

G.R. No. 243522 – 242257 – In the Matter of Petition for Writ of *Amparo* of Vivian A. Sanchez.

VIVIAN A. SANCHEZ, *Petitioner*, v. PSUPT MARC ANTHONY D. DARROCA, Chief of Police, San Jose Municipal Police Station; PSSUPT LEO IRWIN D. AGPANGAN, Provincial Dir., PNP-Antique; PCSUPT JOHN C. BULALACAO, Regional Director, PNP-Region VI; and MEMBERS OF THE PNP UNDER THEIR AUTHORITY, *Respondents*.

Promulgated:

October 15, 2019

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DISSENTING OPINION

HERNANDO, J.:

I dissent.

Section 1 of The Rule on the Writ of *Amparo* clearly states the purpose and coverage of such a writ:

Sec. 1. *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 and underscoring supplied.)

The Court further expounds in *Ladaga v. Mapagu*¹ that:

The writ of *amparo* was promulgated by the Court pursuant to its rule-making powers in response to the alarming rise in the number of cases of enforced disappearances and extrajudicial killings. It plays the preventive role of breaking the expectation of impunity in the commission of extralegal killings and enforced disappearances, as well as the curative role of facilitating the subsequent punishment of the perpetrators. In *Tapuz v. Del Rosario*, the Court has previously held that the writ of *amparo* is an extraordinary remedy intended to address violations of, or threats to, the rights to life, liberty or security and that, being a remedy of extraordinary

¹ 698 Phil 525.

character, it is not one to issue on amorphous or uncertain grounds but only upon reasonable certainty.

The Rule on the Writ of *Amparo* also provides that for the court to render judgment granting the privilege of the writ, the petitioner must be able to discharge the burden of proving the allegations in the petition by the standard of proof required, that is, substantial evidence.² Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.³

In a petition for writ of *amparo*, the court is allowed a certain degree of leniency or flexibility in the application of the evidentiary rules by adopting the totality of evidence standard. The Court explained in *Razon, Jr. v. Tagitis*⁴ that evidentiary difficulties had compelled it to adopt standards appropriate and responsive to the circumstances, without transgressing the due process requirements that underlie every proceeding.⁵ It determined that the fair and proper rule was to consider all the pieces of evidence adduced in their totality, and to consider any evidence otherwise inadmissible under usual rules to be admissible if it is consistent with the admissible evidence adduced.⁶ In other words, the rules are reduced to the most basic test of reason – *i.e.*, to the relevance of the evidence to the issue at hand and its consistency with all other pieces of adduced evidence.⁷ Thus, even hearsay testimony or circumstantial evidence can be admitted and appreciated if it satisfies this basic minimum test.⁸ Yet the Court also issued a *caveat* in *Bautista v. Dannug-Salucon*⁹ that such use of the standard does not unquestioningly authorize the automatic admissibility of hearsay or circumstantial evidence in all *amparo* proceedings. The matter of the admissibility of evidence should still depend on the facts and circumstances peculiar to each case.

Judging by the foregoing quantum of proof applicable particularly to a petition for a writ of *amparo*, it is my view that Sanchez failed to present substantial evidence to prove her entitlement to such a writ. After a judicious review of the records, I find no established violation or threat to the life, liberty, or security of Sanchez or her children by any of the respondents. Neither did Sanchez show proof that the respondents committed any unlawful act or omission as to justify her plea for a writ of *amparo*.

² Sec. 18. *Judgment.* – The court shall render within ten (10) days from the time the petition is submitted for decision. If the allegations in the petition are proven by substantial evidence, the court shall grant the privilege of the writ and such reliefs as may be proper and appropriate; otherwise, the privilege shall be denied.

³ *Republic v. Cayanan*, G.R. No. 181796, November 7, 2017, 844 SCRA 183.

⁴ 621 Phil 536 (2009).

⁵ *Id.* at 613.

⁶ *Id.* at 616.

⁷ *Id.*

⁸ *Id.*

⁹ G.R. No. 221862, January 23, 2018.

To reiterate, the writ of *amparo* specifically covers cases of extralegal killings and enforced disappearances, or threats thereof.

Extralegal killings are described as killings committed without due process of law, *i.e.*, without legal safeguards or judicial proceedings.¹⁰

At the outset, Sanchez filed the Petition for Writ of *Amparo* before the RTC with herself as the aggrieved party and not her deceased husband, Labinghisa. Hence, it is not for the Court herein to look into the circumstances of Labinghisa's death during the alleged PNP-NPA encounter. There is also, notably, no allegation here at all that Labinghisa's death was an extralegal killing.

As for Sanchez, the Court fails to perceive any actual, imminent, or continuing threat on her life and/or that of her children. By her own narrative, the only express threat made against her was that she would be persecuted for obstruction of justice if she would refuse to answer the questions of the police officers at St. Peter's during her second visit on August 17, 2018. This hardly puts her in danger of extrajudicial killing. Even assuming that the alleged surveillance and monitoring conducted on Sanchez and her children were true, the Court still cannot make a deduction simply based thereon that they are under threat of extralegal killing. Corollarily, Sanchez failed to establish that the surveillance and monitoring allegedly conducted on her and her children amounted to unlawful acts as to fall under the protective mantle of the writ of *amparo*.

Neither was Sanchez able to satisfactorily prove that she had been the victim of enforced disappearance or is under threat thereof, as it is defined under Section 3(g) of Republic Act (R.A.) No. 9851¹¹:

“Enforced or involuntary disappearance of persons” means the arrest, detention, or abduction of persons by, or with the authorization, support or acquiescence of a State or a political organization followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing from the protection of the law for a prolonged period of time.

In *Navia v. Pardico*,¹² the Court identified the elements constituting enforced disappearance, to wit:

From the statutory definition of enforced disappearance, thus, we can derive the following elements that constitute it:

- (a) that there be an arrest, detention, abduction or any form of deprivation of liberty;

¹⁰ *Mamba v. Bueno*, 805 Phil 359, 377 (2017).

¹¹ Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

¹² 688 Phil. 266 (2012).

- (b) that it be carried out by, or with the authorization, support or acquiescence of, the State or a political organization;
- (c) that it be followed by the State or political organization's refusal to acknowledge or give information on the fate or whereabouts of the person subject of the *amparo* petition; and,
- (d) that the intention for such refusal is to remove subject person from the protection of the law for a prolonged period of time.

As thus dissected, it is now clear that for the protective writ of *amparo* to issue, allegation and proof that the persons subject thereof are missing are not enough. It must also be shown and proved by substantial evidence that the disappearance was carried out by, or with the authorization, support or acquiescence of, the State or a political organization, followed by a refusal to acknowledge the same or give information on the fate or whereabouts of said missing persons, with the intention of removing them from the protection of the law for a prolonged period of time. Simply put, the petitioner in an *amparo* case has the burden of proving by substantial evidence the indispensable element of government participation.¹³

Pursuant to the first element of enforced disappearance, Sanchez did not allege, much less prove, that she had been arrested, detained, or abducted by any of the respondents or people acting under their authority. There is likewise absolute lack of allegations and proof of government participation in such arrest, detention, or abduction. While Sanchez might have been interrogated by police officers during her second visit to St. Peter's on August 17, 2018, she was still able to eventually leave and go home that same day. There appears to be no other instance when Sanchez or her daughters had been actually deprived of their liberty. Even until the hearing of her Petition, Sanchez apparently could still freely travel from one place to another. Sanchez's basic allegation was only that she and her daughters were afraid to leave their house and engage in their daily activities because of the purported surveillance and monitoring. Yet, their mere apprehensions, without any other substantiating evidence, do not qualify as a threat that will justify issuance of the writ.

Sanchez mainly deduced the existence of a threat against her life, liberty, and security from information allegedly relayed to her by two persons, namely, (a) PO2 Dela Cruz, her contact in the police who disclosed to her that her photos were being circulated in the PNP and being posted at police stations;¹⁴ and (b) her brother, who told her that the Mayor of Hamtic wanted her to go to the police station to clarify her name and involvement.¹⁵ However, Sanchez's brother neither executed any affidavit nor testified in

¹³ *Id.* at 279-280.

¹⁴ *Rollo*, p. 125.

¹⁵ *Id.* at 127.

court. Consequently, there was no way for the courts to verify whether he had in fact relayed such information to Sanchez and whether such information was reliable and true. More significantly, PO2 Dela Cruz expressly denied telling Sanchez that her picture was being circulated within the PNP and posted at police stations.

PO2 Dela Cruz, whom Sanchez introduced in her pleadings to be not merely her contact and informant in the local police but also her close personal friend and godmother to her daughter Star, described the context and details of her exchange of text messages with Sanchez from August 15 to August 22, 2018:

CROSS-EXAMINATION BY ATTY. ALCANTARA:

Q Madam witness, there was an exchange of text messages from August 15, 2018 until August 22, 2018 between you and the petitioner?

A Yes, sir.

x x x x

Q xxx [Y]ou have an idea that [Sanchez] is being monitored?

A Based on...?

Q Based on your testimony, these are the text messages?

A Based on her allegation, sir, **I am not very sure if the person alleged who is conducting monitoring is a member of the police station, sir.**

Q **So it is also true that her picture is being posted in the police stations, according to your text?**

A No, sir.

Q **So you deny your text messages?**

A **A picture of Vivian was taken when she went to the funeral parlor of St. Peter but her picture was not posted at the Municipal police station, sir.**

Q **So, let's be clear, who is monitoring the petitioner?**

A **I do not have any idea because based on her she was being monitored but I was not sure if that was the members of the Philippine National Police.**

Q But in your text messages, it appears that you are the one x x x informing her that she [was] being monitored, in your text message?

A Yes, sir.

Q So, how did you come to know that she was being monitored because that was the contents [sic] of your text messages?

A **She [was] about to be monitored, sir.**

Q How did you know that?

- A **Because she will not disclose the real name of her husband** that is why there is a possibility that she will be monitored, sir.
- Q So there is a possibility that the police force of Antique would monitor her because she would not reveal the name of her husband, correct?
- A Yes, sir.¹⁶ (Emphases supplied.)

That PO2 Dela Cruz testified in respondents' favor weighs heavily and adversely against Sanchez. While PO2 Dela Cruz affirmed in open court that she had informed Sanchez that the latter's picture was taken at St. Peter's and that the latter might be monitored, she also clarified that it was in connection with the investigation of the police as regards the remaining unidentified body among the seven fatalities from the PNP-NPA encounter on August 15, 2018.

Similarly, Sanchez's actuations raised the police's suspicions. Despite being able to confirm as early as the evening of August 15, 2018 that the unidentified body was Labinghisa's, Sanchez still went to St. Peter's presumably to be able to personally identify Labinghisa's remains. She went to St. Peter's on two consecutive days, on August 16 and 17, 2018, on the pretext of identifying whether one of the remains was that of her husband, but she refused to disclose to the police officers then present her deceased husband's name. There is no evident reason for her evasiveness when she and Labinghisa, as she had asserted, were already separated-in-fact for more than 13 years. Such circumstances would reasonably make her the subject of a lawful legitimate police investigation. Per PSupt. Darroca's testimony, Sanchez and other persons claiming any of the bodies at St. Peter's were all placed under general investigation¹⁷ and interviewed to obtain information that might be vital in the ongoing anti-insurgency operations.

As for respondent police officers, I find for the sufficiency of their conduct, defenses, and compliance with Section 17 of the Rule on the Writ of *Amparo*, which states:

Sec. 17. Burden of Proof and Standard of Diligence Required. –
The parties shall establish their claims by substantial evidence.

The respondent who is a private individual or entity must prove that ordinary diligence as required by applicable laws, rules and regulations was observed in the performance of duty.

The respondent who is a public official or employee must prove that extraordinary diligence as required by applicable laws, rules and regulations was observed in the performance of duty.

¹⁶ *Id.* at 150-156.

¹⁷ TSN, September 4, 2018, pp. 33-35, *id.* at 144-146.

The respondent public official or employee cannot invoke the presumption that official duty has been regularly performed to evade responsibility or liability. (Emphasis supplied.)

Extraordinary diligence as required and contemplated in this provision is more than the diligence expected of a good father of a family. Section 9 (d) of the Rule on the Writ of *Amparo* is thus relevant:

SEC. 9. *Return; Contents.* – Within seventy-two (72) hours after service of the writ, the respondent shall file a verified written return together with supporting affidavits which shall, among other things, contain the following:

(a) The lawful defenses to show that the respondent did not violate or threaten with violation the right to life, liberty and security of the aggrieved party, through any act or omission;

(b) The steps or actions taken by the respondent to determine the fate or whereabouts of the aggrieved party and the person or persons responsible for the threat, act or omission;

(c) All relevant information in the possession of the respondent pertaining to the threat, act or omission against the aggrieved party; and

(d) **If the respondent is a public official or employee, the return shall further state the actions that have been or will still be taken:**

i. to verify the identity of the aggrieved party;

ii. to recover and preserve evidence related to the death or disappearance of the person identified in the petition which may aid in the prosecution of the person or persons responsible;

iii. to identify witnesses and obtain statements from them concerning the death or disappearance;

iv. to determine the cause, manner, location and time of death or disappearance as well as any pattern or practice that may have brought about the death or disappearance;

v. to identify and apprehend the person or persons involved in the death or disappearance; and

vi. to bring the suspected offenders before a competent court.

The return shall also state other matters relevant to the investigation, its resolution and the prosecution of the case.

A general denial of the allegations in the petition shall not be allowed. (Emphasis supplied.)

Respondents exercised this extraordinary diligence in the performance of their duty and proved the same. The averments in their Verified Return and attached Affidavits,¹⁸ bolstered by PSupt. Darroca's testimony in open

¹⁸ Their statements in their Verified Return (*rollo*, pp. 63-73) and correlative Affidavits, all averred in compliance with Section 9 of the Rule on the Writ of *Amparo* and affirmed in open court, should suffice:

PSCUPT JOHN C BULALACAO

Attached to this Return as ANNEX "2" is the Affidavit of PSCUPT BULALACAO, attesting that:

x x x x

6. In compliance with Section 9 of the Rule and Order of the Court, the following are my actions to be undertaken, to wit:

As regards the alleged threat and acts committed by PNP members to the person of the petitioner, Vivian A Sanchez, and to her children, Scarlet S. Labinghisa and Star S. Labinghisa and as compliance to the Writ of Amparo issued by Hon. Judge Francisco S. Guzman, Executive Judge, RTC 12, San Jose, I have to undertake the following:

- a. To direct PSSUPT LEO ERWIN D AGPANGAN, Provincial Director of Antique Police Provincial Office to validate if there is any record with any office of any alleged threat against the petitioner;
- b. To direct all personnel of Police Regional Office 6 not to deliberately and intentionally come within one kilometer radius from the petitioner xxx and to her children xxx until further advise [*sic*] pursuant to the order of the court issuing the Temporary Protection Order; but such order must not be understood to mean that the police personnel are prevented from performing their regular functions and duties maintaining peace and order in their respective areas of responsibilities and such order must not be prejudicial to the safety and well-being of the rest of the citizens in the community;

x x x x

PSSUPT LEO IRWIN D. AGPANGAN

Attached to this Return as ANNEX "3" is the Affidavit of PSSUPT AGPANGAN, attesting that:

x x x x

5. In compliance with Section 9 of the Rule, as regards the alleged threat and acts committed by PNP members to the person of the petitioner, Vivian A Sanchez, and to her children, Scarlet S. Labinghisa and Star S. Labinghisa and as compliance to the Writ of Amparo issued by Hon. Judge Francisco S. Guzman, Executive Judge, RTC 12, San Jose, I have undertaken and will undertake the following:

- a. Directed PSUPT MARK ANTHONY D DARROCA, Officer-in Charge of the San Jose MPS to validate the alleged threat if there is any against the petitioner.
- b. To direct the Chief of Police of the Hamtic MPS to validate the alleged: 1) meeting between Vivian A Sanchez and an alleged intel personnel in the house of the former; 2) the alleged passing-by house of the petitioner of the patrol car of the Hamtic MPS;
- c. To direct the OIC San Jose Municipal Police Station to verify with the Land Transportation Office (LTO) the alleged tinted car with plate number ALL 5385.

6. To direct all personnel of the Antique PPO not to deliberately and intentionally come within one kilometer radius from the petitioner xxx and to her children xxx until further advise [*sic*] pursuant to the order of the court issuing the Temporary Protection Order; but such order must not be understood to mean that the police personnel are prevented from performing their regular functions and duties maintaining peace and order in their respective areas of responsibilities and such order must not be prejudicial to the safety and well-being of the rest of the citizens in the community;"

PSUPT.MARK ANTHONY D. DARROCA

Attached to this Return as ANNEX "3" is the Affidavit of PSSUPT AGPANGAN, attesting that:

x x x x

13. As regards the alleged threat and acts committed by PNP members to the person of the petitioner, Vivian A Sanchez, and to her children, Scarlet S. Labinghisa and Star S.

court, that they had expended and would continue to expend extraordinary diligence in acting on Sanchez's allegations, are adequate defenses. They had respectively issued the orders to their subordinates to validate if there was any threat against Sanchez and not to deliberately and intentionally come within one kilometer radius of Sanchez and her children pursuant to the TPO issued by the RTC. PSSupt. Agpangan further ordered the Police Chief of the Hamtic MPS to validate the alleged visit of its police intelligence personnel and the passing-by of its police patrol car at Sanchez's house, as well as the Officer-in-Charge of the San Jose MPS to verify with the Land Transportation Office the ownership of the tinted car with plate number ALL 5385 which purportedly followed Sanchez and her children around. To this effect, a Vehicle Verification Request to the Land Transportation Office was likewise submitted by the defense before the RTC to prove that respondents attempted to trace the said tinted vehicle alleged to have tailed Sanchez and her children outside their home.¹⁹ It bears reiterating that PO2 De la Cruz's corroborative statements in open court confirmed that Sanchez was in fact not under any surveillance and that there was no clear evidence that the police was plotting against her life, liberty, or security.

Even if she was indeed being monitored, the only reason apparent from the records was that Sanchez or any other concerned persons claiming the bodies at St. Peter's were all under general investigation²⁰ and may possess information vital to the ongoing anti-insurgency operations.²¹ To gain such information is within police duty, and to withhold the same may constitute probable cause for obstruction of justice.

In fine, to sanction this case with a grant of a writ of *amparo* may set a dangerous precedent and will have a crippling effect upon legitimate police operations such as monitoring, surveillance, and interviewing. To repeat, Section 1 of the Rule of the Writ of *Amparo* states that the writ of *amparo* is a remedy against an unlawful act or omission of a public official, or of a private individual or employee. To grant the petition for writ of *amparo* is to declare that the police operations such as monitoring, surveillance, and interviewing are unlawful acts.

Labinghisa and as compliance to the Writ of Amparo issued by Hon. Judge Francisco S. Guzman, Executive Judge, RTC 12, San Jose, I have ordered my men not to not to [sic] come within one kilometer radius from the petitioner xxx and to her children xxx until further advise [sic] pursuant to the order of the court issuing the Temporary Protection Order; but such order must not be understood to mean that the police personnel are prevented from performing their regular functions and duties maintaining peace and order in their respective areas of responsibilities and such order must not be prejudicial to the safety and well-being of the rest of the citizens in the community."

¹⁹ Per testimony of PSupt. Darroca, *id.* at 149.

²⁰ *Id.* at 144-146.

²¹ Sanchez made the following allegations per her Petition for Writ of *Amparo*, par. 8, p. 2 thereof, *id.* at 36, as reiterated in her present Petition for Review on *Certiorari*, par. 8, p. 4 thereof, *id.* at 13:

"The next day, Petitioner went back to St. Peter's Funeral Home to confirm again her husband's body, however three (3) police officers began interrogating her and even threatened to arrest and charge her with obstruction of justice when she refused to answer. x x x"

We step into the shoes of the investigating police officers. What would be their natural course of action upon sighting Sanchez in the funeral parlor, asking to look at the bodies of the slain suspected NPA members and declining to explain her purpose when asked?

Besides, it is settled that mere threat of legal action against Sanchez, *i.e.*, charging her with the offense of obstruction of justice, was proper under the circumstances and is not an actionable wrong. It was not a threat to *unjustly* deprive her of her liberty.

Also note that Presidential Decree No. 1829 (PD 1829)²² penalizes any person who knowingly or willfully obstructs, impedes, frustrates, or delays the apprehension of suspects and the investigation and prosecution of criminal cases. Stubborn and unjustified refusal (as against initial hesitation) to reveal identities of suspected NPA members may give rise to a punishable act under PD 1829.

Withal, respondents' defenses were not a mere blanket denial. All these enabled the RTC to judiciously determine that respondents' efforts to verify the existence of the alleged threat were sincere and sufficient.²³

It is also necessary to state that the evidentiary rules on privileged communication will not insulate Sanchez or her children from any inquiries regarding Labinghisa's purported membership in the NPA. The pertinent provisions under Rule 130 of the Rules of Court state:

Section 22. Disqualification by reason of marriage. — During their marriage, neither the husband nor the wife may testify for or against the other without the consent of the affected spouse, except in a civil case by one against the other, or in a criminal case for a crime committed by one against the other or the latter's direct descendants or ascendants.

Section 24. Disqualification by reason of privileged communication. — The following persons cannot testify as to matters learned in confidence in the following cases:

(a) The husband or the wife, during or after the marriage, cannot be examined without the consent of the other as to any communication received in confidence by one from the other during the marriage except in a civil case by one against the other, or in a criminal case for a crime committed by one against the other or the latter's direct descendants or ascendants;

x x x x

Section 25. Parental and filial privilege. — No person may be compelled to testify against his parents, other direct ascendants, children or other direct descendants.

²² Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders (1981).

²³ Per *Republic v. Cayanan*, *supra* note 3.

However, there was no indication in the records that Sanchez or any of her children were being made to testify against Labinghisa. It is a long stretch to claim that respondents' alleged surveillance of Sanchez and her children is tantamount to making them act as witnesses against Labinghisa, which is a State incursion into their privileged wife-husband and children-father relationships and thus correctible by a writ of *amparo*.

Also, the marital privilege rule is inapplicable in the case at hand. As already mentioned, there was never an instance that Sanchez or any of her children were being forced to testify against Labinghisa or against each other. In any case, and in view of Labinghisa's demise, the preservation or disturbance of domestic tranquility or marital peace is no longer feasible.

At any rate, mere personal identification as one's spouse cannot be considered as equivalent to adverse testimony. There is also nothing inimical under the law if Sanchez admits before the investigating police officers her relationship with a suspected NPA member. There is simply an unjust inconsistency between alleging fear of being tagged as a spouse of a communist and, at the same time, banking upon the same legal status to support her petition for a writ of *amparo*.

It also bears emphasizing that all these rules on evidence enjoy relevance only in matters covered by judicial proceedings. Section 1, Rule 128 of the Rules of Court provides:

Section 1. Evidence defined. — Evidence is the means, sanctioned by these rules, of ascertaining **in a judicial proceeding** the truth respecting a matter of fact. (Emphasis supplied.)

Plainly, the alleged acts committed by public respondents against Sanchez and her children transgressing upon their purported privileges were committed out of court. Hence, the rules on evidence should not apply here.

The RTC had meticulously considered and carefully weighed all the evidence presented by the parties. There is, in my mind, no reason for this Court, even after its own review of the evidence on record, to disturb the findings of fact of the court *a quo*, especially considering that the latter had an opportunity to observe the behavior of the witnesses in the course of their testimony and was in a better position to gauge their veracity.

Even applying the minimum of the totality of evidence standard, which would have allowed the admission and appreciation of hearsay and circumstantial evidence, Sanchez still failed to discharge the burden of proof necessary for the grant of a writ of *amparo* in her favor. There is just a dearth of evidence adduced by Sanchez, hence, falling short of substantial evidence necessary to establish any actual violation or threat to her right to life, liberty, or security. Her apprehensions did not rise to the level that must be necessarily protected by a writ of *amparo*. Otherwise stated, mere acts of

surveillance or monitoring, as part of legitimate police operations, could not and should not be characterized as acts indicative of or preparatory to extrajudicial killings or enforced disappearances falling under the protective mantle of a writ of *amparo*. At most, these are indications of instinctive fear, trauma even, naturally brought out by her connections with a person slain by the police authorities. On its lonesome, this fear does not impel the issuance of the writ of *amparo*. The writ cannot be issued on mere inferences or deductions.

This Court on several occasions granted the writ on the basis of indirect and circumstantial proof, but only after a painstaking probe into the totality, strength, and credibility of the entire evidence on record:

In *Bautista v. Dannug-Salucon*,²⁴ the Court affirmed the decision of the Court of Appeals granting Atty. Maria Catherine Dannug-Salucon's petition for a writ of *amparo* that had been backed up by circumstantial evidence and uncorroborated testimonies. Dannug-Salucon, a founding member of the National Union of People's Lawyers in Isabela and a human rights lawyer representing political prisoners and suspected members of the NPA, alleged that, per information of her clients and employees, the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) had tagged her as a Red Lawyer and were conducting surveillance on her activities and routine. Numerous incidents transpired leading to the filing of the *amparo* case: her paralegal, also an activist and human rights defender, was fatally gunned down; one of her clients who was a civilian asset for the PNP Intelligence Section told her that the AFP was tracking her and had included her name on the military's Watch List of so-called terrorist supporters; her confidential informant was cornered by three military operatives who interrogated him regarding the purpose of his visit to Dannug-Salucon's office; different individuals appearing to be soldiers had even approached and questioned the vendors in front of her office as to their observations on Dannug-Salucon's schedule; members of the Criminal Investigation Detection Group and soldiers visited her office with no clearly declared purpose; her driver had been tailed by an unidentified motorcycle rider; and a known civilian asset of the Military Intelligence Group (MIG) in Isabela informed her that she was being watched by the MIG. She also tried reporting the incidents to the National Bureau of Investigation (NBI) in Isabela but received no positive report identifying the individuals behind the alleged surveillance. In granting the writ, the Court held that the combination of all the foregoing incidents had adequately established that "the threats to her right to life, liberty and security were neither imaginary nor contrived, but real and probable."

Razon, Jr. v. Tagitis,²⁵ a case cited and heavily relied upon by Sanchez, involved a petition for a writ of *amparo* by Mary Jean Tagitis, the wife of a consultant for the Islamic Development Bank who suddenly disappeared and reportedly fell under custody of police intelligence operatives and was being held against his will in an attempt of the police to implicate him with the terrorist group Jemaah Islamiyah. Colleagues of her husband reported his disappearance to the local police authorities but to no avail. Tagitis thereafter filed complaints with the PNP in Cotabato and Jolo seeking help to find her husband. Her efforts, however, yielded no positive results and she was even chided by the police that her husband was not missing but was on a *rendezvous* with another woman. It was

²⁴ G.R. No. 221862, January 23, 2018.

²⁵ *Supra* note 4.

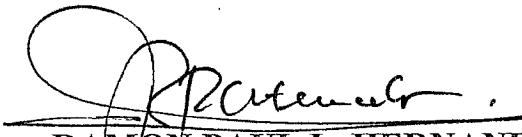
ruled therein that cases of enforced disappearances pose “evidentiary difficulties compel the Court to adopt standards appropriate and responsive to the circumstances, without transgressing the due process requirements that underlie every proceeding,”²⁶ and that even hearsay testimony may be considered by the *amparo* court provided such testimony can lead to conclusions consistent with the admissible evidence adduced.²⁷ Finding that Tagitis properly pleaded the ultimate facts of her husband’s enforced disappearance and the totality of the circumstances met the requirements of substantial evidence, the Court deemed sufficient the hearsay evidence presented by Tagitis.

No factual circumstances run in common between the present case and the aforecited ones, and all these jurisprudential precepts granting exception to indirect proof do not apply here.

There is no automatic admissibility of hearsay evidence in all *amparo* proceedings.²⁸ In this case, there is no reason to deviate from this rule, as Sanchez’s proof consisted only of hearsay that are all too frail, inadequate, and unfounded to stand on its own.

It must be kept in mind that the extraordinary remedy of writ of *amparo* ought to be resorted to and granted judiciously, lest the ideal sought by the *Amparo* Rule be diluted and undermined by the indiscriminate filing of *amparo* petitions for purposes less than the desire to secure *amparo* reliefs and protection and/or on the basis of unsubstantiated allegations.²⁹

I therefore vote to **DENY** the Petition for Writ of Amparo.


RAMON PAUL L. HERNANDO
Associate Justice

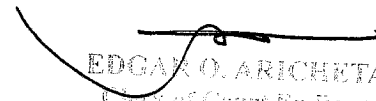
²⁶ *Id.* at 613.

²⁷ *Id.* at 616.

²⁸ *Supra* note 4.

²⁹ *Rubrico v. Macapagal-Arroyo*, 627 Phil. 37, 73-74 (2010).

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EDGAR O. ARICHETA
Clerk of Court En Banc
Supreme Court