



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
AUG 02 2024

BY: _____
TIME: _____

EN BANC

PMAJ LORVINN A.
LAYUGAN, PSSG ANTHONY
AQUINO and PCPL PAT
JAMES ADA-OL*,

Petitioners,

G.R. No. 265491

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,**
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

- versus -

DELIA A. AGONoy and
VERNA RIZA A. AGONoy,

Respondents.

Promulgated:

June 4, 2024

x ----- Antonita Lopez ----- x

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by Police Major Lorvinn A. Layugan (PMAJ Layugan), Police Staff Sergeant Anthony Aquino (PSSg Aquino), and Police Corporal Patrolman James Ada-ol (PCpl Pat Ada-ol; (collectively, petitioners), assailing the Decision² dated December 19, 2022, of Branch 20, Regional Trial Court, Cauayan City, Isabela (RTC) in Spl. Case No. 20-2734.

* Also referred to as "PCPL PAT James Adaol" in some parts of the rollo (*see* rollo, p. 4).

** On official leave.

¹ Rollo, pp. 4-21.

² *Id.* at 112-136. Penned by Executive Judge Reymundo L. Aumentado.

Regional Trial Court, Cauayan City, Isabela (RTC) in Spl. Case No. 20-2734. The RTC granted the Petition for the Issuance of a Writ of *Amparo* with Prayer for Interim Reliefs of Protection Order, Inspection Order, and Production Order³ (*Amparo* Petition) filed by Delia A. Agonoy (Delia) and Verna Riza A. Agonoy (Verna; collectively, respondents).

The Antecedents

The case stemmed from the sudden disappearance of Police Senior Master Sergeant Antonino A. Agonoy (PSMS Agonoy) of the Cabatuan Police Station. On June 3, 2022, at about 3:00 a.m., PSMS Agonoy went to the Police Regional Office 2 in Tuguegarao City, Cagayan, for his annual physical examination. Later that day, Verna, wife of PSMS Agonoy, testified that her husband sent her a screenshot of a Viber group conversation stating that PMAJ Layugan, chief of police of Cabatuan Police Station,⁴ called for a meeting at a safehouse owned by Giovanie Guillermo which is located at Purok 2, Saranay, Cabatuan, Isabela.⁵

At about 5:20 p.m. of the same day, PSMS Agonoy's friend and asset Crisanto Guevarra (Guevarra), alias "Estong," saw the former on board his NMAX motorcycle at the Petron Gasoline Station at Cabatuan market while following a black Fortuner without a plate number driven by PSSg Aquino.⁶

PSSg Aquino, PSMS Agonoy, PCpl Pat Ada-ol, and PCI Marnix Baquiran⁷ (PCpl Baquiran) attended the meeting with PMAJ Layugan as the presiding officer. Thereafter, they decided to have a drinking session. PSMS Agonoy asked permission to leave to get *pulutan* from Marlon Pabro (Marlon). Upon arrival at the house of Marlon, PSMS Agonoy relayed to him that he only had one shot of liquor, but he already felt dizzy. Marlon suggested to PSMS Agonoy not to go back to the safehouse because some of the Intels are jealous of him, particularly PCpl Baquiran. PSMS Agonoy insisted on returning to the safehouse, but after bringing the *pulutan*, he allegedly left immediately because his tonsils were aching. PMAJ Layugan also averred that he left and returned to Cabatuan Police Station at around 8:00 p.m., while PCpl Pat Ada-ol left at around 8:10 p.m.⁸

³ *Id.* at 26–40.

⁴ *Id.* at 137.

⁵ *Id.* at 115–116.

⁶ *Id.* at 116.

⁷ *Id.* at 32. PCpl Baquiran died later after the disappearance of PSMS Agonoy.

⁸ *Id.* at 116.

The following day, June 4, 2022, Verna tried to contact her husband through the latter's cellular phone but to no avail. Hence, she presumed that PSMS Agonoy was on field duty.⁹

On June 5, 2022, Verna asked the companions of PSMS Agonoy at the Cabatuan Police Station regarding his whereabouts. Unfortunately, none of them were able to point out his location. When Delia inquired with PMAJ Layugan about the whereabouts of her son, PMAJ Layugan told her that PSMS Agonoy probably left to visit his friends or his paramour.¹⁰ Given the prolonged and unexplained absence of PSMS Agonoy, respondents reported the matter to the San Mateo Police Station and the Cabatuan Police Station.¹¹

At about 6:30 p.m., respondents, assisted by the personnel of the Cabatuan Police Station led by Police Lieutenant Vineous O. Paragas (PLT Paragas), headed to the CCTV Monitoring Center to backtrack the possible path of PSMS Agonoy. They also proceeded to the safehouse of the intelligence personnel. However, when they arrived at the safehouse, PMAJ Layugan, who was then in Tuguegarao City, Cagayan, instructed Patrolman Kelvin Medina (Pat Medina) through a phone call not to open the safehouse and told Pat Medina that the key thereto was in the former's possession. PMAJ Layugan insisted to open it upon his arrival on June 6, 2022.¹²

On June 6, 2022, at about 1:30 p.m., the Cauayan City Police Station received a report from Barangay Kagawad Habrito (Kagawad Habrito) about an abandoned motorcycle at Cauayan City Sports Complex. When they proceeded to the place, the personnel of Cauayan City Police Station saw a black Yamaha NMAX 155 without a plate number. Upon further verification, they found out that the motorcycle bears engine number G3E4E-1486714, the same engine number that was formerly reported and placed on alarm as missing by the Cabatuan Police Station. According to Barangay Kagawad Habrito, the motorcycle was sighted thereat three days ago.¹³ The cellular phone of PSMS Agonoy was also recovered from the motorcycle's compartment.¹⁴

Meanwhile, the CCTV footage revealed that at exactly 5:28 p.m. of June 3, 2022, PSMS Agonoy was onboard a Yamaha NMAX traversing towards the location of the safehouse. However, the CCTV footage failed to

⁹ *Id.* at 116–117.

¹⁰ *Id.* at 152.

¹¹ *Id.* at 117.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* at 193, 198, 203.

reveal the recordings from 7:02 to 7:35 p.m. because of a scheduled power interruption.¹⁵

In view of the circumstances, respondents filed with the RTC the *Amparo* Petition against petitioners. Respondents insisted that petitioners caused the disappearance of PSMS Agonoy because sometime in April 2022, Guevarra heard PMAJ Layugan say to PSMS Agonoy, “*gusto mo at papatayin ko kayong dalawa ni Estong.*”¹⁶ Further, before PSMS Agonoy disappeared, he often complained to his mother, Delia, that PMAJ Layugan constantly scolded him. He also told Delia that PMAJ Layugan suspected that it was he, PSMS Agonoy, who reported the illegal activities of PMAJ Layugan.¹⁷

The Ruling of the RTC

In a Decision dated December 19, 2022, the RTC granted the petition for the issuance of a writ of *amparo* and respondents’ prayer for protection order, inspection order, and production order. The RTC ruled that considering the totality of the evidence presented, respondents had sufficiently proven their case through substantial evidence. It concluded that all the pieces of evidence of the witnesses were parallel in the chronological line of events that happened before the disappearance of PSMS Agonoy.¹⁸ The dispositive portion of the RTC Decision reads as follows:

WHEREFORE, in the light of the foregoing, the allegations in the Petition were proven by substantial evidence the Writ of [*Amparo*] is hereby GRANTED.

Further, the Court also orders a Permanent Protection Order in favor of the [respondents] Delia Agonoy and Verna Riza A. Agonoy[.] Accordingly, the [petitioners], namely: PMAJ [LORVINN] A. LAYUGAN, PSSG ANTHONY AQUINO, PCPL MARNIX BAQUIRAN, PCPL PAT JAMES ADA-OL are hereby enjoined from:

a) [T]hreatening to commit or committing, personally or through another, acts [of] violence against [respondents] and members of their family including their counsel who duly represent them[;]

b) [H]arassing, annoying, telephoning, contacting or otherwise communicating in any form with [respondents] and designated family and household members as well as [their] counsel, either directly or indirectly;

¹⁵ *Id.* at 117–118.

¹⁶ *Id.* at 30, 155.

¹⁷ *Id.* at 153–154.

¹⁸ *Id.* at 124.

c) Ordering the [petitioners] to stay away from the residence and place of employment of the [respondents] or any other place frequented by the [respondents] and designated family and household members; and

d) Prohibiting the [petitioners] from imposing any restraint on the personal liberty of the [respondents] and designated family and household members;

The National Bureau of Investigation (NBI) and the Criminal Investigation and Detection Group (CIDG) are also ordered:

- a) To make an effective and thorough investigation as to the disappearance and/or death of PSMS Antonino Agonoy and to identify the person/s responsible for his disappearance and/or death. And in case of death, to establish the cause and fact of his death;
- b) And to file the necessary complaint before the Office of the Prosecutor and for the latter to determine whether there is a probable cause and to file the appropriate information on the proper court; and
- c) To furnish the [respondents] and to [sic] this Court within five days from notice of this decision all official and unofficial reports of the investigation undertaken in connection with this case.

SO ORDERED.¹⁹

Thus, the present Petition.

Petitioners' Arguments

In their Petition, petitioners insist that respondents failed to present substantial evidence to support the allegations in their *Amparo* Petition. They point out that respondents merely presented testimonial evidence and were only able to establish that petitioners were the last companions of PSMS Agonoy. The evidence could not be considered as substantial to prove that petitioners had a hand in the disappearance of PSMS Agonoy.²⁰

Further, petitioners maintain that the inconsistencies in the statements of respondents in their *Amparo* Petition and Verified Motion for the Issuance of Joint Inspection Order,²¹ and the testimony of Delia on how her son was

¹⁹ *Id.* at 135-136.

²⁰ *Id.* at 17.

²¹ *Id.* at 88-94.

killed, clearly show that she was lying. They argue that Delia simply made up allegations that prejudiced the rights of petitioners.²²

Petitioners also allege that respondents utilized their *Amparo* Petition to furnish evidence against them, which is supposedly tantamount to a violation of their right against self-incrimination.²³

Respondents' Arguments

In their Comment,²⁴ respondents assert that all the elements of "enforced disappearance" are present in the case at bar. They aver that the third element for the issuance of a writ of *amparo*, i.e., that the arrest, detention, abduction, or any form of deprivation of liberty be followed by the State or political organization's refusal to acknowledge the deprivation of liberty or to give information on the fate or whereabouts of the person subject of the *Amparo* Petition, has been met because the last seen companions of PSMS Agony before his disappearance were the petitioners, who are members of the Philippine National Police (PNP), a law-enforcing body of the State.²⁵

Respondents add that their *Amparo* Petition did not violate petitioners' right against self-incrimination. They assert that the *amparo* proceedings do not involve a compulsion for petitioners to admit their guilt, but merely require them to present proof of their efforts to locate a person suspected to be a victim of enforced disappearance.²⁶

The Issue

The issue before the Court is whether respondents were able to prove by substantial evidence their entitlement to the privilege of a writ of *amparo*.

The Ruling of the Court

The Petition is unmeritorious.

A 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

²² *Id.* at 19.

²³ *Id.* at 20.

²⁴ *Id.* at 379–388.

²⁵ *Id.* at 381.

²⁶ *Id.* at 383.

by an unlawful act or omission of a public official or employee or of a private individual or entity.²⁷ The writ is confined or limited to instances of extralegal killings and enforced disappearances, or threats thereof.²⁸

In turn, “enforced or involuntary disappearance” is defined under Section 3(b) of Republic Act No. 10353²⁹ as “the arrest, detention, abduction or any other form of deprivation of liberty committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.” Section 4(b) of the Implementing Rules and Regulations of Republic Act No. 10353 further enumerates the elements³⁰ of involuntary or enforced disappearance, as follows:

- 1) the arrest, detention, abduction or any other form of deprivation of liberty;
- 2) committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State; and
- 3) followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.

Similarly, the Court’s definition of “enforced disappearance,” which was taken from Article 2 of the *International Convention for the Protection of All Persons from Enforced Disappearance*, was reiterated in *Mamba v. Bueno*:³¹

Extralegal killings are killings committed without due process of law, i.e., without legal safeguards or judicial proceedings. On the other hand, enforced disappearance has been defined by the Court as the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State, or by persons or groups of persons acting with the authorization, support or acquiescence of the State followed by a refusal to acknowledge the deprivation of liberty, or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.³²

²⁷ The Rule on the Writ of *Amparo* (A.M. No. 07-9-12-SC), sec. 1.

²⁸ *Balao v. Macapagal-Arroyo*, 678 Phil. 532 (2011); *Castillo v. Cruz*, 620 Phil 654, 663 (2009), citing *Secretary of National Defense v. Manalo*, 589 Phil. 1, 42 (2008).

²⁹ An Act Defining and Penalizing Enforced or Involuntary Disappearance. Approved on December 21, 2012.

³⁰ See also *Morada v. Rias*, G.R. No. 222226, February 14, 2022 at 3. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³¹ 805 Phil. 359 (2017).

³² *Id.* at 377.

In the present case, the RTC anchored its decision on the enforced disappearance of PSMS Agonoy. Petitioners now submit that the issuance of a writ of *amparo* was not warranted because respondents allegedly failed to present substantial evidence to prove that they had a hand in the said disappearance. Otherwise said, petitioners argue that the second element of enforced disappearance, i.e., that it is committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, was not satisfactorily proven by respondents.

The Court disagrees.

Petitioners are correct that under Section 18,³³ in relation to Section 17,³⁴ of the Rule on the Writ of *Amparo*, a writ of *amparo* may only be issued if the allegations in the petition for its issuance are supported by *substantial* evidence. However, in *Ladaga v. Mapagu*,³⁵ citing *Razon, Jr. v. Tagitis*,³⁶ the Court declared that in *amparo* cases, courts must adopt a standard of *relaxed admissibility* of evidence to enable *amparo* petitioners to meet the required amount of proof. The courts should consider *all* the pieces of evidence adduced in their *totality* in assessing whether the relief of a writ of *amparo* may be granted:

[T]he Court laid down a new standard of relaxed admissibility of evidence to enable *amparo* petitioners to meet the required amount of proof showing the State's direct or indirect involvement in the purported violation and found it a fair and proper rule in *amparo* cases "to consider all the pieces of evidence adduced in their totality" and "to consider any evidence otherwise inadmissible under our usual rules to be admissible if it is consistent with the admissible evidence adduced." Put simply, evidence is not rejected outright because it is inadmissible under the rules for as long as it satisfies "the most basic test of reason – i.e., relevance of the evidence to the issue at hand and its consistency with all other pieces of adduced evidence."

This measure of flexibility in the admissibility of evidence, however, does not do away with the requirement of substantial evidence in showing the State's involvement in the enforced disappearance, extrajudicial killing or threats thereof. It merely permits, in the absence of

³³ Sec. 18. *Judgment*. — The court shall render judgment 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.

³⁴ 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.

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

³⁵ 698 Phil. 525 (2012).

³⁶ 621 Phil. 536, 616 (2009).

hard-to-produce direct evidence, a closer look at the relevance and significance of every available evidence, including those that are, strictly speaking, hearsay where the circumstances of the case so require, and allows the consideration of the evidence adduced in terms of the consistency with the totality of the evidence.³⁷

Thus, in *amparo* proceedings, “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.”³⁸ In so ruling, the Court recognizes the evidentiary difficulties in *amparo* cases especially because it involves the participation of the State itself, through its own agents, in the enforced disappearance or extrajudicial killing that is supposedly tasked by law to investigate.³⁹

With the foregoing, the Court finds that respondents were able to prove all the elements of enforced disappearance.

On the *first element*, respondents’ evidence establishes that PSMS Agonoy has been detained or otherwise deprived of liberty. Notably, petitioners *admit* in their Petition that they were the companions of PSMS Agonoy when he was last seen on June 3, 2022, at the safehouse.⁴⁰ It is equally important to note that, as stated by Verna⁴¹ and Delia,⁴² PSMS Agonoy always comes home after work, no matter how late. Under the circumstances, whether PSMS Agonoy was able to leave the safehouse after the drinking session is still unknown.

Nonetheless, the motorcycle of PSMS Agonoy was discovered to have been abandoned at Cauayan City Sports Complex, and it had been seen at that location for three days, or since June 3, 2022, the same day when PSMS Agonoy was last seen at the safehouse. More importantly, PSMS Agonoy’s cellular phone was also found in the compartment of the abandoned motorcycle.⁴³ The fact that PSMS Agonoy’s belongings, especially something as personal as a cellular phone, were left unattended, further supports the conclusion that PSMS Agonoy was or is being detained or is otherwise deprived of liberty.

³⁷ *Ladaga v. Mapagu*, 698 Phil. 525, 542-543 (2012).

³⁸ *Castro v. Dela Cruz*, G.R. No. 269249, October 24, 2023 at 11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁹ AMPARO WRIT RULE, sec. 17.

⁴⁰ *Rollo*, p. 17.

⁴¹ *Id.* at 149.

⁴² *Id.* at 152.

⁴³ *Id.* at 203.

On the *second element*, it is undisputed that petitioners and PSMS Agonoy are members of the PNP at the time of the incident. Further, the safehouse where PSMS Agonoy was last seen was being operated by PNP Cabatuan, headed by PMAJ Layugan, who even had the keys to the place in his possession.⁴⁴ Further, the safehouse serves as the meeting place of the police officers in relation to their operations. In fact, the meeting on June 3, 2022, among petitioners and PSMS Agonoy was held at the safehouse, where they discussed the intelligence assets of PSMS Agonoy.⁴⁵ Thus, the safehouse is mainly used for official functions of the police.

Aside from the foregoing, petitioners' participation in the disappearance of PSMS Agonoy is bolstered by the testimony of Guevara, who mentioned in his Sinumpaang Salaysay⁴⁶ that he heard PMAJ Layugan threaten to kill PSMS Agonoy sometime in April 2022, just two months before PSMS Agonoy disappeared:

Na, minsan, noong buwan ng Abril ng taong ito [year 2022], hindi ko lang matandaan ang petsa, isinama ako ni PSMS Agonoy sa safehouse kung saan sila ay may meeting pero hindi ako pinapasok sa loob at habang nasa labas ako ay naririning ko na pinapagalitan ni hepe si PSMS Agonoy;

Na, habang pinapagalitan ni hepe si PSMS Agonoy ay narinig ko na sinabi ni hepe kay PSMS Agonoy ang mga katagang "*gusto mo at papatayin ko kayong dalawa ni Estong.*"⁴⁷

Delia also testified that PMAJ Layugan suspected that it was her son, PSMS Agonoy, who reported PMAJ Layugan for illegal activities. She also mentioned that PMAJ Layugan often berated PSMS Agonoy:

Na, ngayon ko lamang napagtanto na si PMAJ LAYUGAN talaga ang may kinalaman sa pagkawala ng aking anak na si PSMS Antonino Agonoy sa kadahilanang madalas sabihin noon ng aking anak na palagi daw itong pinapagalitan at binabypass ng kanyang kasamahan pagdating sa kanilang trabaho bilang operatiba;

Na, mayroon ding pagkakataon na naikwento sa akin ng aking anak na si Antonino Agonoy na pinagsususpetyahan sya ni PMAJ LAYUGAN na siya ang nagsusumbong or nagrereport patungkol sa illegal na gawain nito at paminsan-minsan hindi din daw ito binibigyan ng intelligence fund[.]⁴⁸

⁴⁴ *Id.* at 117.

⁴⁵ *Id.* at 48.

⁴⁶ *Id.* at 155–156.

⁴⁷ *Id.* at 155.

⁴⁸ *Id.* at 153–154.

Although Delia's statement may be hearsay, the totality-of-evidence standard in *amparo* proceedings allows the admission of hearsay testimony as long as it is consistent with the admissible evidence adduced.⁴⁹ In the Court's view, Delia's statement was consistent and dovetailed with the testimony of Guevarra, who personally heard the threats made by PMAJ Layugan against PSMS Agonoy. Delia's statement provided the motives behind the threats made by PMAJ Layugan against the life of PSMS Agonoy.

In addition, the records establish that when Delia, together with Cabatuan police officers, proceeded to the safehouse to inspect it and locate PSMS Agonoy, PMAJ Layugan did not accede to the request allegedly "because at that time he can already sense that they were suspecting him and the other petitioners in this case for the disappearance of PSMS Agonoy."⁵⁰ If, as petitioners claim, PSMS Agonoy immediately left the safehouse after he brought *pulutan* due to his aching tonsils,⁵¹ PMAJ Layugan would not have had any reason to refuse entry into the safehouse. The fact that PMAJ Layugan did not immediately allow the inspection of the safehouse by the Cabatuan police serves as evidence that the disappearance of PSMS Agonoy is with the participation of petitioners.

At the very least, the circumstances show that petitioners *acquiesced* to the deprivation of liberty of PSMS Agonoy by refusing the entry of the Cabatuan police officers into the safehouse to verify the whereabouts of PSMS Agonoy. Significantly, the records bear that PMAJ Layugan gave *strict instructions* to the Cabatuan Police *not* to open the safehouse.⁵² Indeed, it is telling that PMAJ Layugan, who is the *Chief* of the Cabatuan police Station, would deny police officers *from the very same police station*, entry into the safehouse, which they use for their official operations,⁵³ and where PSMS Agonoy was admittedly last seen.

As to the *third element*, it appears from the records that petitioners refused to acknowledge the detention or deprivation of liberty of PSMS Agonoy and concealed his whereabouts. This places PSMS Agonoy outside the protection of the law.

The records bear that respondents repeatedly went to PNP Cabatuan to inquire the whereabouts of PSMS Agonoy, but no one answered them. Further, it is again worthy to emphasize that the family members of PSMS Agonoy were not allowed to immediately enter the safehouse and were only

⁴⁹ *Bautista v. Dannug-Salucon*, 824 Phil. 293, 310 (2018).

⁵⁰ *Rollo*, pp. 7, 274.

⁵¹ *Id.* at 6.

⁵² *Id.* at 153.

⁵³ *Id.* at 5, 99–100.

able to get in the premises with the assistance of personnel from the PNP Regional Office because PMAJ Layugan gave *strict instructions* not to open the safehouse without him. Instead of recognizing the disappearance of PSMS Agonoy, PMAJ Layugan even told Delia that PSMS Agonoy probably just went to visit his friends or his paramour.⁵⁴

Petitioners' clear refusal to acknowledge the deprivation of liberty of PSMS Agonoy, or their concealment of his whereabouts, places PSMS Agonoy outside the protection of the law. Certainly, because PSMS Agonoy's whereabouts remain shrouded, his family has no way of knowing if PSMS Agonoy's right to life or liberty has been violated. They also could not institute the necessary action against those responsible for PSMS Agonoy's disappearance or worse, death, as may be warranted by the applicable laws.

In sum, after taking into consideration the totality of evidence presented and the relaxation of the evidentiary rule, the Court finds that respondents are entitled to the issuance of a writ of *amparo* and a permanent protection order, which is already a judgment by itself upon the grant of the privilege of the writ.⁵⁵ The Court emphasizes that *amparo* proceedings are summary in nature; thus, the judgment rendered by the RTC, including the Permanent Protection Order that it issued, is *immediately executory*, without prejudice to further appeals that may be taken therefrom.⁵⁶

As to the argument of petitioners that respondents utilized the *Amparo* Petition to furnish evidence against them, and that such ploy is tantamount to violation of their right against self-incrimination, the Court is not convinced.

It is settled that an *amparo* proceeding does not determine guilt or pinpoint criminal culpability for extralegal killings, enforced disappearances, or threats thereof.⁵⁷ Verily, the proceedings taken under the Rule in the Writ of *Amparo* are not akin to those in criminal prosecutions because the guilt or innocence of the respondents therein is not determined, and no penal sanctions are meted out. The proceedings only endeavor to give the aggrieved parties immediate remedies against imminent or actual threats to life, liberty, or security.

Following Section 18 of the Rule on the Writ of *Amparo*, the court hearing the petition may grant the privilege of the writ of *amparo* "and such reliefs as may be proper and appropriate." This means that the *amparo* court

⁵⁴ *Id.* at 152.

⁵⁵ *Castro v. Dela Cruz*, G.R. No. 269249, October 24, 2023 at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁵⁶ *Boac v. Cadapan*, 665 Phil. 84, 114 (2011).

⁵⁷ *Id.* at 110, citing *Razon, Jr. v. Tagitis*, 621 Phil. 536, 553 (2009).

should enable every act or move to prevent any violation of another person's right to life, liberty, and security or to defeat any threat of a violation of such right.

Further, Section 9(d) of the Rule on the Writ of *Amparo* provides that if the respondent is a public official or employee, they are required to state in the return the actions that have been or will still be taken: (1) to verify the identity of the aggrieved party; (2) 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*; (3) to identify witnesses and obtain statements from them concerning the death or disappearance; (4) 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; (5) *to identify and apprehend the person or persons involved in the death or disappearance*; and (6) *to bring the suspected offenders before a competent court*. Nowhere in the required contents of the return is the respondent required to admit to guilt or criminal culpability for extralegal killings, enforced disappearances, or threats thereof. Consequently, the right against self-incrimination finds no application to *amparo* proceedings.

WHEREFORE, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated December 19, 2022 of Branch 20, Regional Trial Court, Cauayan City, Isabela, in Spl. Case No. 20-2734 is **AFFIRMED in toto**. The Court hereby resolves to:

1. **GRANT** the privilege of the Writ of *Amparo*;
2. **REITERATE** the **PERMANENT PROTECTION ORDER** issued in favor of respondents Delia A. Agonoy and Verna Riza A. Agonoy. Petitioners Police Major Lorvinn A. Layugan, Police Staff Sergeant Anthony Aquino, and Police Corporal Patrolman James Ada-ol are immediately **ENJOINED** from:
 - a. threatening to commit or committing, personally or through another, acts of violence against respondents and members of their family including their counsel who duly represent them;
 - b. harassing, annoying, telephoning, contacting or otherwise communicating in any form with respondents and designated family and household members as well as their counsel, either directly or indirectly;

- c. ordering petitioners to stay away from the residence and place of employment of respondents or any other place frequented by respondents and designated family and household members; and
 - d. prohibiting petitioners from imposing any restraint on the personal liberty of respondents and designated family and household members;
3. **ORDER** the Chief of the Criminal Investigation and Detection Group, and the Director of the National Bureau of Investigation to **CAUSE** the speedy conduct of a thorough investigation of the death/disappearance of PSMS Antonino Agonoy probably perpetrated by the members of the Philippine National Police; and
 4. **REQUIRE** full investigation of PMAJ Lorvinn A. Layugan, PSS Anthony Aquino, and PCpl Pat James Ada-ol, and if warranted, the charging of the appropriate criminal offense or offenses in the Department of Justice in relation to the death/disappearance of PSMS Antonino Agonoy.

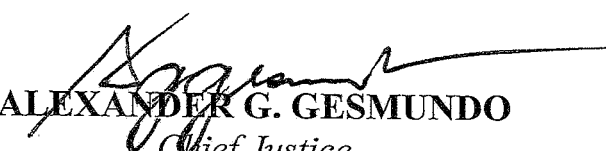
The Court **REMANDS** the case to Branch 20, Regional Trial Court, Cauayan City, Isabela, for the implementation of and compliance with this Decision with utmost dispatch.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

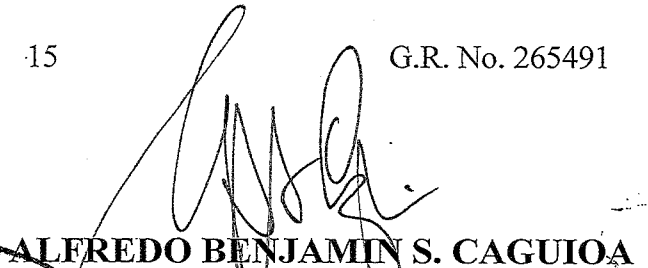
WE CONCUR:




ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Senior Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice

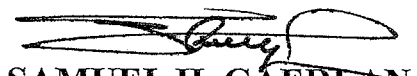


AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

(On Official Leave)
MARIO V. LOPEZ
Associate Justice



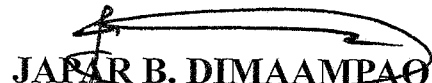
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

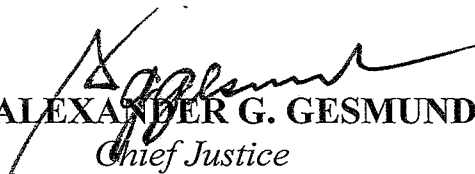


MARIA FILOMENA D. SINGH
Associate Justice



CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I hereby certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


ALEXANDER G. GESMUNDO
Chief Justice

