

Republic of the Philippines
SUPREME COURT
Manila

Second Division

VICENTE P. LADLAD, ET. AL.,
Petitioners,

- versus -

G.R. No. 172070-72

**SENIOR STATE PROSECUTOR
EMMANUEL Y. VELASCO, ET AL.,**
Respondents.

x-----x

LIZA L. MAZA, ET.AL.,
Petitioners,

- versus -

G.R. No. 172074-76

RAUL M. GONZALEZ,ET.AL.,
Respondents.

x-----x

CRISPIN B. BELTRAN
Petitioner,

- versus -

G.R. No. 175013

PEOPLE OF THE PHILIPPINES, ET. AL.,
Respondents.

x-----x

**URGENT MOTION FOR THE IMMEDIATE RELEASE
OF PETITIONER CRISPIN B. BELTRAN**

PETITIONER CRISPIN B. BELTRAN, by counsel, respectfully alleges:

1. On June 1, 2007 this Honorable Court promulgated its decision in the three consolidated cases, the dispositive portion of which reads as follows:

“WHEREFORE, we GRANT the petitions. In G.R. No. 175013, we SET ASIDE the Order dated 31 May 2006 of the Regional Trial Court, Makati City, Branch 146 and the Order dated 29 August 2006 of the Regional Trial Court, Makati City, Branch 150. In G.R. No. 172070-72 and 172074-76, we SET ASIDE the Orders dated 22 March 2006 and 4 April 2006 issued by respondent prosecutors. We ORDER the Regional Trial Court, Makati City, Branch 150 to DISMISS Criminal Case Nos. 06-452 and 06-944.”

2. With respect to GR No. 775013 (Crispin B. Beltran vs. People of the Philippines, et.al.) this Honorable Court made the following significant rulings:

2.1 THE INQUEST PROCEEDINGS AGAINST BELTRAN FOR REBELLION IS VOID; and

2.2 THERE IS NO PROBABLE CAUSE TO INDICT BELTRAN FOR REBELLION.

3. In connection with this Honorable Court’s ruling that there is no probable cause for rebellion against petitioner Beltran, the Court further ruled as follows:

“To repeat, none of the affidavits alleges that Beltran is promoting, maintaining, or heading a Rebellion. The Information in Criminal Case No. 06-452 itself does not make such allegation. Thus, even assuming that the Information validly charges Beltran for taking part in a

Rebellion, he is entitled to bail as a matter of right since there is no allegation in the Information that he is a leader or promoter of the Rebellion. However, the Information in fact merely charges Beltran for “conspiring and confederating” with others in forming a “tactical alliance” to commit rebellion. As worded, the Information does not charge Beltran with Rebellion but with Conspiracy to Commit Rebellion, aailable offense.” (Underscoring is ours.)

4. In connection with the ruling that the inquest proceedings against the herein petitioner is void, the Court also ruled that the warrantless arrest of petitioner Beltran on February 25, 2006 was unlawful. Petitioner, therefore, has been unlawfully detained since February 25, 2006 or for a period of more than fifteen months now;
5. Indeed, the foregoing rulings of the Honorable Court were explicitly raised, discussed in the Petition and invoked by the herein petitioner as grounds for his immediate release upon the filing of the Petition and in the petitioner’s pleadings in the lower court.
6. It is relevant to stress that all the other petitioners in these three consolidated cases including Representatives Saturnino Ocampo, Liza Maza, Teodoro Casiño, Rafael Mariano and Joel Virador, petitioner’s five colleagues belonging to the party-list organizations Bayan Muna, Gabriela and Anakpawis, along with the other petitioners, remain free and continue to enjoy not only their freedom outside of detention but also, and more importantly, their mandate to perform their duties as members of the House of Representatives during the past fifteen months.

6.1 The records will show that the evidence presented by the prosecution against herein petitioner Beltran in Criminal Case No. 06-452 are identical to the evidence presented against the five other representatives and petitioners in Criminal Case No. 06-944 in the lower court.

6.2 In an analogous case, this Honorable Court ruled:

X X X

They would thus stress that, contrary to the mandate of equal protection, people similarly situated were not similarly dealt with. What is required under this constitutional guarantee is the uniform operation of legal norms so that all persons under similar circumstances would be accorded the same treatment both in the privileges conferred and the liabilities imposed. As was noted in a recent decision: "Favoritism and undue preference cannot be allowed. For the principle is that equal protection and security shall be given to every person under circumstances, which if not identical are analogous. If law be looked upon in terms of burden or charges, those that fall within a class should be treated in the same fashion, whatever restrictions cast on some in the group equally binding on the rest. (***Gumabon, et. al. vs. Director of Prisons, G.R. No. L-30026, January 30, 1971. 37 SCRA 420***)

X X X

7. Petitioner is the number one nominee to represent Anakpawis in the Fourteenth Congress and based on the COMELEC official count, Anakpawis has already garnered more than the required threshold of 2% of the total number of votes cast for party-list representatives. For this reason, petitioner has been actually, though unofficially, re-elected.
8. Section 1, Rule 65 of the Rules of Court provides as follows:

SECTION 1. ***Petition for certiorari.***- When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceeding of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. (*Underscoring ours.*)

9. The Solicitor General had already announced formally that her office will seek a reconsideration of the decision of this Honorable Court dated June 1, 2007. The Solicitor General further hinted that she would ask for an *en banc* ruling on her motion for reconsideration. For this reason, and despite the obvious lack of merit of the motion for reconsideration, the final and executory decision of this Honorable Court will be delayed to the great prejudice and irreparable injury and suffering of herein petitioner.

10. We respectfully submit that in light of the foregoing reasons, petitioner Beltran is entitled to be released immediately, either unconditionally, on bail, or under such terms and conditions as this Honorable Court may deem necessary.

PRAYER

WHEREFORE, Petitioner Crispin B. Beltran respectfully prays that he be released from custody immediately and unconditionally, on bail, or under such terms and conditions as this Honorable Court may deem necessary.

Petitioner prays for such other reliefs or remedies as may be just, equitable and humane under the circumstances.

Makati City for City of Manila. June 5, 2007.

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NOTICE AND COPY FURNISHED

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo St., Salcedo Village
Makati City

The Presiding Judge
Regional Trial Court
Branch 146, Makati City

The Presiding Judge
Regional Trial Court
Branch 150, Makati City

The Clerk of Court
Supreme Court

Greetings:

Please take notice that undersigned counsel will submit this motion for consideration and resolution of the Honorable Court immediately upon receipt hereof.

RACHEL F. PASTORES

EXPLANATION OF SERVICE BY REGISTERED MAIL

Copies of the foregoing motion were served upon the other parties by registered mail because of unavailability of messenger in the office of the undersigned to serve it personally.

RACHEL F. PASTORES