



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 17, 2023, which reads as follows:

“G.R. No. 254838 (*Jessica Lucila G. Reyes v. Director or Whoever Is In-Charge of Camp Bagong Diwa, Taguig, Metro Manila, JCInsp. Wena Fe Dalagan, Warden, Taguig City Jail Female Dormitory*).—This resolves the Petition for *Habeas Corpus*¹ (Petition) under Rule 102 of the Rules of Court filed by petitioner Jessica Lucila G. Reyes against her alleged deprivation of liberty and delay in her trial.²

On June 5, 2014, an Information charging petitioner with Plunder was filed.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

Petitioner has been 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) from July 9, 2014⁶ up to present, or close to nine years.⁷

¹ *Rollo*, pp. 3-8-A.

² Id. at 4-5.

³ Id. at 80.

⁴ Id. at 106-107. Signed by Presiding Justice Amparo M. Cabotaje-Tang.

⁵ Id. at 106.

⁶ Id. at 3.

⁷ Id. at 80.

Petitioner contends that the period of her detention is “longer than any other accused similarly charged with the offense of plunder.”⁸ She cites the periods of detention of the following: (1) Former President Gloria Macapagal-Arroyo, who was detained for a period of 1,387 days prior to her acquittal;⁹ (2) Senator Ramon “Bong” Revilla, Jr., who was detained for 1,643 days prior to his acquittal;¹⁰ (3) Former Senator Juan Ponce Enrile, one of her co-accused, who was detained for 413 days and released on bail;¹¹ and (5) Former Senator Jose Pimentel “Jinggoy” Ejercito, Jr., who was detained for 1,188 days and released on bail.¹² Thus, petitioner claims that she is entitled to a writ of *habeas corpus* and should be discharged from prison by reason of delay and alleged violation of her constitutional right to speedy trial.¹³

Petitioner states that she has filed several petitions before this Court for release from detention on various and multiple grounds, but to no avail.¹⁴ Thus, she is consequently constrained to invoke “the ancient but well-established remedy of Habeas Corpus Act of 1679, s. 6 against deprivation of liberty, specifically on the ground of delay in trial x x x.”¹⁵

In a Notice¹⁶ dated January 27, 2021, this Court directed the Director of the Taguig City Jail Female Dormitory to submit a return of the writ.¹⁷ All respondents were likewise directed to comment on the Petition.¹⁸

The Office of the Solicitor General (OSG), through its Comment¹⁹ dated March 30, 2021, argues that petitioner is not entitled to a writ of *habeas corpus* because she was “detained pursuant to an Information charging her with plunder and the warrant of arrest issued against her.”²⁰ The OSG likewise argues that there was no delay in trial attributable to either the prosecution or the Sandiganbayan.²¹

The Jail Warden of the Taguig City Jail Female Dormitory, JCINSP Wena Fe P. Dalagan (Jail Warden), submitted the Return of the Writ of *Habeas Corpus*²² dated March 24, 2021 (Return). The Return provides:

⁸ Id. at 3.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 4.

¹² Id.

¹³ Id. at 3-5.

¹⁴ Id. at 4.

¹⁵ Id.

¹⁶ Id. at 14-15.

¹⁷ Id. at 14.

¹⁸ Id.

¹⁹ Id. at 3-5.

²⁰ Id. at 21.

²¹ Id. at 22-23.

²² Id. at 41-42.

I, [Jail Warden] of Taguig City Jail Female Dormitory, [have] in my custody, [petitioner].

[Petitioner] is charged with "Plunder," in People vs. Enrile, et al[.], Crim[.] case No. SB-14-CRM-0238. She is currently detained at the Taguig City Jail Female Dormitory since July 9, 2014 pursuant to the Commitment Order of Sandiganbayan signed by Presiding Justice Amparo M. Cabotaje-Tang of the same date.

This [Return] is submitted to the Honorable Supreme Court Third Division, in compliance with its Resolution dated January 27, 2021.²³ (Emphasis supplied)

Petitioner filed her Reply²⁴ dated April 30, 2021. She again cites the Habeas Corpus Act of 1679, s. 6, but states that it was now repealed.²⁵ She likewise enumerates the countless of times she repeatedly invoked her constitutional right to speedy trial in various pleadings:²⁶

6. In addition to these circumstances, [petitioner] respectfully implores the Honorable Court to consider the following:

a. The egregious errors of the Prosecution in wrongly marking its exhibits and in presenting additional exhibits even after the trial had commenced, have considerably delayed the progress of the case.

b. The Court will recall that the last hearing held in the case was early in February 2016 when the direct examination of the Prosecution's witness, Ms. Sula, was interrupted due to the wrong markings in the Prosecution's evidence. In order to correct these errors, the Court was constrained to schedule additional preliminary conferences, which have considerably delayed the progress of the case. Had the Prosecution not committed these errors and completed the markings of its exhibits in accordance with the Rules instead of inducing the Court to prematurely terminate the pre-trial and to proceed to trial, the case would have proceeded smoothly and with dispatch and the paucity of its case against [petitioner] exposed earlier based on the Prosecution's lack of evidence against her.

Since [petitioner] filed her Motion to Quash due to the grossly insufficient Information for Plunder and Prosecution's Bill of Particulars, [petitioner] has been detained for more than two (2) years and six (6) months to date without any positive or encouraging indication, much less assurance, that she will be accorded her constitutional right to speedy trial.

c. Moreover, as this Honorable Court is fully aware, [petitioner] also stands charged for fifteen (15) counts of graft under

²³ Id. at 41.

²⁴ Id. at 45-52.

²⁵ Id. at 46.

²⁶ Id. at 47.

Section 3(e) of R.A. 3019 for the same PDAF funds for Senator Enrile, subject to the instant case for Plunder.

Should the Honorable Court grant her Motion to Quash and be discharged from her present detention, the People and the Prosecution will not be prejudiced at all as they can still pursue all their rights and interests in the instant case in the fifteen (15) graft cases pending against her. There is thus no abrogation of the [People's] rights and interests as well as those of the Prosecution in pursuing the PDAF-related cases of [petitioner] while her personal liberty is restored, thus allowing her, a single parent, to be reunited with and to support her children.

d. Furthermore, her injury and suffering will somehow be minimized even if at the end of her ordeal, she is found innocent of the PDAF-related charges against her, especially considering that the PDAF-related transactions in the fifteen (15) graft charges are the very same subject matter of the instant case.

[Motion for Reconsideration of January 17, 2017, pp 63-64]²⁷

In a Notice²⁸ dated January 5, 2022, this Court required all parties to file their respective memoranda. Complying with the Court's directive, petitioner,²⁹ OSG,³⁰ and Jail Warden³¹ submitted their respective memoranda for consideration of this Court.

In petitioner's Memoranda, she argues that there is delay in trial because: (1) her detention for eight years has no assurance of a speedy resolution;³² (2) trial commenced only on March 3, 2022 notwithstanding the filing of the Information as early as June 5, 2014;³³ (3) the Sandiganbayan allegedly abused its discretion in the handling of the proceedings of the case when it issued two conflicting Pre-Trial Orders over the objection of petitioner;³⁴ and (4) a prolonged detention is abhorrent by international standards, citing the International Covenant on Civil and Political Rights, as well as a report of the United Nations Working Group on Arbitrary Detention that looked into the detention of Former President Gloria-Macapagal Arroyo and found that her detention of three years was arbitrary and in violation of human rights.³⁵

On the other hand, respondents argue that petitioner is not entitled to the writ of *habeas corpus*.

²⁷ Id. at 47-48.

²⁸ Id. at 73-74.

²⁹ Id. at 76-89.

³⁰ Id. at 91-100.

³¹ Id. at 101-105.

³² Id. at 83.

³³ Id.

³⁴ Id. at 84.

³⁵ Id. at 86.



The OSG reiterates its arguments that there was a sufficient legal basis for petitioner's confinement and no violation of petitioner's right to speedy trial.³⁶ Moreover, the OSG urges this Court to take judicial notice of the numerous cases that were filed by the petitioner and her co-accused to question the Sandiganbayan's interlocutory orders, which may have added to the time needed to resolve the plunder case against the petitioner.³⁷

Jail Warden argues that the BJMP lawfully took custody of petitioner pursuant to the Order of Commitment issued by the Sandiganbayan.³⁸

Issue

The sole issue is whether petitioner is entitled to a writ of *habeas corpus*.

Our Ruling

At the outset, We emphasize that Our ruling in this case does not adjudge the guilt or innocence of the petitioner. Instead, as the Court of last resort, it is Our duty to uphold the fundamental law of the land and protect it when needed.

The petition is meritorious. Petitioner is entitled to the writ of *habeas corpus*. Her confinement, though in accordance with a court order of the Sandiganbayan, has become oppressive thus infringing upon her right to liberty.

The writ of *habeas corpus* extends to all cases of illegal confinement or detention

Section 1, Rule 102, of the Rules of Court states that the writ of *habeas corpus* extends to all cases of illegal confinement or detention, to wit:

SEC. 1. *To what habeas corpus extends.* — Except as otherwise expressly provided by law, the writ of *habeas corpus* shall extend to all cases of illegal confinement or detention, by which any person is deprived of his [or her] liberty, or by which the rightful custody of any person is withheld from the person entitled thereto. (Emphasis supplied)

A writ of *habeas corpus* is a "procedural device for subjecting executive, judicial, or private restraints on liberty to judicial scrutiny."³⁹ "The remedy of *habeas corpus* has one objective: to inquire into the cause of detention of a

³⁶ Id. at 93-96.

³⁷ Id. at 96.

³⁸ Id. at 103-104.

³⁹ *Salas v. Bunyi-Medina*, G.R. No. 251693, September 28, 2020. Citation omitted.



person.⁴⁰ If the inquiry reveals that the detention is illegal, the court orders the release of the person.⁴¹ If, however, the detention is proven lawful, then the *habeas corpus* proceedings terminate.”⁴² In other words, it becomes the duty of the Court to inquire into every phase and aspect of confinement or detention.

Habeas corpus is vital in protecting *constitutional* rights.⁴³ It effectively substantiates the implied autonomy of citizens constitutionally protected in the right to liberty in Article III, Section 1 of the Constitution.⁴⁴ Thus, since *habeas corpus* is a remedy for a constitutional right, courts must apply a conscientious and deliberate level of scrutiny so that the substantive right to liberty will not be further curtailed in the labyrinth of other processes.⁴⁵

We explained in *In the Matter of the Petition for Habeas Corpus of Capt. Alejano v. Gen. Cabuay*⁴⁶ (*Alejano*) that:

The writ is available where a person continues to be unlawfully denied of one or more of his [or her] constitutional freedoms[.] x x x.

However, a mere allegation of a violation of one’s constitutional right is not sufficient. The courts will extend the scope of the writ only if any of the following circumstances is present: (a) there is a deprivation of a constitutional right resulting in the unlawful restraint of a person; (b) the court had no jurisdiction to impose the sentence; or (c) an excessive penalty is imposed and such sentence is void as to the excess. Whatever situation the petitioner invokes, the threshold remains high. The violation of constitutional right must be sufficient to void the entire proceedings.⁴⁷ (Emphases supplied)

To this end, this Court has previously settled that the writ of *habeas corpus* is a “great writ of liberty” which was “devised and exists as a speedy and effectual remedy to relieve persons from unlawful restraint, and as the best and only sufficient defense of personal freedom.”⁴⁸ In that case, We emphasized that *habeas corpus* effectively substantiates the implied autonomy

⁴⁰ *In the Matter of the Petition for Habeas Corpus of Capt. Alejano v. Gen. Cabuay*, 505 Phil. 298, 309 (2005). Citation omitted.

⁴¹ Id.

⁴² Id.

⁴³ *Salas v. Bunyi-Medina*, supra. Citation omitted.

⁴⁴ CONSTITUTION, Art. III, Sec. 1.

Section 1. **No person shall be deprived of life, liberty, or property without due process or law,** nor shall any person be denied the equal protection of the laws. (Emphasis supplied)

⁴⁵ *Salibo v. Warden*, 757 Phil. 630, 645 (2015). Citation omitted.

⁴⁶ *In the Matter of the Petition for Habeas Corpus of Capt. Alejano v. Gen. Cabuay*, supra at 40. Citation omitted.

⁴⁷ Id. at 309-310. Citations omitted

⁴⁸ *In the Matter of Petition for Habeas Corpus*, SSGT. Edgardo L. Osorio v. Assistant State Prosecutor Naveria, 826 Phil. 643, 652 (2018).



of citizens constitutionally protected in the right to liberty in Art. III, Sec. 1 of the Constitution.⁴⁹

Meanwhile, in the case of *Conde v. Rivera*⁵⁰ (*Conde*), cited by petitioner, the Court issued the writ of *habeas corpus* when it found that the right to speedy trial was violated.

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.⁵¹ Considering that the right to liberty is a fundamental constitutional right, courts must apply a conscientious and deliberate level of scrutiny so that the right to liberty “will not be further curtailed in the labyrinth of other processes.”⁵² 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.**⁵³ (Emphases supplied).

Nevertheless, the writ of *habeas corpus* is limited when the detention complained of may be traced to a judicial action.⁵⁴ Sec. 4, Rule 102 of the Rules of Court states:

SEC. 4. When writ not allowed or discharge authorized. — If it appears that the person alleged to be restrained of his [or her] liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment. (Emphases supplied)

⁴⁹ Id.

⁵⁰ 45 Phil. 650 (1924).

⁵¹ Id. at 650-652.

⁵² *In the Matter of Petition for Habeas Corpus, SSGT. Edgardo L. Osorio v. Assistant State Prosecutor Navaera*, supra at 654.

⁵³ *Conde v. Rivera*, supra at 652.

⁵⁴ Supra note 39, citing *Ventura v. People*, 175 Phil. 374, 378 (1978).

Thus, the writ of *habeas corpus* shall not be allowed when the person alleged to be restrained of his or her liberty is in the custody of an officer under process issued by a court or judge.⁵⁵

As explained in *Alejano*, the writ of *habeas corpus* is available when the violation of one's constitutional right results in the unlawful restraint of the accused, which would be sufficient to void the entire proceedings.⁵⁶

In a catena of cases, We held that *habeas corpus* is an effective post-conviction remedy.⁵⁷ 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,⁵⁸ 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 sentence as to circumstance 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 x x x.⁵⁹

The foregoing jurisprudential precepts considered, this Court holds that the writ of *habeas corpus* extends to all cases of illegal confinement or detention by which any person is deprived of his or her liberty, or by which the rightful custody of any person is withheld from the person entitled thereto.

⁵⁵ Id., citing *Barredo v. Hon. Vinarao*, 555 Phil. 823, 828 (2007).

⁵⁶ *In the Matter of the Petition for Habeas Corpus of Capt. Alejano v. Gen. Cabuay*, supra note 40 at 310.

⁵⁷ *In Re; In the Matter of the Issuance of a Writ of Habeas Corpus of Inmates Raymundo Reyes and Vincent Evangelista*, G.R. No. 251954, June 10, 2020; see *In Re: The Writ of Habeas Corpus for Michael Abellana v. Hon. Paredes*, G.R. No. 232006, July 10, 2019; *In the Matter of Petition for Habeas Corpus, SSGT. Edgardo L. Osorio v. Assistant State Prosecutor Navera*, supra note 48.

⁵⁸ *In Re: The Writ of Habeas Corpus for Michael Abellana v. Hon. Paredes*, supra.

⁵⁹ Id. Emphases supplied and citations omitted.



While 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 on 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*.

The constitutional right to liberty vis-à-vis the right to speedy trial

To support her petition, petitioner alleges that she has been deprived of the constitutional right to due process of the law, specifically among others, the right to have a speedy, impartial, and public trial.⁶⁰

The fundamental right to life, liberty, and property is enshrined in the Constitution. It is this fundamental right of all human beings that the State protects, and that this Court safeguards fervently.

Art. III, Sec. 1 of the 1987 Constitution emphatically states:

No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

At the most basic level, the right to liberty guaranteed by the Constitution means the right to exist and the right to be free from arbitrary personal restraint or servitude.⁶¹ Liberty includes the right of citizens to be free to use his or her faculties in lawful ways.⁶² This right cannot be taken away except by due process of law.⁶³

Inherent in the right to liberty is the right of an accused to speedy trial.

In international law, the fundamental right to life, liberty, and property is enshrined in the International Bill of Rights. The International Bill of Rights comprises of five core human rights treaties of the United Nations that function to advance the fundamental freedoms and to protect the basic human rights of all people.⁶⁴ The pertinent core human rights treaties are the: (1)

⁶⁰ *Rollo*, pp. 4-5.

⁶¹ *Rubi v. The Provincial Board of Mindoro*, 39 Phil. 660, 705 (1919).

⁶² *Id.*

⁶³ *Id.* at 706.

⁶⁴ *International Bill of Human Rights*, <<https://www.escr-net.org/resources/international-bill-human-rights>> (last visited November 22, 2022).

Universal Declaration of Human Rights⁶⁵ (UDHR); (2) International Covenant on Civil and Political Rights⁶⁶ (ICCPR); (3) International Covenant on Economic, Social and Cultural Rights⁶⁷ (ICESC); and (4) Optional Protocol to the International Covenant on Civil and Political Rights.⁶⁸ The Philippines, as a signatory to all these treaties, has adopted the same as part of the law of the land.⁶⁹

The UDHR universally declares and recognizes the inalienable human rights of all people, including the right to liberty and security of a person,⁷⁰ the right to an effective remedy by competent national tribunals,⁷¹ and the right not to be subjected to arbitrary arrest, detention, or exile.⁷²

The ICCPR likewise provides that every person has the right to liberty,⁷³ and anyone arrested or detained on a criminal charge shall be brought promptly before a competent court and shall be entitled to trial within a reasonable time or to release.⁷⁴ The release of persons awaiting trial and detained in custody may be subject to guarantees to appear for trial, at any stage of the judicial proceedings.⁷⁵

Concomitantly, the Constitution states that the accused shall enjoy the right to have a speedy trial in all criminal prosecutions before courts of law.⁷⁶ An accused's right to have a "speedy, impartial, and public trial" is guaranteed in criminal cases by Sec. 14(2) of Art. III of the Constitution.⁷⁷ The concept of speedy trial is necessarily related and the determination of whether the right has been violated must be based on the balancing of various factors.⁷⁸

⁶⁵ Universal Declaration of Human Rights (UDHR), opened for signature December 19, 1966 (effective March 23, 1976).

⁶⁶ International Covenant on Civil and Political Rights (ICCPR), opened for signature December 19, 1966 (effective March 23, 1976).

⁶⁷ International Covenant on Economic, Social and Cultural Rights (ICESC), opened for signature December 16, 1966 (effective January 3, 1976).

⁶⁸ Optional Protocol to the International Covenant on Civil and Political Rights, opened for signature December 19, 1966 (effective August 22, 1989).

⁶⁹ CONSTITUTION, Art. II, Sec. 2.

⁷⁰ Article 3, UDHR: Everyone has the right to life, liberty and security of person.

⁷¹ Article 8, UDHR: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

⁷² Article 9, UDHR: No one shall be subjected to arbitrary arrest, detention or exile.

⁷³ Article 9 (1), ICCPR: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

⁷⁴ Article 9 (3), ICCPR: Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

⁷⁵ Id.

⁷⁶ CONSTITUTION, Art. III, Sec. 14 (2). It states: (2) **In all criminal prosecutions, the accused x x x, and shall enjoy the right x x x, to have a speedy, impartial, and public trial, x x x.** (Emphasis supplied)

⁷⁷ *Tan v. People*, 604 Phil. 68, 78 (2009).

⁷⁸ JOAQUIN G. BERNAS, S.J., THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY, 527 (2009 ed.).



The right to speedy trial is consistent with delays and depends upon circumstances.⁷⁹ We emphasize that the essential ingredients in the administration of justice are orderliness, expeditiousness, and not mere speed.⁸⁰ It cannot be accurately determined how long is too long in a system where justice is supposed to be swift, but deliberate.⁸¹

The right to speedy trial is deemed 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 elapse without the party having his or her case tried.⁸² Thus, although the concept of delay is relative, the Constitution prohibits unreasonable delays,⁸³ which may occur in times of typhoon,⁸⁴ circumstances of war and liberation,⁸⁵ or unavoidable postponements or *force majeure*,⁸⁶ among others.

In *Hong v. Aragon*,⁸⁷ We discussed that:

In determining whether a person is denied of his [or her] right to speedy trial or right to speedy disposition of a case, the Barker Balancing Test and the judicial pronouncements in *Cagang* find application.

Under the Barker Balancing Test, the following factors must be considered in determining the existence of inordinate delay: (1) the length of delay; (2) the reasons for the delay; (3) the assertion or failure to assert such right by the accused; and (4) the prejudice caused by the delay.

In *Cagang*, the Court warned that the determination of inordinate delay is not by mathematical computation, as several factors contribute in resolving a case:

What may constitute a reasonable time to resolve a proceeding is not determined by "mere mathematical reckoning." It requires consideration of a number of factors, including the time required to investigate the complaint, to file the information, to conduct an arraignment, the application for bail, pre-trial, trial proper, and the submission of the case for decision. Unforeseen circumstances, such as unavoidable postponements or *force majeure*, must also be taken into account.

⁷⁹ *Cagang v. Sandiganbayan, Fifth Division*, 837 Phil. 815, 869 (2018).

⁸⁰ Id. at 917. Citation omitted.

⁸¹ Id.

⁸² *Hong v. Aragon*, G.R. No. 209797, September 8, 2020.

⁸³ Id.

⁸⁴ *People v. Alipao*, 96 Phil. 20, 22 (1954).

⁸⁵ *Gunabe v. Director of Prisons*, 77 Phil. 993, 995 (1947).

⁸⁶ *Cagang v. Sandiganbayan, Fifth Division*, supra.

⁸⁷ Supra.

The complexity of the issues presented by the case must be considered in determining whether the period necessary for its resolution is reasonable. In *Mendoza-Ong v. Sandiganbayan* this Court found that “the long delay in resolving the preliminary investigation could not be justified on the basis of the records.” In *Binay v. Sandiganbayan*, this Court considered “the complexity of the cases (not run-of-the-mill variety) and the conduct of the parties’ lawyers” to determine whether the delay is justifiable. When the case is simple and the evidence is straightforward, it is possible that delay may occur even within the given periods. Defense, however, still has the burden to prove that the case could have been resolved even before the lapse of the period before the delay could be considered inordinate.” (Citations omitted)

Notably, these factors would find significance if the fact of delay was already established. This may be proved by reference to laws which provide for the time periods in the disposition of cases. Only when delay is ascertained would the prosecution be charged with the burden of proving that there was no violation of the right to speedy trial or the right to speedy disposition of cases. Otherwise, the burden of proof lies with the defense.⁸⁸

Pertinently, in assessing whether there is a violation of the right to speedy trial, the guidelines laid down in *Cagang v. Sandiganbayan*⁸⁹ (*Cagang*) are instructive:

First, the right to speedy disposition of cases is different from the right to speedy trial. While the rationale for both rights is the same, the right to speedy trial may only be invoked in criminal prosecutions against courts of law. The right to speedy disposition of cases, however, may be invoked before any tribunal, whether judicial or quasi-judicial. What is important is that the accused may already be prejudiced by the proceeding for the right to speedy disposition of cases to be invoked.

Second, a case is deemed initiated upon the filing of a formal complaint prior to a conduct of a preliminary investigation. This Court acknowledges, however, that the Ombudsman should set reasonable periods for preliminary investigation, with due regard to the complexities and nuances of each case. Delays beyond this period will be taken against the prosecution. The period taken for fact-finding investigations prior to the filing of the formal complaint shall not be included in the determination of whether there has been inordinate delay.

Third, courts must first determine which party carries the burden of proof. If the right is invoked within the given time periods contained in current Supreme Court resolutions and circulars, and the time periods that will be promulgated by the Office of the Ombudsman, the defense has the burden of proving that the right was justifiably invoked. If the delay occurs beyond the given time period and the right is invoked, the prosecution has the burden of justifying the delay.

⁸⁸ Id.

⁸⁹ Supra note 79.



If the defense has the burden of proof, it must prove *first*, whether the case is motivated by malice or clearly only politically motivated and is attended by utter lack of evidence, and *second*, that the defense did not contribute to the delay.

Once the burden of proof shifts to the prosecution, the prosecution must prove *first*, that it followed the prescribed procedure in the conduct of preliminary investigation and in the prosecution of the case; *second*, that the complexity of the issues and the volume of evidence made the delay inevitable; and *third*, that no prejudice was suffered by the accused as a result of the delay.

Fourth, determination of the length of delay is never mechanical. Courts must consider the entire context of the case, from the amount of evidence to be weighed to the simplicity or complexity of the issues raised.

An exception to this rule is if there is an allegation that the prosecution of the case was solely motivated by malice, such as when the case is politically motivated or when there is continued prosecution despite utter lack of evidence. Malicious intent may be gauged from the behavior of the prosecution throughout the proceedings. If malicious prosecution is properly alleged and substantially proven, the case would automatically be dismissed without need of further analysis of the delay.

Another exception would be the waiver of the accused to the right to speedy disposition of cases or the right to speedy trial. If it can be proven that the accused acquiesced to the delay, the constitutional right can no longer be invoked.

In all cases of dismissals due to inordinate delay, the causes of the delays must be properly laid out and discussed by the relevant court.

Fifth, the right to speedy disposition of cases or the right to speedy trial must be timely raised. The respondent or the accused must file the appropriate motion upon the lapse of the statutory or procedural periods. Otherwise, they are deemed to have waived their right to speedy disposition of cases.⁹⁰

In light of the foregoing, this Court finds it imperative to lay down the standards in the grant of the writ of *habeas corpus* anchored on a violation of the right to speedy trial.

First, the most basic criterion is that the individual seeking such relief must be illegally deprived of his or her freedom of movement or placed under some form of illegal restraint.⁹¹

Second, if a person's liberty is restrained by some legal process, the writ of *habeas corpus* is generally unavailing.⁹² As an exception, the writ may be

⁹⁰ Id. at 880-882.

⁹¹ Supra note 58.

⁹² Id.

issued when there has been a deprivation of a constitutional right resulting in the restraint of a person.⁹³ When a petitioner invokes such exceptional circumstance, the threshold remains high.⁹⁴ Mere allegation of a violation of one's constitutional right is not enough. The violation of constitutional right must be shown to be sufficient as to possibly void the proceedings.⁹⁵

Third, among the constitutional rights, the right to speedy trial must have been violated. Any of the following grounds must be present: (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 of justifiable motive, a long period of time is allowed to elapse without the party having his or her case tried.⁹⁶ In determining the existence of any of these grounds, the Barker Balancing Test *and* the guidelines under *Cagang* must be considered.

Under the Barker Balancing Test, the following factors must be accounted: (a) the length of delay; (b) the reasons for the delay; (c) the assertion or failure to assert such right by the accused; and (d) the prejudice caused by the delay.⁹⁷

Meanwhile, the applicable tenets in *Cagang* must be satisfied, to wit:

(1) As a general rule, the burden of proving illegal restraint by the respondent rests on the petitioner who attacks such restraint.⁹⁸ If the detention is by reason of lawful public authority, the return is considered *prima facie* evidence of the validity of restraint and the petitioner has the burden of proof to show that the restraint is illegal.⁹⁹ Thus, the petitioner has the burden of proving the existence of the grounds for the issuance of the writ.

(2) Courts must consider the entire context of the case, from the amount of evidence to be weighed to the simplicity or complexity of the issues raised. This requirement will not be applicable if: (a) malicious prosecution is properly alleged and substantially proven, which would necessitate the automatic dismissal of the case; or (b) if it can be proven that the accused acquiesced to the delay, the constitutional right can no longer be invoked, in which case the writ may not be granted.

(3) The right to speedy trial must be timely raised.

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ Supra note 82.

⁹⁷ Id.

⁹⁸ *Feria v. Court of Appeals*, 382 Phil. 412, 423 (2000).

⁹⁹ Id.

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.¹⁰⁰ 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.¹⁰¹ Bail is a matter of right when the offense charged is punishable by any penalty lower than *reclusion perpetua*.¹⁰² 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.¹⁰³

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.

Corollarily, *Conde* suggests that where the prosecution secures postponements of the trial beyond a reasonable period of time, the accused may avail of the writ of *habeas corpus* to obtain his or her freedom.¹⁰⁴ The same does not provide that the principal case be dismissed upon the grant of the writ. This is consistent with the present rules. Sec. 15, Rule 102¹⁰⁵ of the Rules of Court provides that when the court or judge is satisfied that the petitioner is unlawfully imprisoned or restrained, his or her discharge from confinement shall be ordered. Meanwhile, Sec. 18, Rule 102¹⁰⁶ states that a

¹⁰⁰ *Villaseñor v. Hon. Abaño*, 128 Phil. 385, 394 (1967).

¹⁰¹ *Paderanga v. Court of Appeals*, 317 Phil. 862, 845 (1995).

¹⁰² *People v. Tanes*, G.R. No. 240596, April 3, 2019.

¹⁰³ *Id.*

¹⁰⁴ *Supra note 50.*

¹⁰⁵ Section 15. *When prisoner discharged if no appeal.* — When the court or judge has examined into the cause of caption and restraint of the prisoner, and is satisfied that he is unlawfully imprisoned or restrained, he shall forthwith order his discharge from confinement, but such discharge shall not be effective until a copy of the order has been served on the officer or person detaining the prisoner. If the officer or person detaining the prisoner does not desire to appeal, the prisoner shall be forthwith released.

¹⁰⁶ Section 18. *When prisoner may be removed from one custody to another.* — A person committed to prison, or in custody of an officer, for any criminal matter, shall not be removed therefrom into the custody of another unless by legal process, or the prisoner be delivered to an inferior officer to carry to jail, or, by order of the proper court or judge, be removed from one place to another within the



person committed to prison, or in custody of an officer for any criminal matter shall not be removed therefrom unless by legal process. Verily, the rules do not provide for the dismissal of the principal case.

Therefore, the grant of the writ of *habeas corpus* does not entail the determination of the principal case. What is secured is merely the petitioner's provisional liberty due to vexatious, capricious, and oppressive delays in trial. The principal case shall proceed independently and the court may lawfully exercise its jurisdiction over the proceedings.

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

Based on the above outlined standards, this Court finds that petitioner is entitled to the issuance of the writ of *habeas corpus*.

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.¹⁰⁷ 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.¹⁰⁸ During the pre-trial stage, the Sandiganbayan issued two pre-trial orders, over her objection.¹⁰⁹ 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

Philippines for trial, or in case of fire epidemic, insurrection, or other necessity or public calamity; and a person who, after such commitment, makes signs, or counter-signs any order for such removal contrary to this section, shall forfeit to the party aggrieved the sum of one thousand pesos, to be recovered in a proper action.

¹⁰⁷ Id. at 58.

¹⁰⁸ Id. at 47-48.

¹⁰⁹ Id. at 84.



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.¹¹⁰ 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.¹¹¹ Likewise, she enjoys the right to a speedy, impartial, and public trial.¹¹² Moreover, inherent is the right to liberty.¹¹³ 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.

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."¹¹⁴ She therein stated that she had been detained then for more than two years and six

¹¹⁰ Id.

¹¹¹ *People v. Ansano*, G.R. No. 232455, December 2, 2020.

¹¹² Supra note 82.

¹¹³ Supra note 44.

¹¹⁴ *Rollo*, pp. 47-48.

months without any indication that she will be accorded her constitutional right to speedy trial.¹¹⁵

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.

Consequently then, We hold that petitioner's petition for *habeas corpus* must be granted, without prejudice to the resolution of pending criminal cases filed against her. As We emphasized at the outset, Our ruling in this case does not adjudicate the guilt or innocence of the petitioner. Petitioner is only being granted provisional or temporary liberty which is not in any measure equivalent to the dismissal of the criminal cases filed against her. To stress, petitioner must still stand trial. Considering the provisional nature of her liberty, petitioner is duty-bound to participate before the competent courts of jurisdiction, and to appear before said courts when she is lawfully ordered to do so.

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;
- 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.

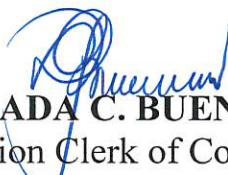
¹¹⁵ Id.

January 17, 2023

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

SO ORDERED.” J. Y. Lopez, J., designated additional Member per Raffle dated December 7, 2022 vice Gesmundo, CJ, who recused due to prior participation in the other related cases in the Sandiganbayan.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court


281-A

JAN 19 2023

Atty. Estelito P. Mendoza (x)
Suite A, 18th Floor, Tower 6789
Ayala Avenue, 1226 Makati City
emram@globelines.com.ph

Ms. Jessica Lucila “Gigi” G. Reyes (x)
Petitioner
c/o The Jail Warden
Taguig City Jail – Female Dormitory
Bureau of Jail Management
& Penology – NCR
F3P3 & 782, Camp Bagong Diwa
Lower Bicutan, 1630 Taguig City

SANDIGANBAYAN (x)
Centennial Building
Commonwealth Avenue
1126 Quezon City
(SB-14-CRM-0238)
sbjrd2020@gmail.com

The Solicitor General (x)
134 Amorsolo Street, Legaspi Village
1229 Makati City
mavbermejo@osg.gov.ph
efile@osg.gov.ph

JSupt. Wena Fe P. Dalagan (x)
Jail Warden
Taguig City Jail – Female Dormitory
Bureau of Jail Management & Penology – NCR
F3P3 & 782, Camp Bagong Diwa
Lower Bicutan, 1630 Taguig City

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