

RECENT JURISPRUDENCE

POLITICAL LAW

IN THE MATTER OF PETITION FOR WRIT OF AMPARO OF VIVIAN A. SANCHEZ

VIVIAN A. SANCHEZ v. PSUPT. MARC ANTHONY D. DARROCA, ET AL.

G.R. No. 242257, 15 June 2021, EN BANC RESOLUTION, (Leonen, J.)

DOCTRINE OF THE CASE

In inferring conclusions involving power deficits in relationships, judges must be careful not to be gender-blind. In denying the Petition for the writ of amparo, the Regional Trial Court echoed respondents' statement that the taking of petitioner's photo and the threats of obstruction of justice thrown at her were part of "the conduct of a logical investigation." It could not see, or it refused to see that these actions, together with the surveillance done, were actual or imminent threats against Sanchez and her children.

Thus, in determining the existence of substantial evidence to support a petition for a Writ of Amparo, judges should also be cognizant of the different power dynamics at play when assessing if there is an actual or future threat to a petitioner's life, security, or liberty. Refusing to acknowledge this might lead to an outright denial of protection to those who need it the most.

FACTS

On October 15, 2019, the Court granted the Petition for a Writ of Amparo after finding that Vivian A. Sanchez (Sanchez) proved with substantial evidence that she and her children became persons of interest and were put under surveillance because of her dead husband's suspected affiliation with the New People's Army (NPA), thereby "creating a real threat to their life, liberty, or security."

Further, the Court pointed out that spousal and filial privileges, which continue to exist after the death of a spouse, protected Sanchez, and her children from inquiries regarding her husband's activities. The Court likewise castigated the police officers' brusque treatment of Sanchez and their surreptitious surveillance. It was stressed that if they wanted to interview Sanchez, they should have formally done so by holding the interview in an intimidation-free environment and ensuring that she was ably assisted by legal counsel.

Finally, the Court called on the lower courts to be more perceptive in ferreting out the different dynamics at play between police officers and civilians, and to not make their privileged status be the benchmark when rendering judgment.

ISSUE

Did the Court, in the assailed decision, err in granting Sanchez's petition for a Writ of Amparo?

RULING

NO. The totality of Sanchez's evidence convincingly showed that she and her family became subject of unwarranted police surveillance due to their relationship with a suspected NPA member resulting in an actual threat to their life, liberty, and security due to the government's unparalleled zeal in eradicating communism.

Here, two tiers of power were at play: (1) law enforcer-civilian; and (2) male-female. Specifically, male police officers investigated and monitored Sanchez and her children due to their relationship with an alleged NPA member. Sanchez was targeted because she initially refused to divulge her relationship with her dead husband when she went to the funeral parlor.

In inferring conclusions involving power deficits in relationships, judges must be careful not to be gender-blind. In denying the Petition for the Writ of Amparo, the Regional Trial Court (RTC) echoed the police officers' statement that the taking of Sanchez's photo and the threats of obstruction of justice thrown at her were part of "the conduct of a logical investigation." It could not see, or it refused to see that these actions, together with the surveillance done, were actual or imminent threats against Sanchez and her children.

Moreover, in rendering judgment, judges must not impose a standpoint viewed from their implicit status in society. They must look beyond their status as well-connected people who can assert themselves against men in uniform and who have no filial relation to one tagged as a communist. By ignoring Sanchez's not so unique predicament as the spouse of a labeled communist, the RTC created standards that would deny protection to those who need it most.

Thus, in determining the existence of substantial evidence to support a petition for a Writ of Amparo, judges should also be cognizant of the different power dynamics at play when assessing if there is an actual or future threat to a petitioner's life, security, or liberty. Refusing to acknowledge this might lead to an outright denial of protection to those who need it the most.