



Republic of the Philippines  
Supreme Court  
Manila



Sirs/Mesdames:

*Quoted hereunder, for your information, is a resolution of the Court En Banc dated OCTOBER 25, 2007*

**"G.R. No. 179095 (Raymond Manalo and Reynaldo Manalo v. Secretary of National Defense, et al.)**

This is a Petition for Prohibition, Injunction, and Temporary Restraining Order (TRO) <sup>1</sup> to stop respondents and/or their officers and agents from depriving the petitioners of their right to liberty and other basic rights. Petitioners also seek, as ancillary remedies, Protective Custody Orders, Appointment of Commissioner, Inspection and Access Orders, and all other legal and equitable reliefs under Article VIII, Section 5(5) of the 1987 Constitution; and Rule 135, Section 6 of the Rules of Court.

Petitioners allege that on February 14, 2006, they were forcibly taken from their homes in Bulacan by unidentified armed men. On May 12, 2006, the relatives of petitioners filed a petition for habeas corpus with the Court of Appeals (CA), in which it was docketed as CA-G.R. SP No. 94431, against then Lt. Gen. Hermogenes C. Esperon as Commanding General of the Philippine Army; then Maj. Gen. Jovito Palparan as Commander of the 7th Infantry Division in Luzon; M/Sgt. Rizal Hilario alias "Rolly Castillo"; and Michael dela Cruz, Madning dela Cruz, Puti dela Cruz, Pula dela Cruz, Randy Mendoza, and Rudy Mendoza as members of the Citizens Armed Forces Geographical Unit (CAFGU). In the return of the writ, said respondents denied any involvement or participation in petitioners' disappearance.

In its June 27, 2007 Decision, the CA held that:

WHEREFORE, in view of the foregoing, this Court holds that respondents Madning de la Cruz, Puti de la Cruz, Pula de la Cruz, Rudy