

## EN BANC

[ G.R. No. 215585, September 08, 2020 ]

**IN THE MATTER OF THE PETITION FOR WRIT OF HABEAS CORPUS/DATA AND AMPARO IN FAVOR OF AMIN IMAM BORATONG, MEMIE SULTAN BORATONG, PETITIONER, VS. HON. LEILA M. DE LIMA IN HER CAPACITY AS SECRETARY OF JUSTICE, HON. VIRGILIO MENDEZ IN HIS CAPACITY AS DIRECTOR OF THE NATIONAL BUREAU OF INVESTIGATION, AND HON. FRANKLIN JESUS B. BUCAYU IN HIS CAPACITY AS DIRECTOR OF THE BUREAU OF CORRECTIONS, RESPONDENTS.**

[G.R. No. 215768]

**ANTHONY R. BOMBEO, ON BEHALF OF HERBERT R. COLANGGO, PETITIONER, VS. HON. LEILA M. DE LIMA, DIRECTOR FRANKLIN B. BUCAYU, DIRECTOR VIRGILIO L. MENDEZ, DEPARTMENT OF JUSTICE, BUREAU OF CORRECTIONS, AND NATIONAL BUREAU OF INVESTIGATION, RESPONDENTS.**

### DECISION

**LEONEN, J.:**

A case has become moot and academic when, by virtue of subsequent events, any of the reliefs sought can no longer be granted.

This is a Petition for Writ of Amparo and Petition for Writ of Habeas Corpus/Data (With Prayers for Production and Inspection of Place)<sup>[1]</sup> and a Petition for the Issuance of a Writ of Amparo<sup>[2]</sup> assailing the sudden transfer of national inmates from the National Bilibid Prisons in Muntinlupa City to the National Bureau of Corrections in Manila City for the purpose of conducting an inspection on their living quarters.

In a December 12, 2014 Memorandum, captioned "SECRET,"<sup>[3]</sup> then Secretary Leila M. De Lima (Secretary De Lima) directed then Bureau of Corrections Director Franklin Jesus B. Bucayu and then National Bureau of Investigation Director Virgilio L. Mendez (Director Mendez):

1. To transfer the following inmates from the New Bilibid Prison to a temporary NBP extension facility at the NBI, Taft Avenue, Manila:
  - a. German Agojo y Luna
  - b. Jojo Baligad y Rondal
  - c. Amin Boratong y Imam
  - d. Joel Capones y Duro
  - e. Rommel Capones y Duro

- f. Chua Chi y Li
- g. Eugene Chua y Ho
- h. Tom Chua y Ruiz
- i. Willy Chua y Rosal
- j. Herbert Colangco y Romarante (@Ampang/@Bert)
- k. Clarence Dongail y Domingo
- l. Shi Jian y Hui (@Jacky Sy King)
- m. Benjamin Marcelo y Tubay
- n. Noel Martinez y Goloso
- o. Michael Ong y Chan
- p. George Sy y Riñoza
- q. Vicente Sy y Madlangbayan
- r. Willy Sy y Yu
- s. Wu Tuan y Yuan (@Peter Co)
- t. Xu You y Kwang (@Jhonny Co/@Tony Co)

2. To conduct search on the abovementioned inmates' quarters, which are suspected to contain illegal drug precursors and paraphernalia, illegal drugs (metamphetamine hydrochloride), firearms and other weapons, cash, mobile phones, laptops, other communication gadgets, and other miscellaneous contrabands, and to forthwith seize and confiscate any illegal and/or prohibited items.
3. To undertake intensive investigation and case build-up towards the end of filing appropriate cases, as may be warranted by the results of the foregoing operations, against inmates and BuCor officials or employees who may be found involved or liable.

Coordination with the Philippine National Police (PNP), Philippine Drug Enforcement Agency (PDEA) and the Presidential Anti-Organized Crime Commission (PAOCC) shall be made in the final staging of the above major operations.<sup>[4]</sup>

This activity was conducted as a result of several months of intelligence reports investigating the alleged conduct of illegal activities by some inmates inside the New Bilibid Prison. The alleged illegal activities "included the operation of a narcotics trade through mobile phones, laptops, and internet equipment illegally brought inside the [New Bilibid Prison], enabling incarcerated [New Bilibid Prison] inmates to communicate with their contacts (i.e., couriers and buyers)."<sup>[5]</sup>

On December 15, 2014, members of the Department of Justice, National Bureau of Investigation, Bureau of Corrections, Presidential Anti-Organized Crime Commission, Philippine Drug Enforcement Agency, National Capital Region Police Office, Special Action Force, and Muntinlupa Police conducted a surprise raid on the living quarters (*kubol*) of 20 inmates of the New Bilibid Prison classified as High-Risk/High Profile.<sup>[6]</sup>

As a result of the surprise raid, several illegal and contraband items were recovered from the inmates, listed in a Memorandum<sup>[7]</sup> dated December 16, 2014 from the Deputy Director for Intelligence Service of the National Bureau of Investigation:

**PETER CO -**

*Items recovered during the body search:*

1. Cash-P169,000  
2,600 US dollars

*Items recovered from his kubol:*

1. Cash-P1,400,000
2. Five (5) sachets of suspected SHABU substance
3. Two (2) canisters of suspected SHABU substance
4. One (1) sachet of brown substance of suspected ILLEGAL DRUGS
5. Nine (9) improvised tooters
6. Two (2) used aluminum foils
7. One (1) Walther PPK FIREARM
8. One (1) Browning 9mm FIREARM
9. One (1) Taurus PT111 9mm FIREARM
10. One (1) Jerico441B FIREARM
11. One (1) Versa caliber 380 FIREARM
12. One (1) Bushmaster 5.56 caliber ASSAULT RIFLE
13. Two (2) M16 fully loaded magazines
14. Four (4) PT111 fully loaded magazines
15. Three (3) fully loaded magazines for caliber .22
16. Two (2) fully loaded magazines for caliber 380
17. Two (2) fully loaded Jerico magazines
18. Forty-One (41) caliber .38 ammunitions
19. Money counter

**HERBERT ROMARANTE COLANGCO [sic]-**

*Items recovered during body search:*

1. Cash-P21,650

*Items recovered from his kubol:*

1. Cash-P221,000
2. Five (5) ROLEX watches
3. One (1) CATIER [sic] watch
4. One (1) PATEK PHILIPPE watch
5. One (1) PANERAI watch
6. One (1) gold NECKLACE
7. One (1) jade NECKLACE
8. One (1) HERMES belt
9. One (1) HERMES wallet
10. One (1) PRADA wallet
11. Two (2) LOUIS VUITTON wallet

**JOJO RONDAL BALIGAD -**

*Items recovered during body search:*

1. Cash-P84,000

*Items recovered from his kubol:*

1. Cash-P497,500
2. Two (2) plastic packs of suspected SHABU substance
3. Two (2) Check booklets
4. Four (4) sim cards
5. Two (2) cellphones
6. Suspected drug paraphernalia
7. One (1) RCBC Passbook
8. One (1) RING
9. One (1) BRACELET

**CLARENCE DOMINGO DONGAIL -**

*Items recovered during body search:*

NONE

*Items recovered from his kubol:*

1. Cash-P333,150
2. Eight (8) sachets of suspected SHABU substance
3. Seven (7) Syringes
4. One (1) Record Book
5. Two (2) knives
6. One (1) Switchblade

**NOEL GOLLOSO MARTINEZ -**

*Items recovered during body search:*

NONE

*Items recovered from his kubol:*

1. Cash-P22,287
2. One (1) Saw Magic
3. Two (2) Nokia cellphones
4. Two (2) .45 caliber FIREARMS

**EUGENE CHUA -**

*Items recovered during body search:*

1. Cash-P39,700

*Items recovered from his kubol:*

1. Cash-P534,850

2. Two (2) notebooks
3. One (1) Vault/Safe (Sentry)

**VICENTE SY -**

*Items recovered during body search:*

1. Cash-P98,500

*Items recovered from his kubol:*

1. One (1) Flat Screen TV
2. One (1) Clock with hidden Camera
3. One (1) Digital Video Recorder
4. One (1) Remote Control
5. One (1) AC/DC adapter
6. One (1) Vibrator (Silicon Jack Rabbit)
7. One (1) Massager (Biological Electromagnetic Wave)
8. One (1) set doorbell and switch

**JACKY KING -**

*Items recovered during body search:*

1. Cash-P126,150  
1 US dollar  
100 yen
2. One (1) NECKLACE

*Items recovered from his kubol:*

1. Cash-P412,250
2. Three (3) blank Security Bank Checks
3. One (1) USB

**MICHAEL ONG -**

*Items recovered during body search:*

1. Cash-P9,400

*Items recovered from his kubol:*

1. Cash-P1,700
2. One (1) sim card
3. Seven (7) knives
4. Four (4) screwdrivers
5. Five (5) scissors
6. Three (3) empty plastic sachets
7. One (1) dozen forks

**WILLY CHUA -**