

Resolution

2

G.R. No. 179095

Mendoza and CAFGU members, Michael de la Cruz and Randy Mendoza are illegally detaining Raymond and Reynaldo Manalo, and are hereby ordered to RELEASE said victims Raymond Manalo and Reynaldo Manalo within ten (10) days from receipt hereof; otherwise, they will be held in contempt of court. This is without prejudice to any penalty that may be imposed should they be found later by any other court of justice to be criminally, administratively, or civilly liable for any other act/s against the persons of aforementioned victims.<sup>2</sup>

On July 18, 2007, the relatives of petitioners appealed to this Court. The case was docketed as G.R. No. 178614. Meanwhile, respondents filed a Motion for Reconsideration with the CA.<sup>3</sup>

On August 13, 2007, petitioners allegedly escaped from their captors. Thus, motions to withdraw the habeas corpus petitions were filed before the CA and this Court because the cases had become moot and academic.

Petitioner Raymond Manalo executed a handwritten statement<sup>4</sup> narrating the circumstances leading to his and his brother's forcible disappearance, the torture inflicted on them, the place where they were held, and how they escaped. They allegedly remained in captivity for more than 18 months during which they were subjected to physical and psychological torture such as severe beatings, being bathed in their urine and whipped with a chain with a barbed wire attached to the end, having water poured into their nostrils, and being fed with rotten food. Raymond also recounted the human rights violations committed against other civilians they met in captivity. He identified retired Maj Gen. Jovito Palparan, M/Sgt. Rizal Hilario, other officers of the AFP, and some of respondents in the habeas corpus petition, as having been present or actively taken part in their torture. These respondents denied any involvement in petitioners' case and other disappearances.

<sup>2</sup> Id. at 9-10. The Decision was penned by Associate Justice Arcangelita M. Romilla-Lontok and concurred in by Associate Justices Marina L. Dizon and Aurora Santiago-Lagman of the former Special Sixth Division.

<sup>3</sup> Id. at 10-11.

<sup>4</sup> Id. at 17-19, Annex "A."