



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JESSICA LUCILA G. REYES,
Petitioner,

G.R. No. 254838

Present:

HERNANDO,
Acting Chairperson,
ZALAMEDA,
ROSARIO,
LOPEZ, J.,* and
MARQUEZ, JJ.

- versus -

DIRECTOR OR WHOEVER IS IN
CHARGE OF CAMP BAGONG
DIWA, Taguig, Metro Manila,
JCINSP. WENA FE DALAGAN,
WARDEN, Taguig City Jail Female
Dormitory,

Respondents.

Promulgated:

MAY 22 2024

with file

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RESOLUTION

HERNANDO, J.:

Before this Court is the Omnibus Motion¹ filed by the Office of the Solicitor General (OSG). In the Omnibus Motion, the OSG essentially argues that the factual and legal bases of this Court's January 17, 2023 Resolution should be reconsidered and re-examined.²

* Designated additional member vice Chief Justice Alexander G. Gesmundo per Raffle dated December 7, 2022.

¹ *Rollo*, pp. 215–261.

² *Id.* at 227–258.

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Factual Antecedents

On June 5, 2014, an Information charged petitioner with Plunder.³ Through the Order of Commitment (commitment order)⁴ dated July 9, 2014, the Sandiganbayan directed the Bureau of Jail Management and Penology (BJMP) to take custody of petitioner. The Order of Commitment reads:

We hereby commit to you the person of [PETITIONER], who is charged with PLUNDER (Section 2, R.A. No. 7080) in SB-14-CRM-0238, entitled People of the Philippines versus JUAN PONCE ENRILE, ET AL., and for violation of Section 3(e), of R.A. No. 3019 in SB-14-CRM-0241-0255, entitled People of the Philippines versus JUAN PONCE ENRILE, ET AL., pursuant to this Court's Minute Resolution dated July 9, 2014.⁵

In her Petition for *Habeas Corpus*⁶ dated January 13, 2021, petitioner stated that she was under detention at the Taguig City Jail-Female Dormitory, BJMP-National Capital Region Compound, Camp *Bagong Diwa*, Taguig, Metro Manila (Taguig City Jail Female Dormitory) since July 9, 2014⁷ or close to nine years.⁸ Because of such prolonged detention amounting to a violation of her right to speedy trial, petitioner's only recourse was to invoke the remedy of *habeas corpus* before this Court.⁹

Several pleadings were exchanged between the parties exhaustively arguing their positions on *habeas corpus* and an accused's right to speedy trial under the Constitution.

On January 17, 2023, the Court issued a Resolution granting the Petition for *Habeas Corpus* and setting stringent conditions for petitioner's release from detention. In all, We found that petitioner's confinement, though in accordance with a court order of the Sandiganbayan, has become oppressive thus infringing upon her right to liberty.¹⁰

Thus, the dispositive portion of Our Resolution states:¹¹

WHEREFORE, the Petition for *Habeas Corpus* dated January 13, 2021 is **GRANTED** subject to the following conditions:

1) Petitioner Jessica Lucila G. Reyes shall personally attend the hearings of the criminal cases filed against her before the Sandiganbayan;

³ *Id.* at 257-258.

⁴ *Id.* at 106-107. The Order of Commitment dated July 9, 2014 was signed by Presiding Justice Amparo M. Cabotaje-Tang of the Third Division, Sandiganbayan, Quezon City.

⁵ *Id.* at 106.

⁶ *Id.* at 3-7.

⁷ *Id.* at 3.

⁸ *Id.* at 80.

⁹ *Id.* at 4-5.

¹⁰ *Id.* at 176.

¹¹ *Id.* at 189-190.

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2) Petitioner shall submit a quarterly periodic report to the Clerk of Court of the Sandiganbayan of her whereabouts;

3) Petitioner shall secure a travel authority from the Sandiganbayan in cases of foreign travel on her part, and to physically present herself to the Sandiganbayan and submit a report of her return within five days of her arrival in the country;

4) Petitioner shall submit to this Court, through the Office of the Clerk of Court, a quarterly report of her compliance with the foregoing conditions.

The release of petitioner shall be without prejudice to her re-arrest and detention should she fail to comply with any of the conditions stated herein.

Respondent Warden of Taguig City Jail Female Dormitory is **ORDERED** to immediately **RELEASE** petitioner Jessica Lucila G. Reyes from detention.

The Court further **NOTES** the following: (1) Second Motion to Resolve by petitioner; (2) Letter dated December 19, 2022 of Jail Warden of the Taguig City Female Dormitory, JCInsp. Wena Fe P. Dalagan; and (3) Reiterating Motion to Resolve by petitioner.

SO ORDERED.¹² (Emphasis in the original)

Dissatisfied, the OSG files the present Omnibus Motion.¹³ Among others, the OSG questions the classification of the Resolution dated January 17, 2023 under the Court's internal rules.¹⁴ Thus, to obviate any doubt as to the classification and effect of the January 17, 2023 Resolution, the Court issues this signed Resolution in resolving the OSG's Omnibus Motion.

Next, the OSG also argues that the remedy of *habeas corpus* was not available to petitioner.¹⁵

The OSG further asserts that "[t]here are cogent grounds to reconsider and re-examine the factual and legal basis" of the Resolution dated January 17, 2023.¹⁶ In particular, the OSG alleges that the precedent set in the case of *Conde v. Rivera*¹⁷ is not applicable to the present case.¹⁸ To support this argument, the OSG claims that *Conde* "was based on a set of rules which have been superseded by subsequent issuances and should, thus, be held as being no longer applicable under the current prevailing rules."¹⁹

¹² *Id.*

¹³ *Id.* at 215–261.

¹⁴ *Id.* at 223–227.

¹⁵ *Id.* at 229–252.

¹⁶ *Id.* at 227–258.

¹⁷ 45 Phil. 650 (1924) [Per J. Malcolm, First Division].

¹⁸ *Rollo*, pp. 252–255.

¹⁹ *Id.* at 255.

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Moreover, there were compelling reasons to deny *habeas corpus* to petitioner.²⁰ These allegedly compelling reasons include the following: (1) the possibility that the January 17, 2023 Resolution may set a dangerous precedent;²¹ (2) the fact that petitioner had already applied for bail but was previously denied;²² (3) the writ of *habeas corpus* was provisionally granted on the ground of speedy trial despite petitioner's involvement in the delay of the case;²³ or (5) that the prosecution was not afforded due process.²⁴

Issue

The sole issue is whether the Omnibus Motion dated February 3, 2023 merits reconsideration of this Court's January 17, 2023 Resolution.

Our Ruling

The Court resolves to **DENY WITH FINALITY** the Omnibus Motion dated February 3, 2023 for failure to advance substantial arguments to merit reconsideration of the factual and legal bases cited in Our January 17, 2023 Resolution.

At the outset, We note that the substantive arguments in the Omnibus Motion were rehashed and already exhaustively passed upon by this Court in the January 17, 2023 Resolution. To recall, in the assailed Resolution, We have already exhaustively presented a discussion on the constitutional right to liberty against the right to speedy trial. We also held that the "right to speedy trial is violated when: (1) the proceeding is attended by vexatious, capricious, and oppressive delays; or (2) unjustified postponements of the trial are asked for and secured; or (3) without cause or justifiable motive, a long period of time is allowed to lapse without the party having his or her case tried." We also laid down the standards in the grant of the writ of *habeas corpus* anchored on a violation of the right to speedy trial. And based on these standards, We have concluded that the writ of *habeas corpus* is available to petitioner. Her confinement, though in accordance with a court order of the Sandiganbayan, violates her constitutional right to speedy trial and infringes on her right to liberty.²⁵

We have specifically and categorically identified the special attendant circumstances which merited the grant of the writ of *habeas corpus*. For reference, we reiterate:

²⁰ *Id.* at 255–258.

²¹ *Id.* at 256.

²² *Id.*

²³ *Id.* at 256–257.

²⁴ *Id.* at 80.

²⁵ January 17, 2023 Resolution, *id.* at 137.

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Petitioner was able to prove that her detention had become a form of vexatious restraint, despite being detained by virtue of a court order. Petitioner has been under detention at the Taguig City Jail Female Dormitory since July 9, 2014, pursuant to the commitment order issued by the Sandiganbayan. While such order is lawful, petitioner's continued detention had become an undue restraint on her liberty due to the peculiar protracted proceedings attendant in the principal case.

As pointed out by petitioner, the proceeding was delayed due to the wrong markings in the prosecution's evidence. In order to correct the said errors, the Sandiganbayan was constrained to schedule additional preliminary conferences, which have considerably delayed the progress of the case. During the pre-trial stage, the Sandiganbayan issued two pre-trial orders, over her objection. To date, petitioner stated that it is not clear which between these two pre-trial orders are controlling, in accordance with Section 4, Rule 118 of the Rules of Court. Moreover, during trial, the Sandiganbayan has so far allowed only one witness per day, notwithstanding that trial is scheduled only twice a week and that the witnesses' testimonies are cumulative or similar in nature. Petitioner further contextualized the delay by noting that thousands of bundled marked exhibits are to be considered by the Sandiganbayan. To date, petitioner has been in detention for close to nine years, without assurance of the resolution of the case in sight, or that it can be speeded in accordance with law. She maintains that the trial commenced only on March 3, 2022, notwithstanding that the information was filed as early as June 5, 2014.

To stress, We are not saying that the lengthened proceedings was entirely the fault of the prosecution. We take cognizance of the fact that petitioner herself has filed numerous cases to assail her incarceration, most of which have reached this Court and a number of which are still pending resolution. However, after much consideration of all the facts and circumstances attendant to the case, this Court finds that the prosecution has not been able to explain the said prolonged proceedings. The prosecution merely invoked jurisprudence, without providing reasons or justifications behind the long-drawn-out proceedings. On the other hand, petitioner was able to prove that the above-cited delays provided her grounds to seek judicial review into the legality of her continuous confinement as they already infringe on her right to liberty. She presented specific instances that transpired during trial, which would support the view that there is no assurance that the proceedings would be terminated, even after close to a decade of detention.

It is important to emphasize that before the Sandiganbayan renders a judgment in the principal case, petitioner remains to be an accused, who is nonetheless entitled to constitutional rights. Consequently, she is presumed innocent until final conviction.²⁶ Likewise, she enjoys the right to a speedy, impartial, and public trial.²⁷ Moreover, inherent is the right to liberty.²⁸ Therefore, the subject commitment order cannot be oppressively used for an indefinite period of time to the extent that an accused's constitutional rights are utterly disregarded. Indeed, petitioner's release from detention becomes imperative due to the protracted proceedings in the principal case.

²⁶ *People v. Ansano*, G.R. No. 232455, December 2, 2020.

²⁷ *Supra* note 82.

²⁸ *Supra* note 44.

Relatedly, petitioner showed that she raised the violation of her right to speedy trial at the earliest possible time. As early as January 17, 2017, petitioner raised in her Motion for Reconsideration before the Sandiganbayan that had not the prosecution incorrectly marked the evidence, the principal case “would have proceeded smoothly and with dispatch and paucity.” She therein stated that she had been detained then for more than two years and six months without any indication that she will be accorded her constitutional right to speedy trial.

Indeed, nine years is far too long of a detention pending the resolution of a criminal case. If petitioner were to wait for a final judgment before seeking effective relief, then it might be too late for her to genuinely enjoy her liberty. By then, justice delayed would truly be justice denied.²⁹

We stress that the peculiar circumstances of petitioner’s case and the continued violation of her right to speedy trial have impelled this Court to issue the writ of *habeas corpus*. We are not adjudging petitioner’s guilt or innocence consistent with prevailing law, rules, and jurisprudence. This ruling coincides also with the need to preserve the rationale behind the gravity of the offense attributed to petitioner. An outright dismissal of her case pursuant to her petition for habeas corpus would have the affect of destabilizing our statutory law on graft.

In Our January 17, 2023 Resolution, We emphatically explained that the writ of *habeas corpus* was issued for a violation of the right to speedy trial similar to *Conde*.³⁰

To recall, *Conde* involved a former municipal midwife who experienced delay when she: (1) was forced to respond to five separate Informations filed against her for various crimes and misdemeanors; (2) appeared with witnesses and counsel at hearing on eight different occasions only to be postponed; (3) came to this Court on two separate occasions for protection; and (4) after one year from the filing of the Information, seemed far away from a definite resolution of her case.³¹ We thus held:

We lay down the legal proposition that, where a prosecuting officer, without good cause, secures postponements of the trial of a defendant against his protest beyond a reasonable period of time, as in this instance for more than a year, the accused is entitled to relief by a proceeding in mandamus to compel a dismissal of the information, or if he be restrained of his liberty, by habeas corpus to obtain his freedom.³² (Emphasis supplied)

²⁹ *Id.* at 148–150.

³⁰ *Id.* at 139.

³¹ *Id.*

³² *Conde v. Rivera*, 45 Phil. 650, 652 (1924) [Per J. Malcolm, First Division].

Furthermore, in a catena of cases, We held that *habeas corpus* is an effective post-conviction remedy.³³ Thus, the writ of *habeas corpus* may be issued despite the finality of a judgment. In that instance, this Court has recognized that the grant of the writ of *habeas corpus* is allowed based on the ground that there has been a deprivation of a constitutional right resulting in the restraint of a person, among others,³⁴ to wit:

Concomitantly, if a person's liberty is restrained by some legal process, the writ of *habeas corpus* is unavailing. The writ cannot be used to directly assail a judgment rendered by a competent court or tribunal which, having duly acquired jurisdiction, was not ousted of this jurisdiction through some irregularity in the course of the proceedings.

However, jurisprudence has recognized that the writ of *habeas corpus* may also be availed of as a post-conviction remedy when, as a consequence of a judicial proceeding, any of the following exceptional circumstances is attendant: 1) there has been a deprivation of a constitutional right resulting in the restraint of a person; 2) the court had no jurisdiction to impose the sentence; or 3) the imposed penalty has been excessive, thus voiding the sentence as such excess. Here, petitioner is invoking the first circumstance.

Nevertheless, it must be noted that when the detention complained of finds its origin in what has been judicially ordained, the range of inquiry in a *habeas corpus* proceeding is considerably narrowed. **Whatever situation the petitioner invokes from the exceptional circumstances listed above, the threshold remains high. Mere allegation of a violation of one's constitutional right is not enough.** The violation of constitutional right must be sufficient to void the entire proceedings. . . .³⁵ (Emphasis supplied. Citations omitted)

Applying *Conde* and several jurisprudential precepts that followed suit, We therefore concluded that “[w]hile the writ is generally not available to a person whose liberty is under custody of an officer under process issued by a court or judge, when such custody becomes vexatious, capricious, and oppressive amounting to an infringement of the constitutional right to speedy trial of an accused, the writ of *habeas corpus* may be provisionally availed of. Otherwise stated, when the custody of a person becomes illegal due to the grave abuse of his or her constitutional rights, the person deprived of liberty may avail of the writ of *habeas corpus*.”³⁶

³³ *In Re; In the Matter of the Issuance of a Writ of Habeas Corpus of Inmates Raymundo Reyes and Vincent Evangelista (Resolution)*, 873 Phil. 1067, 1076 (2020) [Per J. Zalameda, Third Division]; see *In Re: The Writ of Habeas Corpus for Michael Abellana v. Hon. Paredes*, 856 Phil. 516, 533 (2019) [Per J. Caguioa, Second Division]; *In the Matter of Petition for Habeas Corpus, SSGT. Edgardo L. Osorio v. Assistant State Prosecutor Navera*, 826 Phil. 643, 653 (2018) [Per J. Leonen, Third Division].

³⁴ *In Re: The Writ of Habeas Corpus for Michael Abellana v. Hon. Paredes*, 856 Phil. 516, 539 (2019) [Per J. Caguioa, Second Division]

³⁵ *Id.* at 532–533.

³⁶ *Rollo*, p. 180. (Emphasis in the original)

In the case of *Moncupa v. Enrile*,³⁷ the Court stressed the purpose of a writ of *habeas corpus*, to wit:

A prime specification of an application for a writ of *habeas corpus* is restraint of liberty. The essential object and purpose of the writ of *habeas corpus* is to inquire into all manner of involuntary restraint as distinguished from voluntary, and to relieve a person therefrom if such restraint is illegal. Any restraint which will preclude freedom of action is sufficient.³⁸

Significantly, the Court, in *Moncupa*, held that the writ of *habeas corpus* may still be availed of even though the accused therein had already been out of the detention cell. The Court ratiocinated in this wise:

In effect the principle is clear. A release that renders a petition for a writ of *habeas corpus* moot and academic must be one which is free from involuntary restraints. Where a person continues to be unlawfully denied one or more of his constitutional freedoms, where there is present a denial of due process, where the restraints are not merely involuntary but appear to be unnecessary, and where a deprivation of freedom originally valid has, in the light of subsequent developments, become arbitrary, the person concerned or those applying in his behalf may still avail themselves of the privilege of the writ.

The respondents have failed to show why the writ may not issue and why the restraints on the petitioner's freedom of movement should not be lifted.³⁹

Thus, when the deprivation of freedom has become arbitrary, the writ of *habeas corpus* may be availed. In the assailed January 17, 2023 Resolution, We have clearly explained that petitioner's confinement, although valid and legal at the start, has already become vexatious and arbitrary as to amount to a violation of her right to a speedy trial. We held that "[h]er confinement, though in accordance with a court order of the Sandiganbayan, has become oppressive thus infringing upon her right to liberty."⁴⁰

Taken altogether, We conscientiously and deliberately applied the precepts of *Conde*, prevailing laws, rules, and jurisprudence to the factual and peculiar circumstances in the case at bar, and judiciously ruled that the writ of *habeas corpus* was available to petitioner in view of the violation of her right to speedy trial.

Petitioner was able to prove that her detention had become a form of vexatious restraint, despite being detained by virtue of a court order. Petitioner has been under detention at the Taguig City Jail Female Dormitory since July 9, 2014, pursuant to the commitment order issued by the Sandiganbayan.⁴¹ While such order is lawful, petitioner's continued detention had become an

³⁷ 225 Phil. 191 (1986) [Per J. Gutierrez, Jr., *En Banc*].

³⁸ *Id.* at 192-193.

³⁹ *Id.* at 197.

⁴⁰ *Rollo*, p. 176.

⁴¹ *Id.* at 58.

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oppressive and undue restraint on her liberty due to the peculiar protracted proceedings attendant in the principal case.

In the assailed Resolution, We also had the opportunity to distinguish the writ of habeas corpus from the accused's right to bail. We held thus:

Fourth, the objective for the issuance of the writ of *habeas corpus* due to a violation of the right to speedy trial is not to adjudge the actual merits of the case by which the petitioner is detained for, but to provide provisional liberty in order to protect the petitioner's constitutional right.

This must be distinguished from the accused's right to bail. Bail is given to secure the appearance of the accused.⁴² The right to bail springs from the presumption of innocence accorded every accused upon whom should not be inflicted incarceration at the outset, since after trial he or she would be entitled to acquittal, unless his or her guilt be established beyond reasonable doubt.⁴³ Bail is a matter of right when the offense charged is punishable by any penalty lower than *reclusion perpetua*.⁴⁴ The same becomes a matter of discretion if the offense charged is punishable by death, *reclusion perpetua* or life imprisonment, that is, bail will be denied if the evidence of guilt is strong.⁴⁵

On the other hand, the writ of *habeas corpus* issued due to a violation of the right to speedy trial is given to provide provisional liberty, in order to protect the accused's constitutional rights. This remedy is rooted on the determination that the accused's detention has been attended by vexatious, capricious, and oppressive delays. The issuance of the writ on the basis of violation of the right to speedy trial is available to the accused before a judgment of the competent court is rendered. While the writ of *habeas corpus* is available as a post-conviction remedy, the grant of the writ based on delay in trial may be availed of only before judgment, considering that the detained person remains and possesses the rights of an accused only during trial.⁴⁶

In fine, both remedies give flesh to an accused's right to liberty. They are not mutually exclusive of each other. On the contrary, one remedy complements the other as they both aim to secure the provisional liberty of the detained person.

Consequently, petitioner correctly availed of the writ of *habeas corpus* as a provisional relief pending trial. The present Omnibus Motion therefore fails to persuade.

ACCORDINGLY, the Omnibus Motion dated February 3, 2023 is **DENIED WITH FINALITY**. No further pleadings shall be entertained. Let entry of judgment be issued in due course.

⁴² *Villaseñor v. Hon. Abañe*, 128 Phil. 385, 394 (1967) [Per J. Sanchez, *En Banc*].

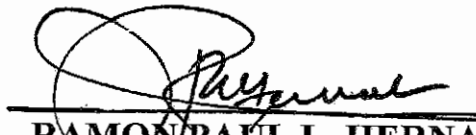
⁴³ *Paderanga v. Court of Appeals*, 317 Phil. 862, 845 (1995) [Per J. Regalado, Second Division].

⁴⁴ *People v. Tanes*, 851 Phil. 295, 303-304 (2019) [Per J. Caguioa, Second Division].

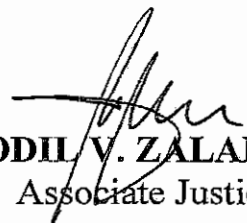
⁴⁵ *Id.* at 304.

⁴⁶ *Rollo*, p. 167.

SO ORDERED.



RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


RODIL V. ZALAMEDA
Associate Justice



RICARDO R. ROSARIO
Associate Justice


JHOSEP V. LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

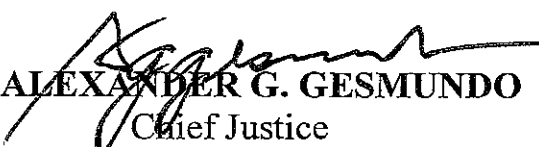
ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


RAMON PAUL L. HERNANDO
Acting Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

