

Republic of the Philippines
Supreme Court
Manila

EN BANC

IN THE MATTER OF THE
ISSUANCE OF THE WRITS OF
AMPARO AND *HABEAS DATA*
FOR JONILA F. CASTRO AND
JHED REIYANA C. TAMANO
AND THEIR FAMILIES,

G.R. No. 269249

JONILA F. CASTRO AND JHED
REIYANA C. TAMANO,

Petitioners,

- versus -

LIEUTENANT COLONEL
RONNEL B. DELA CRUZ AND
MEMBERS OF THE 70TH
INFANTRY BATTALION OF THE
PHILIPPINE ARMY, POLICE
CAPTAIN CARLITO BUCO AND
MEMBERS OF THE PHILIPPINE
NATIONAL POLICE, BATAAN,
NATIONAL SECURITY COUNCIL
ASSISTANT DIRECTOR
GENERAL JONATHAN MALAYA,
NATIONAL TASK FORCE TO
END LOCAL COMMUNIST
ARMED CONFLICT (NTF-
ELCAC), AND ALL OTHERS
ACTING UNDER THEIR
DIRECTION, INSTRUCTIONS,
AND ORDERS,

Respondents.

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ISSUANCE OF THE WRITS OF
AMPARO AND HABEAS DATA
FOR JONILA F. CASTRO AND
JHED REIYANA C. TAMANO
AND THEIR FAMILIES,**

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- versus -

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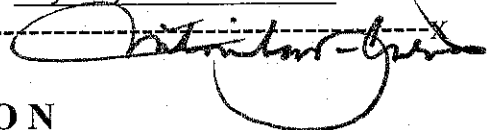
G.R. No. 276602

Present:

GESMUNDO, C.J.,
LEONEN,*
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.**

Promulgated:

May 6, 2025



RESOLUTION

HERNANDO, J.:

Recall that Jonila F. Castro and Jhed Reiyana C. Tamano (collectively, petitioners) sought the issuance of the writs of *amparo* and *habeas data* against herein public respondents, who are officers and members of the 70th Infantry Battalion of the Philippine Army, Philippine National Police, National Security Council, and the National Task Force to End Local Communist Armed Conflict. Petitioners claimed to have been abducted by public respondents and forced to

* On official leave.

** On leave.

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execute false affidavits under unfounded suspicion of engaging in anti-government movements.

The Court issued the writs in its October 24, 2023 Decision:

ACCORDINGLY, the Petition is **GRANTED** in the following manner:

The writs of *amparo* and *habeas data* are **ISSUED** in favor of petitioners Jonila F. Castro and Jhed Reiyana C. Tamano, **returnable to the Court of Appeals**.

Respondents and all the persons and entities acting and operating under their directions, instructions, and orders are **DIRECTED** to comply with the rules on return under [Section] 9 of the Rule on the Writ of *Amparo* and [Section] 10 of the Rule on the Writ of *Habeas Data*.

A Temporary Protection Order is **ISSUED** *motu proprio* as an interim relief against respondents and all the persons and entities acting and operating under their directions, instructions and orders, prohibiting them from entering within a radius of one (1) kilometer from the persons, places of residence, school, work, or present locations, of petitioners, as well as those of their immediate families.

The Court of Appeals is **DIRECTED** to:

(1) **CONDUCT** a summary hearing on the Petition and the other interim relief sought by petitioners, [i.e.,] Production Order, within five (5) days from receipt of notice of this Decision;

(2) After hearing, **DECIDE** the Petition and the other interim relief sought by petitioners, [i.e.,] Production Order, within five (5) days from the time it is submitted for decision; and

(3) **FURNISH** this Court with a copy of the decision on the Petition and the other interim relief sought by petitioners, [i.e.,] Production Order within five (5) days from its promulgation.

[SO ORDERED.]¹ (Emphasis in the original)

The Court's October 24, 2023 Decision sprouted up two incidents:

G.R. No. 269249, where public respondents, through the Office of the Solicitor General (OSG), file the present Very Urgent Omnibus Motion²

- (1) assailing the Court's finding of substantial evidence at the first instance, as this matter should be adjudicated by the Court of Appeals (CA) during its conduct of the summary hearing,
- (2) seeking to reassess the deprivation of public respondents' right to due process,

¹ *Rollo* (G.R. No. 269249), p. 159.

² *Id.* at 164–189.

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- (3) seeking to clarify the directives on timeframes, i.e., whether the Court's instructions refer to calendar days or working days,
- (4) praying to consolidate the present case with certain related *amparo* petitions pending before the Municipal Trial Court of Doña Remedios Trinidad, Bulacan, and
- (5) requesting to reassess the allegedly broad sweep of the enforcement of the Temporary Protection Order (TPO); and

G.R. No. 276602,³ where petitioners filed a Petition for Review on *Certiorari* against the August 2, 2024 Decision⁴ and the October 29, 2024 Resolution⁵ of the CA in ultimately denying their petition for the issuance of the privilege of the writs of *amparo* and *habeas data*.

G.R. No. 269249

The OSG's Very Urgent Omnibus Motion is denied.

The Court takes the opportunity to elaborate its directives to the CA in the conduct of summary proceedings and in the determination of petitioners' entitlement to interim and other reliefs as they may be entitled to under the prevailing facts and the applicable rules.

First, this Court is empowered to outrightly issue writs of *amparo* and *habeas data* under Rules 6 and 7 of the Rule on the Writ of *Amparo*⁶ (*Amparo Rule*) and the Rule on the Writ of *Habeas Data*⁷ (*Habeas Data Rule*):

SEC. 6 [of the *Amparo Rule*]. *Issuance of the Writ.* – **Upon the filing of the petition, the court, justice or judge shall immediately order the issuance of the writ if on its face it ought to issue.** The clerk of court shall issue the writ under the seal of the court; or in case of urgent necessity, the justice or the judge may issue the writ under his or her own hand, and may deputize any officer or person to serve it.

³ G.R. Nos. 269249 and 276602 were ordered consolidated per the Court's April 2, 2025 Resolution in G.R. No. 269249.

⁴ *Rollo* (G.R. No. 276602), vol. 1, pp. 233–287. The August 2, 2024 Decision in CA-G.R. SP No. 00073 was penned by Associate Justice Lorenza R. Bordios; concurred in by Associate Justices Fernanda Lampas Peralda and Jaime Fortunato A. Caringal; dissented to by Associate Justice Emily L. San Gaspar-Gito; and concurred in and dissented to by Associate Justice Rex Bernardo L. Pascual, Division of Five, Former Special Eighth Division, Court of Appeals, Manila.

⁵ *Id.* at 1587–1671. The October 29, 2024 Resolution in CA-G.R. SP No. 00073 was penned by Associate Justice Lorenza R. Bordios; concurred in by Associate Justices Fernanda Lampas Peralda and Jaime Fortunato A. Caringal; dissented to by Associate Justice Emily L. San Gaspar-Gito; and concurred in and dissented to by Associate Justice Rex Bernardo L. Pascual, Division of Five, Former Special Eighth Division, Court of Appeals, Manila.

⁶ A.M. No. 07-9-12-SC, October 24, 2007.

⁷ A.M. No. 08-1-16-SC, February 2, 2008.

The writ shall also set the date and time for summary hearing of the petition which shall not be later than seven (7) days from the date of its issuance.

SEC. 7 [of the *Habeas Data* Rule]. *Issuance of the Writ.* – **Upon the filing of the petition, the court, justice or judge shall immediately order the issuance of the writ if on its face it ought to issue.** The clerk of court shall issue the writ under the seal of the court and cause it to be served within three (3) days from its issuance; or, in case of urgent necessity, the justice or judge may issue the writ under his or her own hand, and may deputize any officer or person to serve it.

The writ shall also set the date and time for summary hearing of the petition which shall not be later than ten (10) work days from the date of its issuance. (Emphasis supplied)

Associate Justice Alfredo Benjamin S. Caguioa's comments on this issue are to be echoed in this regard: in its October 23, 2024 Decision, the Court released the writs prayed for by petitioners as it deemed that, on the face of their Petition, ought to issue in their favor, following Section 6 of the *Amparo* Rule and Section 7 of the *Habeas Data* Rule. With the issuance of the writs, the appellate court is now bound to determine the full merits of the Petition, i.e., the privilege of the writs of *amparo* and *habeas data*, which requires the conduct of summary proceedings, a finding of substantial evidence, and compliance with Section 18 of the *Amparo* Rule and Section 16 of the *Habeas Data* Rule.⁸

Thus, it cannot be said that public respondents were deprived of due process when the Court issued the writs upon a plain reading of the Petition without further requiring them to file their comments thereon.

Second, the Court's usage of substantial evidence as the level of proof in granting the writs did not violate the public respondents' rights to due process.

The quanta of proof in *amparo* and *habeas data* proceedings are two-fold. *Prima facie* evidence, which is evidence that is good and sufficient on its face,⁹ is the evidence necessary to issue a writ of *amparo* or *habeas data*. Substantial evidence, which is evidence that a reasonable mind might accept as adequate to support a conclusion, is the evidence required for the issuance of the privilege of the writs of *amparo* and *habeas data*. Even so, the writs of *amparo* or *habeas data* do not foreclose a finding of a more compelling degree of proof, even if *prima facie* evidence already suffices for their issuance.

The point of *amparo* and *habeas data* cases is the determination of the responsibility and accountability of the State in alleged violations or threatened violations of one's constitutional rights to life, liberty, or security, or to privacy

⁸ J. Caguioa, Letter re G.R. No. 269249, pp. 2–3.

⁹ *Wa-acon v. People*, 539 Phil. 485, 494 (2006) [Per J. Velasco, Jr., Third Division], citing BLACK'S LAW DICTIONARY 1190 (6th ed., 1990).

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thereof. It is not a ruling on liability, as *amparo* and *habeas data* proceedings are not civil, criminal, or administrative in nature.¹⁰ The public respondents are directed to explain this responsibility and accountability upon the issuance of the writs, whereas such responsibility and accountability is established upon the issuance of the privilege of the writs.

Here, petitioners gave the Court more than *prima facie* reason—substantial evidence in this case—to conclude that the writs must issue in their favor, and that public respondents must explain their responsibility and accountability as regards the alleged violations of petitioners' rights to life, liberty, security, and privacy, by filing their return before the CA.

It bears pointing out that the OSG's pleading to "clarify" the outright grant of the writs, the application of substantial evidence, the alleged withholding of respondents' right to due process, and the award of interim reliefs, are essentially prayers to "reverse" the foregoing. These should have been set down in a motion for reconsideration of the October 24, 2023 Decision, not in the present Very Urgent Omnibus Motion denominated as a "motion for clarification."

Even if this Very Urgent Omnibus Motion would be treated as such motion for reconsideration, it will likewise be denied outright for obvious and grave noncompliance with the formal requirements of a motion for reconsideration.

Alternatively, if the public respondents would be considered to have lodged their opposition only against the grant of the TPO as an interim relief through their present Very Urgent Omnibus Motion, the same will similarly be dismissed, as motions to reconsider/recall interlocutory orders and grants/denials of interim reliefs are prohibited in *amparo* and *habeas data* proceedings.¹¹

Third, there should be no more argument as to whether the Court instructs calendar days or working days as the OSG asserts, following the basic rule under Rule 22, Section 1 of the Rules of Court, which is suppletory to the *Amparo and Habeas Data* Rules.¹²

¹⁰ *Rodriguez v. Macapagal-Arroyo*, 676 Phil. 84, 105–106 (2011) [Per J. Sereno, *En Banc*], citing *Razon, Jr. v. Tagitis*, 621 Phil. 536, 553–554 (2009) [Per J. Brion, *En Banc*].

¹¹ AMPARO RULE, Sec. 11 (k) and HABEAS DATA RULE, Sec. 13 (k).

¹² AMPARO RULE, Sec. 25 and HABEAS DATA RULE, Sec. 24 similarly states:

Suppletory Application of the Rules of Court.—The Rules of Court shall apply suppletorily insofar as it is not inconsistent with this Rule.

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RULE 22
Computation of Time

Section 1. *How to compute time.* — In computing any period of time prescribed or allowed by these Rules, or by order of the court, or by any applicable statute, the day of the act or event from which the designated period of time begins to run is to be excluded and the date of performance included. If the last day of the period, as thus computed, falls on a Saturday a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

Still, the Court deems it prudent to just directly address the query: unless otherwise specifically indicated, procedural time is computed in calendar days, but the last day of any period of time will fall on a working day.

Fourth, the exercise of discretion as to whether related criminal cases pending before the first-level courts should be consolidated with the present petition seeking protective writs is now lodged with the CA at this procedural stage.

Even so, the case consolidation sought by public respondents is legally and practically implausible with the obtaining circumstances. The Court credits Justice Samuel H. Gaerlan as the source of enlightenment on this matter:

Section 23 of the Amparo Rule states:

SEC. 23. *Consolidation.* — When a criminal action is filed subsequent to the filing of a petition for the writ, the latter shall be consolidated with the criminal action.

When a criminal action and a separate civil action are filed subsequent to a petition for a writ of amparo, the latter shall be consolidated with the criminal action.

After consolidation, the procedure under this Rule shall continue to apply to the disposition of the reliefs in the petition.

The provision is clear and leaves no room for interpretation. A subsequently-filed criminal action will subsume an *amparo* proceeding, subject to the continued applicability of the *Amparo* Rule to the *amparo* aspect of the consolidated action. Thus, in *Rubrico[...] v. Macapagal-Arroyo*[...],¹³ We directed the consolidation of the *amparo* petition with a criminal complaint for kidnapping and arbitrary detention; while in *Lozada v. Macapagal-Arroyo*,¹⁴ We sustained the CA's denial of an *amparo* petition partly on the basis of the fact that petitioner has already instituted criminal complaints for kidnapping and attempted murder before the Department of Justice. We reached the same conclusion in *Parojinog v. Albayalde*,¹⁵ where We dismissed Parojinog's *amparo* petition in view of his pending cases for violation of the Immigration Law and pilferage of electricity.

¹³ 627 Phil. 37, 100 (2010) [Per J. Velasco, Jr., *En Banc*].

¹⁴ 686 Phil. 536, 563 (2012) [Per J. Sereno, *En Banc*].

¹⁵ G.R. No. 247533, July 2, 2019 [Unsigned Resolution, *En Banc*].

Here, petitioners initiated the present *amparo* action on September 28, 2023.^[16] On December 12, 2023, Informations for grave oral defamation were filed against petitioners in the Municipal Trial Court (MTC) of Doña Remedios Trinidad, Bulacan,^[17] which were docketed as Criminal Case Nos. 609-24 and 610-24. The Informations allege that petitioners committed grave oral defamation when they disclaimed and disputed the factual narrative presented by respondents during the September 19, 2023 press conference notifying the press of petitioners' alleged voluntary surrender to the 70th Infantry Battalion, thereby "*publicly defam[ing respondent Lt. Col. Ronnel B. Dela Cruz] and the A[rmed] F[orces of the] P[hilippines] [AFP]*".^[18]

Given these facts, as applied to Section 23 of the *Amparo* Rule, I submit that the present petition cannot be consolidated with the aforementioned criminal cases because first-level courts such as the MTC do not have jurisdiction to conduct *amparo* proceedings. Sections 32 to 34 of Batas Pambansa (B.P.) Blg. 129^[19] simply do not include the prerogative writs^[20] in the enumeration of first-level judicial jurisdiction.

Jurisdiction to conduct proceedings for *amparo* and other prerogative writs is vested in the RTCs pursuant not only to their general jurisdiction under Section 19(6) of B.P. Blg. 129, but also under their special jurisdiction over the writs enumerated in Section 21(1) thereof. Paragraph 1, Section 9 of B.P. Blg. 129 gives the CA the same jurisdiction to issue prerogative writs; while Section 4 of Presidential Decree No. 1606, as amended by Republic Act No. 8249, vests the Sandiganbayan with the same jurisdiction. This Court's jurisdiction to issue said writs is provided by no less than the Constitution itself.^[21] In line with these statutory provisions, Section 3 of the Amparo Rules *reiterates* that an *amparo* petition may be filed with the RTC, the CA, the Sandiganbayan, or this Court. The omission of the first-level courts from the enumeration in Section 3 simply reflects the statutory allocation of jurisdiction over *amparo* and other prerogative writs. "*Jurisdiction over a subject matter is conferred by the Constitution or the law, and rules of procedure yield to substantive law. Otherwise stated, jurisdiction must exist as a matter of law. Only a statute can confer jurisdiction on courts and administrative agencies[;]*"^[22] and the rule-making power of this

¹⁶ Rollo, p. 3.

¹⁷ *Id.* at 242–249.

¹⁸ *Id.* 242–244, 246–247.

¹⁹ The Judiciary Reorganization Act, as amended.

²⁰ The original prerogative writs, so named because they were issued mainly at the discretion of the monarch or the judges of England and only in the most urgent of circumstances, were the writs of *certiorari*, *mandamus*, *prohibition*, and *quo warranto*. *Kumar v. People*, 874 Phil. 214, 228 (2020) [Per J. Leonen, Third Division]; *City Engineer of Baguio[...]* v. *Baniqued*, 592 Phil. 348, 363 (2008) [Per J. Reyes, R.T., Third Division]; [J. Perfecto,] dissenting in *Reyes v. Crisologo*, 75 Phil. 225, 271 (1945) [Per J. Paras, *En Banc*]. Since they are also issued under urgent circumstances under the close supervision of a judge or court, the writs of *habeas corpus*, *amparo*, and *habeas data* have also been called extraordinary or special prerogative writs. See *Buscayno v. Military Commissions*, 196 Phil. 41 (1981) [Per J. Aquino, *En Banc*]; J. Pablo concurring in *Nava v. Gatmaitan*, 90 Phil. 172, 222 (1951) [Per C.J. Paras, *En Banc*]; J. A.B. Reyes, Jr. concurring in *De Lima v. Duterte*, 865 Phil. 578 (2019) [Per C.J. Bersamin, *En Banc*].

²¹ CONST., Art. VIII, Sec. 5(1).

²² *Non v. Office of the Ombudsman*, [...] 882 Phil 962, 979 (2020) [Per J. Reyes, J., Jr., *En Banc*]. See also *Almazan v. Bacolod*, 904 Phil. 355, 362 (2021) [Per J. Gaerlan, First Division]; *Cayabyab v. Gomez de Aquino*, 559 Phil. 132 (2007) [Per J. Austria-Martinez, Third Division]; Labrador, J., concurring in *Neñaria v. Veluz*, 91 Phil. 473 (1952) [Per J. Jugo, *En Banc*] citing *Manila Railroad Co. v. Attorney-General*, 20 Phil. 523, 530 (1911) [Per J. Moreland, *En Banc*].

Court does not extend to the vestiture of jurisdiction. The provisions of procedural rules such as the Amparo Rule cannot vest the first-level courts with jurisdiction over matters that have been statutorily assigned to other courts.²³ (Original footnotes of the citations renumbered, emphasis in the original)

Fifth and last, the Court affirms its grant of TPO with further academic discussion.

A temporary protection order is available as an interim relief under the *Amparo* Rule that is provided under Section 14 (a) thereof:

SEC. 14. *Interim Reliefs*. — Upon filing of the petition or at any time before final judgment, the court, justice or judge may grant any of the following reliefs:

(a) *Temporary Protection Order*. — The court, justice or judge, upon motion or *motu proprio*, may order that the petitioner or the aggrieved party and any member of the immediate family be protected in a government agency or by an accredited person or private institution capable of keeping and securing their safety. If the petitioner is an organization, association or institution referred to in Section 2(c) of this Rule, the protection may be extended to the officers involved.

The Supreme Court shall accredit the persons and private institutions that shall extend temporary protection to the petitioner or the aggrieved party and any member of the immediate family, in accordance with guidelines which it shall issue.

The accredited persons and private institutions shall comply with the rules and conditions that may be imposed by the court, justice or judge.

Petitioners sought a “temporary protection order” in the following manner in their Petition:

WHEREFORE, it is respectfully prayed that this Honorable Court **GRANT** this Petition by **IMMEDIATELY ISSUING** a *Writ* of Amparo and *Writ* of Habeas Data . . . and **IMMEDIATELY ISSUING** a Temporary Protection Order prohibiting all Respondents from entering within a radius of one (1) kilometer from the persons, residences, school, and work addresses of Petitioners and their immediate family members[.]²⁴ (Emphasis in the original)

The Court saw fit to yield to this prayer, viz.:

A Temporary Protection Order is **ISSUED** *motu proprio* as an interim relief against respondents and all the persons and entities acting and operating under their directions, instructions and orders, prohibiting them from entering within a radius of one (1) kilometer from the persons, places of residence, school,

²³ J. Gaerlan, Separate Opinion *re* G.R. No. 269249, pp. 9–11.

²⁴ *Rollo*, p. 28.

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work, or present locations, of petitioners, as well as those of their immediate families.²⁵ (Emphasis in the original)

The petitioners did not ask for a “temporary protection order” within the technical definition of the legal term. They never asked to be placed under the protection of a government agency or an accredited person, or a private institution to guard their safety in the meantime. Consequently, the Court also did not issue a “temporary protection order” in strict accordance with the description set under Section 14(a) of the *Amparo* Rule.

In any case, the nominal designation of the relief granted to petitioners as “Temporary Protection Order” will not be deleted from the dispositive portion. Likewise, the directive upon the public respondents to maintain a one-kilometer distance from petitioners remains effective and will not be retracted.

Recent cases have been decided similarly.

In *In Re Manglalan*²⁶ and *Egar v. Bacarro*,²⁷ the petitioners were granted a writ of *amparo* and prohibited the public respondents—all high-ranking military officials—from going within a radius of one (1) kilometer of the petitioners and their immediate families, among other directives. There, the Court named the interim relief of prohibiting the respondents from physically approaching the petitioners as a “temporary protection order.” This is a established jurisprudential practice, and there is no reason to abandon it in the present case. After all, in our jurisdiction, *amparo* should be allowed to evolve through time, law, and jurisprudence.²⁸

Moreover, *amparo* is a protective writ.

Amparo, literally, *protection*, was created by virtue of the power vested upon the Court to promulgate rules concerning the protection and enforcement of constitutional rights.²⁹ *Amparo* is preventive, as it seeks to stop the expectation of impunity in committing offenses that violates a person’s right to live and be free.³⁰ *Amparo* is also curative, in that it facilitates subsequent punishment of perpetrators through investigation and action.³¹ *Amparo* deters anyone from committing or threatening with acts detrimental to someone’s life,

²⁵ *Id.* at 159.

²⁶ G.R. No. 262026, August 23, 2022 [Unsigned Resolution, *En Banc*].

²⁷ G.R. No. 264223, December 6, 2022 [Unsigned Resolution, *En Banc*].

²⁸ Annotation to the Writ of *Amparo*, Rule on the Writ of *Amparo*, A.M. No. 07-9-12-SC (2007), citing CONST., Art. VIII, Sec. 5(5).

²⁹ *Id.*

³⁰ *Gadian v. Ibrado*, 819 Phil. 186, 198 (2017) [Per J. Bersamin, *En Banc*], citing *Lozada, Jr. v. Macapagal-Arroyo*, 686 Phil. 536, 551 (2012) [Per J. Sereno, *En Banc*].

³¹ *Id.*

liberty, and security. *Amparo* specializes against extralegal killings, enforced disappearances, and threats thereof. As *amparo* is aimed against such serious violations of or threats upon the most basic of a person's rights, it must be resorted to and granted judiciously, otherwise, the ideal sought by the *Amparo* Rule will be diluted and undermined by the indiscriminate filing of random, baseless, and whimsical *amparo* petitions.³²

But once it is granted, *amparo* activates a full defensive shield over the physical person of its recipient. It shall necessarily restrict the respondent from going near the petitioner: temporarily, if the writ of *amparo* is issued outrightly and *motu proprio*, or permanently, if the privilege of the writ of *amparo* is granted upon a finding of substantial evidence after the conduct of a summary hearing. The instruction for the respondents in an *amparo* petition to steer clear of the petitioner's whereabouts, if there is no legal reason to approach them, is impliedly, automatically, and inevitably issued upon a grant of the writ or the privilege of the writ of *amparo*. Otherwise, *amparo* loses its meaning and purpose. This imperative of safe space is a relief that need not be expressly sought by or given to an *amparo* grantee for it to be effective. In a sense, *amparo* exists to revive the true definition of the verb, "to salvage," a term that originally means, "to save," but which has ironically regressed to connote its violent antonym in the local parlance, "to summarily execute," as a reflection of the unfortunate and grim realities in the Filipino society.

Nonetheless, in weighing whether or not their acts will violate the petitioners' writ of *amparo*, respondents should only refer to and guide themselves by the wording of Section 1 of the *Amparo* Rule:

SECTION 1 [of the *Amparo* Rule]. *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 supplied)

The public respondents should not be concerned that the writ of *amparo* will hamper the local trial courts from deputizing law enforcement officers or agents in the implementation of orders and the service of other processes within their jurisdictions, because it will not. When *amparo* is granted, it must be qualified that the public respondents' *destierro* from the real-time physical locations of petitioners is not absolute. Should petitioners commit acts or be involved in circumstances requiring the participation of public respondents in their official capacities, or if, by mere chance, the public respondents end up being in the same place as the petitioners, the public respondents will not be

³² *Lozada, Jr. v. Macapagal-Arroyo*, 686 Phil. 536, 552 (2012) [Per J. Sereno, *En Banc*].

considered to have violated the restrictions of *amparo* if they are acting in furtherance of their official duties as such public officers; if they are authorized to do so by the courts; or when their coincidental presence with petitioners are purely the necessary effects of their legal compliance with their respective official functions or court orders.

It likewise bears stating that the proximity limitations imposed on the public respondents should not and will not impede the simultaneous appearances of the parties before the CA during its conduct of summary proceedings, contrary to the OSG's theory. Other effective means are readily available for them to attend the hearings without incurring the risk of physical proximity, e.g., videoconferencing as permitted and regulated under A.M. No. 20-12-01-SC.³³

G.R. No. 276602

On April 2, 2025, G.R. No. 276602 was ordered consolidated with G.R. No. 269249.

Petitioners seek the review of the CA's August 2, 2024 Decision and October 29, 2024 Resolution denying them the privilege of the writs of *amparo* and *habeas data*.

Upon a preliminary deliberation of the petitioners' arguments and the said judgments by the appellate court, taking particular notice of the separate opinions of two CA Associate Justices,³⁴ the Court requires the public respondents to file a comment on the Petition for Review on *Certiorari* for a judicious and complete disposition of the petitioners' appeal.

ACCORDINGLY:

In **G.R. No. 269249**, the Very Urgent Omnibus Motion filed by the Office of the Solicitor General for the public respondents is **DENIED** for lack of merit.

In **G.R. No. 276602**, the public respondents are required to **COMMENT** on the Petition for Review on *Certiorari* within a non-extendible period of fifteen (15) days from notice of this Resolution.

The Clerk of Court, Court of Appeals, Manila, is likewise **DIRECTED** to **ELEVATE** the complete records of CA-G.R. SP No. 00073 to this Court within five (5) days from notice of this Resolution.

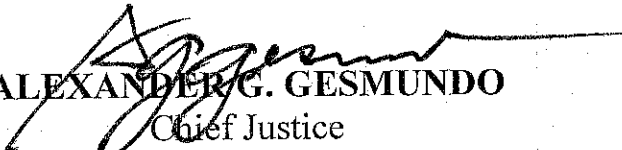
³³ Re: Proposed Guidelines on the Conduct of Videoconferencing, December 9, 2020.

³⁴ Dissenting Opinion, Associate Justice Emily San Gaspar-Gito, and Concurring and Dissenting Opinion, Associate Justice Rex Rex Bernardo L. Pascual, Division of Five, Former Special Eighth Division, Court of Appeals, Manila, in CA-G.R. SP No. 00073.

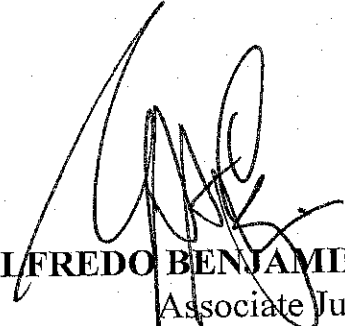
SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:

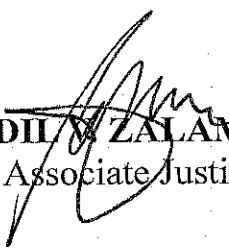

ALEXANDER G. GESMUNDO
Chief Justice

On Official Leave
MARVIC M. V. F. LEONEN
Senior Associate Justice

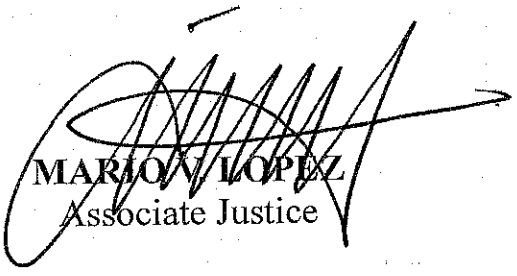

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice



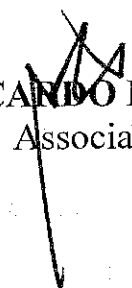
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



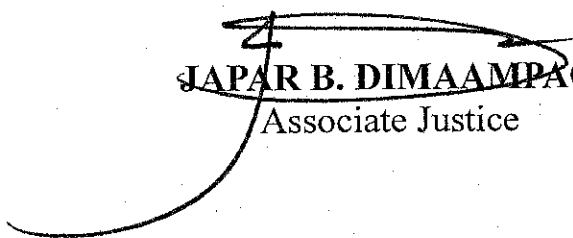
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice

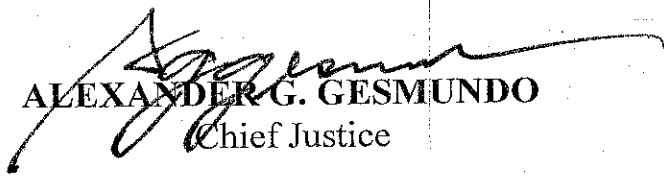


ANTONIO T. KHO, JR.
Associate Justice

(on leave)
MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Resolution were reached in consultation before the case was assigned to the writer of the opinion of the Court.



ALEXANDER G. GESMUNDO
Chief Justice