Philippines, its military arm, the New People's Army, its mass infiltration network, the National Democratic Front with its other subordinate organizations and fronts, have, under the direction and control of said organizations' leaders, among whom are the aforementioned accused, and with the aid, participation or support of members and followers whose whereabouts and identities are still unknown, risen publicly and taken arms throughout the country against the Government of the Republic of the Philippines for the purpose of overthrowing the present Government, the seat of which is in the City of

Manila, or of removing from the allegiance to that government and its laws, the country's territory or part of it;

That from 1970 to the present, the above-named accused in their capacities as leaders of the aforementioned organizations, in conspiracy with, and in support of the cause of, the organizations aforementioned, engaged themselves in war against the forces of the government, destroying property or committing serious violence, and other acts in the pursuit of their unlawful purpose, such as:

1. Conducting armed raids, sorties and ambushes against police, constabulary and army detachments as well as against innocent civilians in such places as Larap, Camarines Norte; Subic, Zambales; Dinalupihan, Lataan; and Tondo, Manila;

2. Undertaking the so-called "Operation Agaw Armas" all over the country, including the Metropolitan Manila area, as a consequence of which, victims are mercilessly killed simply for the purpose of obtaining possession of their firearms;

3. Infiltrating and, by falsehood and deception, manipulating legitimate organizations to work for the success of the rebellion;

4. Negotiating with foreign sources/suppliers for the supply of arms to the New People's Army as amply exposed by the arrival in Isabela in July 1972 of the vessel "M/V KARAGATAN" from foreign shores, fully loaded with arms;

That despite the advent of a new regime occasioned by the February 1986 revolution, the aforementioned organizations, through the leadership of the accused who, in open contempt of the new government's policy of reconciliation and, in a determined effort to overthrow the government and to install a new social and political order in our society, persisted and continued in their depredations against the forces of the government and innocent civilians causing death and destruction, which include, among others, the following:

1. Simultaneous raid/attack on the INP Station and Radio Center at Atimonan, Quezon and the INP Station at Plaridel, Quezon on March 10, 1986;

2. Raid/attack on the Pagsanjan, Laguna
INP Station on April 12, 1986;

3. Ambuscade of troopers at Brgy. Matacon,
Polangui, Albay on April 18, 1986;

4. Ambuscade of troopers at Brgy.
Aquiquican, Gattaran, Cagayan dn April 24,
1986 resulting in the death of Col. Sudiacal,
PA and newsmen Willie Vicoy and Pete Mabazza;

5. Ambuscade of troopers at Villa
Principe, Gumaca, Quezon on June 30, 1986;

6. Ambuscade of troopers at Vintar,
Ilocos Norte on July 20, 1986;

7. Ambuscade of troopers at Brgy. Cinco,
Sarrat, Ilocos Norte on August 24, 1986;

8. Liquidation of Capt. Cecilio Palada
and companion at Gate 1, Camp Aguinaldo,
Quezon City on September 10, 1986;

9. Kidnapping and liquidation of Col.
Rex Baquiran at Brgy. Amacian, Pinukpuk,
Kalinga-Apayao on September 13, 1986.

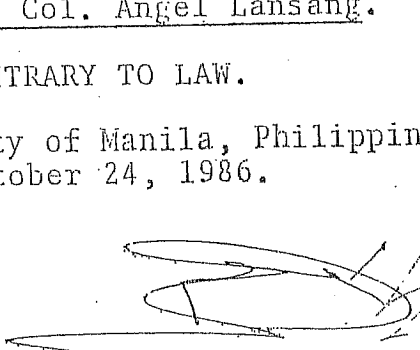
10. Ambuscade of troopers at Maria Aurora,
Aurora Province on September 14, 1986 resulting
in the death of Lt. Col. Constancio Lasatan and
others;

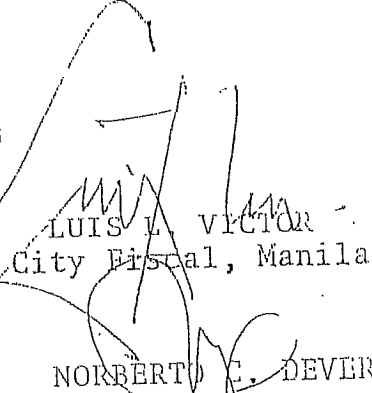
11. Raid/attack on PC Detachment at San
Francisco, Kallian, San Pablo Bity on September
17, 1986;

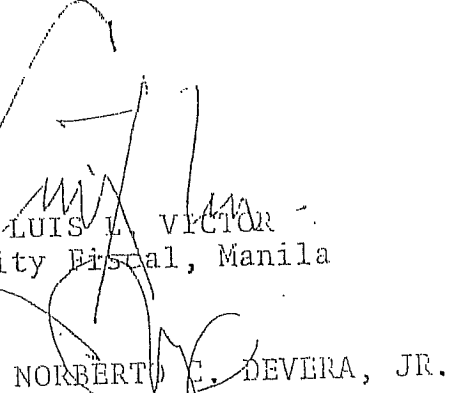
12. Ambuscade at Balagtas, Bulacan on
September 24, 1986 resulting in the death of
Lt. Col. Angel Lansang.

CONTRARY TO LAW.

City of Manila, Philippines
October 24, 1986.

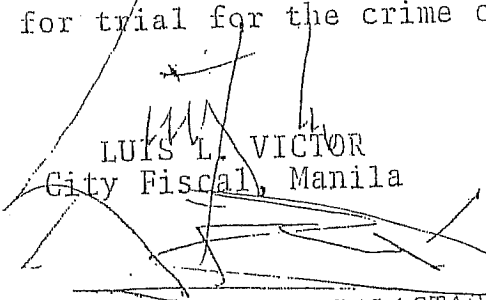

CATALINO C. BALAGTAS
State Prosecutor
Ministry of Justice
Manila



LUIS L. VICTOR
City Fiscal, Manila



NORBERTO C. DEVERA, JR.
State Prosecutor
Ministry of Justice
Manila
IBP OR No. 208589-Q.C.
Jan. 18, 1986

CERTIFICATION

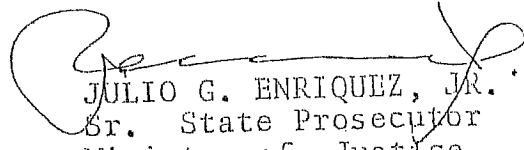
WE HEREBY CERTIFY that we are filing this AMENDED INFORMATION pursuant to Rule 112, Section 7 of the 1983 Rules on Criminal Procedure, in that after an examination of the affidavits of the government witnesses and other supporting documents, we found sufficient ground to hold all the aforementioned accused for trial for the crime of Rebellion.


LUIS L. VICTOR
City Fiscal, Manila


CATALINO C. BALAGTAS
State Prosecutor
Ministry of Justice
Manila


NORBERTO NEVERA, JR.
State Prosecutor
Ministry of Justice
Manila

SUBSCRIBED AND SWORN to before me this 24th day of October, 1986 in the City of Manila, Philippines.


JULIO G. ENRIQUEZ, JR.
Sr. State Prosecutor
Ministry of Justice
Manila

Witnesses:

- Lt. Col. Virgilio Soldajano - PC Staff Judge Advocate, Camp Crane, Q.C.
- Lt. Col. Roberto C. Delfin - Operations Branch, NCRSU, CSG Camp Crane, Q.C.
- Major Raul P. Carbonilla - do
- Dominador B. Tullao - San Agustin, San Fernando, Pampanga
- Ricarte B. Rivera - Brgy. Anubol, Bamban, Tarlac
- Ricardo C. Singian - Bagac, Bataan
- Wilson Lucero, Jr. - Cabanatuan City
- Fortunato M. Castillo - 226 PC Co. Laguna Constabulary Command
- Lt. Fernando H. Mendez, Jr. - 136 PC Co., Aurora PC Command, Aurora Province
- Pedro B. Orpilla - do
- Sgt. Danilo P. Bernabe - Camp Vicente Lim, Canlubang, Laguna
- And others.

NO BAIL BOND RECOMMENDED

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT OF MANILA
NATIONAL CAPITAL JUDICIAL REGION
BRANCH 32, MANILA

PEOPLE OF THE PHILIPPINES,

- versus -

CRIMINAL CASE NOS. 08-262163
and 14-306533-546

JOSE MARIA SISON, RODOLFO
SALAS, ET. AL.

Accused.

X-----/

O R D E R

In today's Arraignment and Pre-Trial Conference of accused **Rodolfo Salas**, Senior Assistant City Prosecutor, Winnie M. Edad, Deputy City Prosecutor Higinio C. Yazar, APP Fabio A. Siosana for the Government, and Atty. Arno Sanidad, counsel for the accused, appeared.

Atty. Sanidad moved for the resetting of today's hearing considering the pendency of the ***Petition for Habeas Corpus*** filed by him before the Supreme Court.


In the interest of justice and over the objection of the prosecution, the said motion is hereby granted.

Accordingly, let the arraignment and pre-trial conference of accused Rodolfo Salas be reset on **March 17, 2020 at 8:30 in the morning up to 4:30 in the afternoon.**

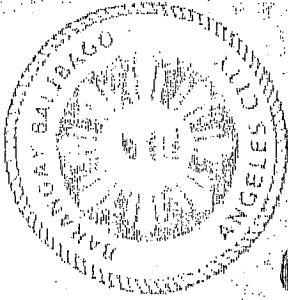
However, accused Salas is warned that this will be the last resetting the court will allow.

SO ORDERED.

Given in open Court this 28th day of February 2020, in Manila, Philippines.


THELMA BUNYI-MEDINA
Presiding Judge

REGION III CENTRAL DIVISION
BARANGAY BALIBAGO
 ANGELES CITY PAMPANGA



BARANGAY CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that **RODOLFO C. SALAS** alias Commander Bilog, of legal age, born on December 23, 1947, Filipino, cohabiting with Jhoana P. Lamigo for 11 years, is a bonafide resident of 386 Doña Carmen Street, Mt. View Subdivision, Barangay Balibago, Angeles City. He has been reading his owned apartment unit together with his common-law wife and two (2) minor children namely Jan Ruz and Jameia Raz, ages 11 and 9 years old respectively, from September 4, 2008 to 2011, then came back on May 20, 2013 until the day of his arrest on February 18, 2020.

We further certify that as per our Barangay record, **Rodolfo C. Salas** alias "Commander Bilog" has no criminal or civil complaint/s filed against him, pending or decided before this Barangay. As such there is no derogatory information attached to his name during his period of residency in this Barangay.

I personally knew Mr. Salas, he has conducted himself in a proper and irreproachable manner towards this Barangay, that he has not caused any trouble in this community or involved himself in any activities opposed to this government.

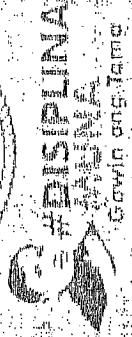
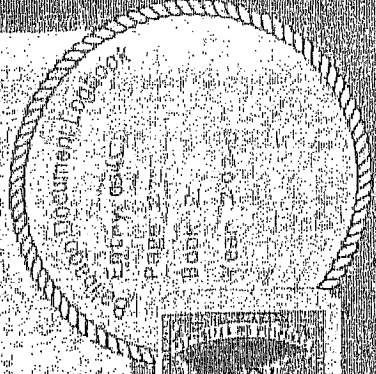
This Clearance is being issued to attest the fact of good moral standing of **RODOLFO C. SALAS** for whatever legal purpose it may serve, issued on this 6th day of March, 2020.

Approved By:

[Signature]
RODOLFO C. SALAS
 Punong Barangay

Attested By:

[Signature]
Raymond C. Fernandez
 Barangay Secretary



#DISCIPLINA BALIBAGO
 Gawin ang Tama
 Vision: A Safe and Livable
 Barangay Balibago that is
 Globally Competitive and
 Environment friendly.

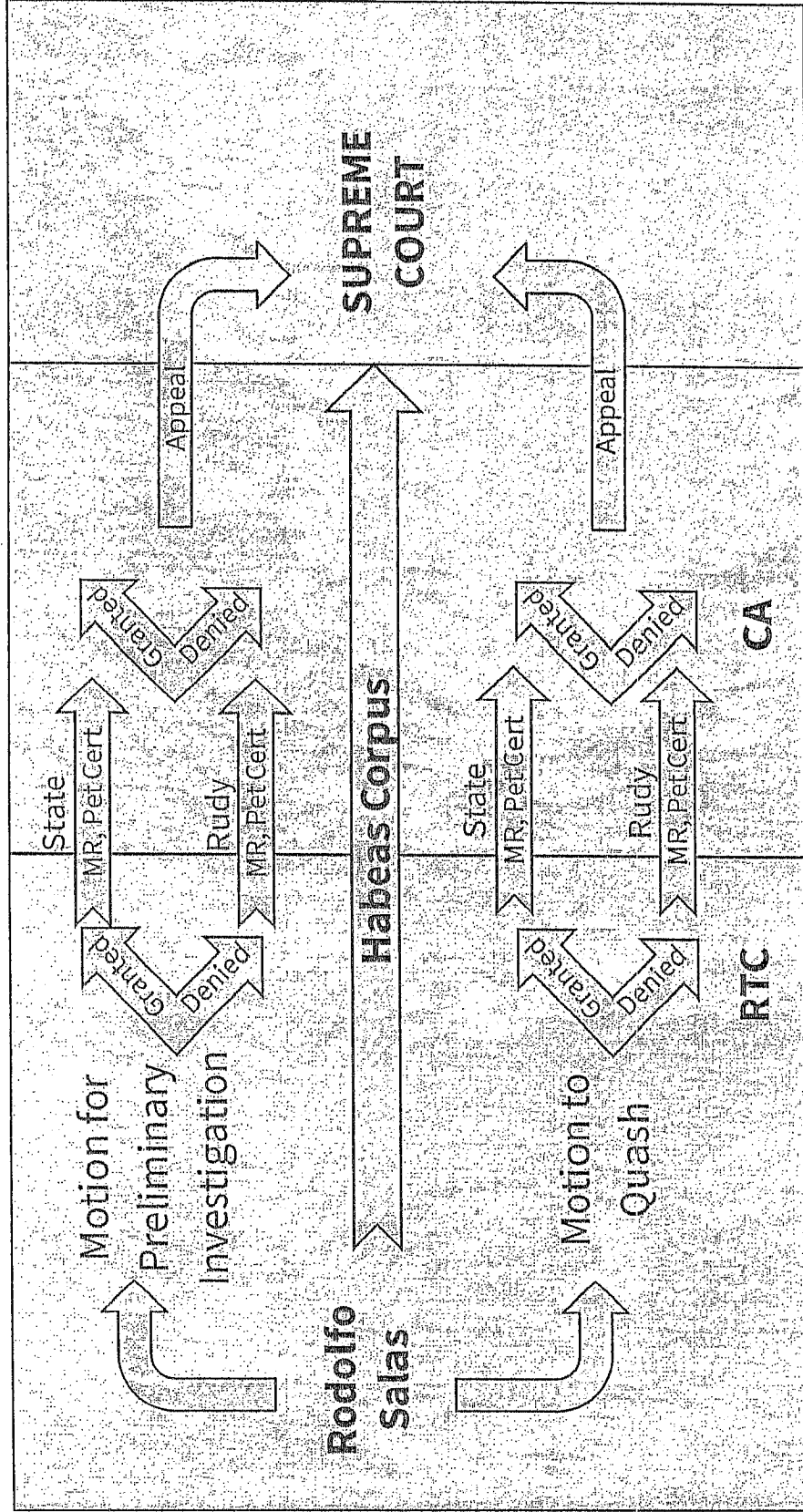
BARANGAY HALL
 386 Doña Carmen Street
 Mt. View Subdivision
 Angeles City 2009

BALIBAGO HOTLINE
 0923-577-5723
 0923-577-2663
 Balibago Hotline
 Radio Room 57-5741

BARANGAY OFFICIALS

Mayor	Alfonso B. Reyes	Mayor	Alfonso B. Reyes
Deputy Mayor	Arnel J. Reyes	Deputy Mayor	Arnel J. Reyes
Barangay Captain	Arnel J. Reyes	Barangay Captain	Arnel J. Reyes
Barangay Secretary	Raymond C. Fernandez	Barangay Secretary	Raymond C. Fernandez
Barangay Treasurer	Arnel J. Reyes	Barangay Treasurer	Arnel J. Reyes
Barangay Assessor	Arnel J. Reyes	Barangay Assessor	Arnel J. Reyes
Barangay Health Officer	Arnel J. Reyes	Barangay Health Officer	Arnel J. Reyes
Barangay Social Worker	Arnel J. Reyes	Barangay Social Worker	Arnel J. Reyes
Barangay Police Officer	Arnel J. Reyes	Barangay Police Officer	Arnel J. Reyes
Barangay Fire Officer	Arnel J. Reyes	Barangay Fire Officer	Arnel J. Reyes
Barangay Environment Officer	Arnel J. Reyes	Barangay Environment Officer	Arnel J. Reyes
Barangay Sports Officer	Arnel J. Reyes	Barangay Sports Officer	Arnel J. Reyes
Barangay Culture Officer	Arnel J. Reyes	Barangay Culture Officer	Arnel J. Reyes
Barangay Information Officer	Arnel J. Reyes	Barangay Information Officer	Arnel J. Reyes
Barangay Planning Officer	Arnel J. Reyes	Barangay Planning Officer	Arnel J. Reyes
Barangay Public Works Officer	Arnel J. Reyes	Barangay Public Works Officer	Arnel J. Reyes
Barangay Social Services Officer	Arnel J. Reyes	Barangay Social Services Officer	Arnel J. Reyes
Barangay Health Services Officer	Arnel J. Reyes	Barangay Health Services Officer	Arnel J. Reyes
Barangay Education Officer	Arnel J. Reyes	Barangay Education Officer	Arnel J. Reyes
Barangay Welfare Officer	Arnel J. Reyes	Barangay Welfare Officer	Arnel J. Reyes
Barangay Disaster Preparedness Officer	Arnel J. Reyes	Barangay Disaster Preparedness Officer	Arnel J. Reyes
Barangay Peace and Order Officer	Arnel J. Reyes	Barangay Peace and Order Officer	Arnel J. Reyes
Barangay Security Officer	Arnel J. Reyes	Barangay Security Officer	Arnel J. Reyes
Barangay Anti-Terrorism Officer	Arnel J. Reyes	Barangay Anti-Terrorism Officer	Arnel J. Reyes
Barangay Anti-Corruption Officer	Arnel J. Reyes	Barangay Anti-Corruption Officer	Arnel J. Reyes
Barangay Anti-Drug Abuse Officer	Arnel J. Reyes	Barangay Anti-Drug Abuse Officer	Arnel J. Reyes
Barangay Anti-Smoking Officer	Arnel J. Reyes	Barangay Anti-Smoking Officer	Arnel J. Reyes
Barangay Anti-Alcoholism Officer	Arnel J. Reyes	Barangay Anti-Alcoholism Officer	Arnel J. Reyes
Barangay Anti-Gambling Officer	Arnel J. Reyes	Barangay Anti-Gambling Officer	Arnel J. Reyes
Barangay Anti-Illegal Gambling Officer	Arnel J. Reyes	Barangay Anti-Illegal Gambling Officer	Arnel J. Reyes
Barangay Anti-Illegal Betting Officer	Arnel J. Reyes	Barangay Anti-Illegal Betting Officer	Arnel J. Reyes
Barangay Anti-Illegal Lottery Officer	Arnel J. Reyes	Barangay Anti-Illegal Lottery Officer	Arnel J. Reyes
Barangay Anti-Illegal Casino Officer	Arnel J. Reyes	Barangay Anti-Illegal Casino Officer	Arnel J. Reyes
Barangay Anti-Illegal Gambling Officer	Arnel J. Reyes	Barangay Anti-Illegal Gambling Officer	Arnel J. Reyes
Barangay Anti-Illegal Betting Officer	Arnel J. Reyes	Barangay Anti-Illegal Betting Officer	Arnel J. Reyes
Barangay Anti-Illegal Lottery Officer	Arnel J. Reyes	Barangay Anti-Illegal Lottery Officer	Arnel J. Reyes
Barangay Anti-Illegal Casino Officer	Arnel J. Reyes	Barangay Anti-Illegal Casino Officer	Arnel J. Reyes

Habeas Corpus vs. Ordinary Remedies



1986 Information for Rebellion

vs.

2007 Information for Murder

REPORT OF THE
ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
STATE OF TEXAS
AUGUST 1986

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STATE OF TEXAS
AUGUST 1986

1986 Amended Information for Rebellion

“That from 1970 to the present (1986), the above-named accused in their capacities as leaders of the aforementioned organizations, in conspiracy with, and in support of the cause of, the organizations aforementioned, engaged themselves in war against the forces of the government, destroying property or committing serious violence, and other acts in the pursuit of their unlawful purpose, such as:

(a non-exclusive list of raids, ambushes, liquidations, and kidnappings follows)

xxx”

2007 Information for Murder

“That on or about the months of May and June 1985, or for sometime prior or subsequent thereto (...)”

TIMEFRAPE

Timeline

1986 Amended Information for Rebellion

“That from 1970 to the present, the above-named accused in their capacities as leaders of the aforementioned organizations, in conspiracy with, and in support of the cause of, the organizations aforementioned, engaged themselves in war against the forces of the government, destroying property or committing serious violence, and other acts in the pursuit of their unlawful purpose, such as:

(a non-exclusive list of raids, ambushes, liquidations, and kidnappings follows)

xxx”

2007 Information for Murder

“... being members of the Central, Regional, and Provincial Committees, Arresting, Investigating and/or Execution Teams/Groups of the CPP-NPA, conspiring, conferring and helping one another, with intent to kill, employing treachery, evident premeditation, and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously, abduct, torture, strike and hit with blunt instruments, stab with the use of bladed weapon such as “kutsilyo” and shoot with different kinds of caliber of unlicensed firearms (...) and buried them in a mass grave at Sitio Mt. Sapang, Dako, Brgy. Kaulisihan, Inopacan, Leyte, which was only discovered and unearthed on August 26, 2006, to the damage and prejudice of the heirs.”

CAPACITY

Timeline

1986 Amended Information for Rebellion

“That from 1970 to the present, the above-named accused in their capacities as leaders of the aforementioned organizations, in conspiracy with, and in support of the cause of, the organizations aforementioned, engaged themselves in war against the forces of the government, destroying property or committing serious violence, and other acts in the pursuit of their unlawful purpose, such as:

(a non-exclusive list of raids, ambushes, liquidations, and kidnappings follows)

xxx”

Reference

2007 Information for Murder

“... being members of the Central, Regional, and Provincial Committees, Arresting, Investigating and/or Execution Teams/Groups of the CPP-NPA, conspiring, conferring and helping one another, with intent to kill, employing treachery, evident premeditation, and taking advantage of their superior strength, did then and there willfully, unlawfully and feloniously, abduct, torture, strike and hit with blunt instruments, stab with the use of bladed weapon such as “kutsilyo” and shoot with different kinds of caliber of unlicensed firearms (...) and buried them in a mass grave at Sitio Mt. Sapang, Dako, Brgy. Kaulisihan, Inopacan, Leyte, which was only discovered and unearthed on August 26, 2006, to the damage and prejudice of their respective

ACTS

2007 Resolution for Murder

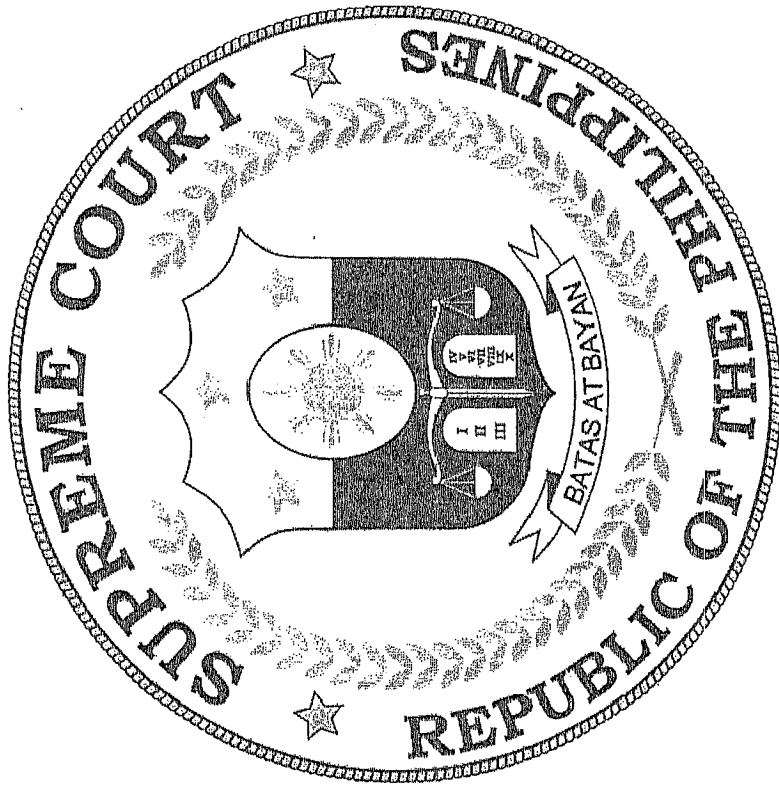
A careful evaluation of the evidences (sic) presented by the complainants clearly shows that there was a grand conspiracy to carry out the killing and execution of innocent persons and individuals suspected to be enemies of the CPP-NPA, in Leyte and in neighboring provinces.

SUSPECTED ENEMIES

People v. Agarín

“The offense perpetrated by appellant is murder, qualified by abuse of superior strength. Considering, however, the fact that the killing was committed as a means to or in furtherance of the subversive ends of the Hukbalahaps (HUKS), because the said appellants and his companions, Commander Manding and Commander Vida suspected the deceased to have acted as a spy and had informed the BCT and Government agencies regarding the presence of the Huks in that region, we find the said Federico Agarín alias Commander 'Smith' guilty of the crime of simple rebellion only .

Return



Timeline

END