



REPUBLIC OF THE PHILIPPINES
 SUPREME COURT
 Manila

SECOND DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 02 October 2019 which reads as follows:

"G.R. No. 249120 – [In the Matter of the Petition for Writ of Habeas Corpus on behalf of Alexandra Pardilla Pacalda] ARNULFO RANIDO PACALDA, acting for and on behalf of ALEXANDREA P. PACALDA, petitioner, versus BGEN. ARNULFO MARCELO B. BURGOS, JR., in his capacity as the Commander of the 2nd Infantry Division of the Philippine Army, COL. ARNOLD L. GASALATAN, in his capacity as Commanding Officer of 85th Infantry Battalion, COL. GEORGE JOEL N. LALAQUIL, in his capacity as Officer-in-Charge of the 201st Brigade, CAPT. BENEDICT ALFONSO CAGATIN, in his capacity as Civil-Military Officer of the 201st Brigade, 1ST LT. RANDY A. BOBIS, in his capacity as Intelligence Officer of 85th Infantry Battalion, respondents.

X-----X

Before the Court is a Petition for the issuance of a Writ of Habeas Corpus¹ directing the respondents to have the body of Alexandra Pardilla Pacalda (Alexandra) produced before the Court and for the issuance of an Order directing her immediate release from detention.

Petitioner Arnulfo Pacalda (Arnulfo) is the father of Alexandra, 23 years old, who was allegedly arrested on September 14, 2019, at around 6:00 p.m., without a warrant, in Brgy. Magsaysay, Gen. Luna, Quezon Province by six armed men in civilian clothing who were later identified as members of the 85th Infantry Battalion. She was allegedly boarded into a blue van without a plate number and brought to the headquarters of the 85th Infantry Battalion in Brgy. Villa Principe, Gumaca, Quezon. At the military camp, respondent 1st Lt. Randy Bobis, together with Alex Capio, Cheche Montero and several others allegedly took turns in interrogating Alexandra without the presence of a lawyer of her choice. She was allegedly asked about her personal circumstances and how she was recruited as an activist. The soldiers allegedly mentioned names and made Alexandra verify if she knows them. She was allegedly forced to identify some members of the New People's Army (NPA).²

On September 15, 2019, at around 4:00 p.m., she was allegedly brought to the Gen. Luna Police Station and subjected again to interrogation without the presence of a lawyer of her choice. At around 6:00 p.m. of the same day, Arnulfo arrived at the Gen. Luna Police Station and saw that his daughter was weak and deprived of sleep. Arnulfo alleged that the police and soldiers told him that his daughter would be released if they would sign the Certification (Police Report) stating that she voluntarily surrendered. Arnulfo alleged that

¹ Rollo, pp. 3-11.

² Id. at 4-5.

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Alexandrea let him decide on her behalf. Arnulfo alleged that, under the said coercive and intimidating environment and circumstances, he and his daughter, as well as her brother, Jessar Pacalda (Jessar), were forced to sign, under duress, the said Certification (Police Report).³

After signing the said Certification (Police Report), Alexandria was allegedly transferred to the headquarters of the 201st Brigade in Camp General Alfredo M. Santos in Brgy. Rizal Ilaya, Calauag, Quezon. Arnulfo and Jessar followed Alexandria and arrived at said headquarters at around 8:00 p.m. At around 2:00 a.m. on September 16, 2019, Arnulfo and Jessar left said headquarters. Later that day, Arnulfo, his wife Susan and their son Jessar returned to said headquarters. Susan stayed and slept in the said headquarters to accompany her daughter, while Arnulfo and Jessar went home.⁴

On September 16, 2019, Arnulfo, Jessar and Atty. Maria Sol Taule (Atty. Taule) arrived at the said headquarters at around 12:00 p.m. However, they found out from respondent Col. George Joel N. Lalaquil that Alexandria was brought out by several soldiers at around 11:00 a.m. for the execution of an Affidavit of Voluntary Surrender before a notary public. Meanwhile, Susan, who was left behind, said that she did not know that Alexandria would be brought out of the said headquarters since the soldiers merely told her that they would just interview Alexandria and there was no need for her to accompany her daughter.⁵

Alexandrea was returned to the said headquarters at around 3:00 p.m. and she told Atty. Taule and Arnulfo that she was forced to sign three affidavits without giving her enough time to read and understand the contents. Alexandria allegedly said that she signed the said affidavits because she was not in full possession of her mental faculties due to sleep and food deprivation, "psywar" and mental torture. Alexandria then wrote a statement stating that she was tortured, forced to sign several documents, and forced to appear before a notary public without the presence of a lawyer of her choice. Thereafter, Atty. Taule, Arnulfo and Jessar left the said headquarters at around 4:30 p.m.⁶

On September 18, 2019, through the assistance of the Regional Office of the Commission on Human Rights (CHR), Arnulfo wrote a letter to the 201st Brigade, demanding the release of his daughter who has been in their custody for four days without any charge. The CHR also wrote a similar letter. Despite the said two letters, the 201st Brigade allegedly refused to release Alexandria.⁷

Arnulfo alleged that in an interview with the Philippine Daily Inquirer, which was published on September 19, 2019, respondent Capt. Benedict

³ Id. at 5-6.

⁴ Id. at 6.

⁵ Id.

⁶ Id. at 7.

⁷ Id. 10/6

Alfonso Cagatin mentioned that Alexandra “was not in jail and is not being detained” and that she is “free to return to her family.” Capt. Cagatin also said that “as a surrenderer there are *procedures* that she has to undergo to prepare her reintegration to the mainstream of the society.” Arnulfo further alleged that, despite the concurrent jurisdiction of the regional trial courts, he filed the present petition before this Court due to the threat and intimidation experienced by him and his family from the local authorities who are holding Alexandra. Thus, Arnulfo prays for the issuance of a writ of habeas corpus and for the immediate release of his daughter who was illegally arrested and is continuously detained without legal cause.⁸

In view of the foregoing, the Court **RESOLVES** to:

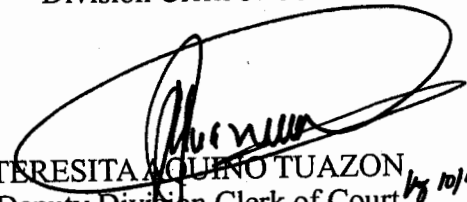
1. **ISSUE** a Writ of Habeas Corpus;
2. **REFER** this petition to the Acting Presiding Justice of the Court of Appeals, who shall cause the immediate raffle of this case among the Court of Appeals Justices;
3. **ORDER** respondents to make a verified **RETURN** of the Writ of Habeas Corpus on or before October 7, 2019 (Monday) and to **COMMENT** on the petition before said date;
4. **DIRECT** the Court of Appeals in Manila to (a) **HEAR** the petition on October 15, 2019 (Tuesday) and (b) **DECIDE** the case within ten (10) days after submission of the case for decision; and
5. Due to time constraints, service of the copy of this Resolution to all parties, petitioners and respondents, shall be done by personal service.

SO ORDERED. //

Very truly yours,

MARIA LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *10/4*

⁸ Id. at 7-9.

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 1/LT. RANDY A. BOBIS (x)
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Please notify the Court of any change in your address.

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