

**MARCOS vs. FARIÑAS**

PEDRO S. AGCAOILI, JR., ENCARNACION A. GAOR, JOSEPHINE P. CALAJATE, GENEDINE D. JAMBARO, EDEN C. BATTULAYAN, EVANGELINE C. TABULOG, petitioners, MARIA IMELDA JOSEFA “IMEE” R. MARCOS, co-petitioner, vs. THE HONORABLE REPRESENTATIVE RODOLFO C. FARIÑAS, THE HONORABLE REPRESENTATIVE JOHNNY T. PIMENTEL, Chairman of the Committee on Good Government and Public Accountability, and LT. GEN. ROLAND DETABALI (RET.), in his capacity as Sergeant-at-Arms of the House of Representatives, respondents, THE COMMITTEE ON GOOD GOVERNMENT AND PUBLIC ACCOUNTABILITY, *co-respondent*.

**[G.R. No. 232395. July 3, 2018.]**

**Facts**

House Resolution No. 882 was introduced by respondent Fariñas, along with Representatives Pablo P. Bondoc and Aurelio D. Gonzales, Jr., directing House Committee to conduct an inquiry, in aid of legislation, pertaining to the use by the Provincial Government of Ilocos Norte of its shares from the excise taxes on locally manufactured virginia-type cigarettes for a purpose other than that provided for by Republic Act (R.A.) No. 7171. Petitioners allege that they were subjected to threats and intimidation during the legislative hearings, in that they were asked “leading and misleading questions” and that regardless of their answers, the same were similarly treated as evasive. Specifically, Jambaro claims that because she could not recall the transactions Petitioner Fariñas alluded to requested to see the original copy of a document presented to her for identification, she was cited in contempt and ordered detained. Petitioner Agcaoili, Jr. was likewise cited in contempt and ordered detained when he failed to answer Fariñas’s query regarding the records of the purchase of the vehicles. Allegedly, the same threats and intimidation were employed by Fariñas in the questioning of Tabulog who was similarly asked if she remembered the purchase of 70 mini trucks. In common, petitioners and sought the issuance of a writ of Amparo to protect them from alleged actual and threatened violations of their rights to liberty and security of person.

## Ruling

### **The privilege of the writ of Amparo is confined to instances of extralegal killings and enforced disappearances, or threats thereof**

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The writ of Amparo is designed to protect and guarantee the (1) right to life; (2) right to liberty; and (3) right to security of persons, free from fears and threats that vitiate the quality of life.

The rights that fall within the protective mantle of the Writ of Amparo under Section 1 of the Rules thereon are the following: (1) right to life; (2) right to liberty; and (3) right to security.

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Secretary of National Defense, et al. v. Manalo, et al., thoroughly expounded on the import of the right to security, thus:

A closer look at the right to security of person would yield various permutations of the exercise of this right.

First, the right to security of person is “freedom from fear.” In its “whereas” clauses, the Universal Declaration of Human Rights (UDHR) enunciates that “a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people.” x x x Some scholars postulate that “freedom from fear” is not only an aspirational principle, but essentially an individual international human right. It is the “right to security of person” as the word “security” itself means “freedom from fear.” Article 3 of the UDHR provides, *viz.*:

Everyone has the right to life, liberty and security of person.

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The Philippines is a signatory to both the UDHR and the ICCPR.

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Here, it appears that petitioners and co-petitioner Marcos even attended and participated in the subsequent hearings on House Resolution No. 882 without any untoward incident. Petitioners and co-petitioner Marcos thus failed to establish that their attendance at and participation in the legislative inquiry as resource persons have seriously violated their right to liberty and security, for which no other legal recourse or remedy is available.

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**WHEREFORE, the Omnibus Petition is DISMISSED.**