EN BANC

G.R. No. 256116 – MAIN T. MOHAMMAD, Petitioner, **v. OFFICE OF THE SECRETARY, DEPARTMENT OF JUSTICE, MENARDO I. GUEVARRA, in his capacity as SECRETARY OF JUSTICE,** Respondent.

Promulgated:
February 27, 2024

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DISSENTING OPINION

LEONEN, *J.*:

Law contributes to a process of normalization. It can reify the status quo, or liberate. Being critical of our laws, even as lawyers and judges, will help see and understand our people to contribute to meaningful freedoms.

This Court can be critical. I take this opportunity to provide context and illustrate when the text of a law may mean differently to a marginalized group. In my view, this demonstrates a case when our interpretation heedless of context may result in an injustice.

Petitioner Main T. Mohammad "was arrested, detained, and charged with piracy and two counts of murder. Mohammad was identified as a member of the Abu Sayyaf Group (ASG) responsible for the kidnapping and murder of certain individuals."[1]

For the prosecution's failure to present a witness identifying petitioner as the same person charged in the Information, the murder case was dismissed and he was acquitted.

Claiming to have been "unjustly arrested, accused, and detained two years for a crime he did not commit,"[2] petitioner filed a claim for compensation under Republic Act No. 7309. He argued that the law covers "persons unjustly prosecuted even though they have been acquitted by the trial court, as the unjust prosecution ruined their honor and besmirched their reputations. . . . he was arrested, tagged, accused, and identified as a member of a notorious terrorist organization."[3]

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1 *Ponencia*, p. 2.
2 *Id.*
3 *Id.* at 3.

The Department of Justice Board of Claims denied petitioner's claim, holding that the law requires conviction and subsequent acquittal on appeal, which did not happen in his case. The secretary of justice affirmed this ruling and explained that not all instances of unjust imprisonment or detention is compensable.[4]

Petitioner then filed the present Petition for *Certiorari*, which this Court is dismissing.

I

Section 3 of Republic Act No. 7309 enumerates who may file compensation claims before the Board of Claims:

> Section 3. Who may File Claims. — The following may file claims for compensation before the board:
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> a) *any person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal;*
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> b) any person who was unjustly detained and released without being charged;
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> c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and
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> d) any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity. (Emphasis supplied)

Republic Act No. 7309 grants compensation to the following: those unjustly accused, convicted, and imprisoned but subsequently acquitted; those unjustly detained and released without being charged; victims of arbitrary or illegal detention by authorities; and victims of violent crimes. Petitioner is claiming compensation under the first class.

The majority ruled that to be granted compensation, an individual must have been (1) unjustly accused; (2) convicted of the offense; (3) imprisoned due to this conviction; but (4) subsequently acquitted by a judgment.

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[4] *Id.*

To a certain extent, I agree. Our justice system permits the probing inquiry of a judge, who reviews the prosecutor's exercise of discretion. Although unfortunate, not all cases of conviction with subsequent acquittal entitle a person to compensation. Thus, without conviction, as in this case, the majority concludes that there can be no basis to compensate one who was supposed to be unjustly accused.

Basbacio v. Drilon[5] discussed how "unjust conviction" entailing compensation under the law pertains to the *manner* through which a person was convicted due to an unjust accusation, and not solely based on a subsequent acquittal:

> But Sec. 3(a) requires that the claimant be "unjustly accused, convicted [and] imprisoned." The fact that his conviction is reversed and the accused is acquitted is not itself proof that the previous conviction was "unjust." An accused may be acquitted for a number of reasons and his conviction by the trial court may, for any of these reasons, be set aside. For example, he may be acquitted not because he is innocent of the crime charged but because of reasonable doubt, in which case he may be found civilly liable to the complainant, because while the evidence against him does not satisfy the quantum of proof required for conviction, it may nonetheless be sufficient to sustain a civil action for damages. In one case the accused, an alien, was acquitted of statutory rape with homicide because of doubt as to the ages of the offended parties who consented to have sex with him. Nonetheless the accused was ordered to pay moral and exemplary damages and ordered deported. In such a case to pay the accused compensation for having been "unjustly convicted" by the trial court would be utterly inconsistent with his liability to the complainant. Yet to follow petitioner's theory such an accused would be entitled to compensation under Sec. 3(a).
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> The truth is that the presumption of innocence has never been intended as evidence of innocence of the accused but only to shift the burden of proof that he is guilty to the prosecution. If "accusation is not synonymous with guilt," so is the presumption of innocence not a proof thereof. It is one thing to say that the accused is presumed to be innocent in order to place on the prosecution the burden of proving beyond reasonable doubt that the accused is guilty. It is quite another thing to say that he is innocent and if he is convicted that he has been "unjustly convicted." As this Court held in a case:
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> > Though we are acquitting the appellant for the crime of rape with homicide, we emphasize that we are not ruling that he is innocent or blameless. It is only the constitutional presumption of innocence and the failure of the prosecution to build an airtight case for conviction which saved him, not that the facts of unlawful conduct do not exist.
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> To say then that an accused has been "unjustly convicted" has to do with the manner of his conviction rather than with his innocence. An accused may on appeal be acquitted because he did not commit the crime, but that does not necessarily mean that he is entitled to compensation for

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[5] 308 Phil. 5 (1994) [Per J. Mendoza, *En Banc*].

having been the victim of an "unjust conviction." If his conviction was due to an error in the appreciation of the evidence the conviction while erroneous is not unjust. That is why it is not, on the other hand, correct to say as does respondent, that under the law liability for compensation depends entirely on the innocence of the accused.

The phrase "unjustly convicted" has the same meaning as "knowingly rendering an unjust judgment" in Art. 204 of the Revised Penal Code. What this Court held in *In re Rafael C. Climaco* applies:

> In order that a judge may be held liable for *knowingly rendering* an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is contrary to law or is not supported by the evidence, and the same was made with conscious and deliberate intent to do an injustice[. . . .]
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> To hold a judge liable for the rendition of manifestly unjust judgment by reason of inexcusable negligence or ignorance, it must be shown, according to Groizard, that although he has acted without malice, he failed to observe in the performance of his duty, that diligence, prudence and care which the law is entitled to exact in the rendering of any public service. Negligence and ignorance are inexcusable if they imply a manifest injustice which cannot be explained by a reasonable interpretation. Inexcusable mistake only exists in the legal concept when it implies a manifest injustice, that is to say, such injustice which cannot be explained by a reasonable interpretation, even though there is a misunderstanding or error of the law applied, yet in the contrary it results, logically and reasonably, and in a very clear and indisputable manner, in the notorious violation of the legal precept.

Indeed, Sec. 3(a) does not refer solely to an unjust conviction as a result of which the accused is unjustly imprisoned, but, in addition, to an unjust accusation. The accused must have been "unjustly accused, in consequence of which he is unjustly convicted and then imprisoned. It is important to note this because if from its inception the prosecution of the accused has been wrongful, his conviction by the court is, in all probability, also wrongful. Conversely, if the prosecution is not malicious any conviction even though based on less than the required quantum of proof in criminal cases may be erroneous but not necessarily unjust.

The reason is that under Rule 112, sec. 4, the question for the prosecutor in filing a case in court is not whether the accused is guilty beyond reasonable doubt but only whether "there is reasonable ground to believe that a crime has been committed and the accused is *probably guilty* thereof." Hence, an accusation which is based on "probable guilt" is not an unjust accusation and a conviction based on such degree of proof is not necessarily an unjust judgment but only an erroneous one. The remedy for such error is appeal.[6] (Emphasis supplied, citations omitted)

Upon further reflection, I find that there is room for a nuanced analysis here. He was not *convicted* as contemplated by the law since a judge acquitted

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6 *Id.* at 9–11.

him upon the prosecution's failure to identify him. However, in my view, he was unjustly accused and unjustly arrested at the inception, and may still be compensated.

II

Muslim profiling and prevalent cases of mistaken identity is a matter of concern.

The unfortunate reality is that Muslims are disproportionately victimized by law enforcers who mistake their identities. At its core, it may be the "misguided, unfortunately uneducated, cultural stereotype that has caused internal conflict and inhumane treatment of Filipinos of a different faith from the majority"[7] that this Court had been repeatedly denouncing.

Regrettably, there are Muslims arbitrarily arrested on flimsy grounds: their names mistaken as someone else's, or their mere wearing of hijab or a beard. It may be anything that silently communicates their religious beliefs that are, at times, equated with acts of terror. Some law enforcers hardly understand that *Abdul* Mohammad is not the same person as *Abdel* Mohammad, that Aisha *Lukman* is not Aisha *Lucman*, or that daily expressions of "*Allahu Akbar*!" is not a call to war. In some cases, this misguided cultural stereotype had led people to fear their fellow Filipinos' mere presence.

This Court is no stranger to this stigma, as parties—often State agents—have pleaded these harmful labels before us. At least five cases in the past 10 years presented different scenarios of the same pattern.

In the 2021 case of *Garlan v. Sigales, Jr.*,[8] this Court suspended a sheriff who employed violence as he was executing a writ. Seeking a reconsideration, he ironically justified his employment of violence by pleading that he was in a "neighborhood of Muslims" where there was supposedly a "*clear* security risk." This Court reprimanded him for his unfounded and baseless argument, and affirmed his one-year suspension:

> It is not this Court's judicial policy and resolve to ignore biased, discriminatory, and bigoted statements into oblivion. Every pronouncement to this effect shall be denounced, if only to contribute to unlearning attitudes that have disproportionately endangered the religious minority. In this light, sheriffs are reminded to always act with propriety and decorum. Abuse of authority and violence premised on outdated and harmful stereotypes do not justify resort to use of force.

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7 *People v. Sebilleno*, 868 Phil. 374, 376 (2020) [Per J. Leonen, Third Division].

8 A.M. No. P-19-3966, February 17, 2021 [Per J. Leonen, Special Third Division].

. . . .

Respondent postulates that because complainant's house is in a "neighborhood of Muslims," there was "a clear security risk." He goes on to specifically name the place, in the hopes that this Court will grant his appeal that had he not resorted to force, his assistant will be left to be "butchered."

These may not have been the exact same words in *Sebilleno* and *Abdulah*, but it's the same language of discrimination, bigotry, and bias that must be denounced. This "othering" that casts the religious minority into the margins serves no real purpose, save for creating barriers among our people. We acknowledge that this is systemic and prevalent to this day, and a single individual cannot dislodge this practice by himself or herself. However, this Court cannot turn a blind eye that it exists, and simply hope that this worn-out prejudice will naturally retire itself. We will condemn every pronouncement to this effect, if only to contribute to unlearning attitudes that have disproportionately endangered our fellow Filipinos.

Respondent is reminded that bigoted views cannot justify his resort to force. Ironically, it is his unfounded fear, premised on outdated harmful stereotypes, that propelled him into using force. We reiterate that [t]his Court has cautioned every person involved in dispensing justice to always act with propriety and decorum. Respondent's abuse of his authority and failure to satisfactorily explain the violence he employed does not meet the exacting standard we impose on our officers.[9] (Citations omitted)

Garlan recounted two similar cases of Muslim stereotyping: *People v. Sebilleno*[10] and *People v. Abdulah,*[11] both decided within the past four years, with the Office of the Solicitor General itself, along with police officers, exhibiting the discriminatory profiling of Muslims:

In the recent case of *People v. Sebilleno*, this Court reprimanded the Solicitor General when it pleaded that the police deviated from the requirements of the Comprehensive Dangerous Drugs Act because the buy-bust operation transpired in a "*notorious Muslim community*":

> Just because a community outside of Mindanao is predominantly Muslim does not mean that it should be considered presumptively "notorious." It is this type of misguided, unfortunately uneducated cultural stereotype that has caused internal conflict and inhuman treatment of Filipinos of a different faith from the majority.
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> . . . .
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> The Solicitor General averred that inventory was conducted in the police station, because "the apprehending team would be putting their lives in peril considering that the

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9 *Id.*

10 868 Phil. 374 (2020) [Per J. Leonen, Third Division].

11 872 Phil. 1124 (2020) [Per J. Leonen, Third Division].

area where the buy-bust operation was conducted is a *notorious Muslim community*."

The Office of the Solicitor General, which represents no less than the Government of the Philippines in a number of legal matters, ought to be circumspect in its language. This averment from the Solicitor General exhibits biased, discriminatory, and bigoted views; unbecoming of a public official mandated to act with justice and sincerity, and who swore to respect the rights of persons. This is the kind of language that diminishes the public's trust in our state agents. These are the words that when left unguarded, permeate in the public's consciousness, encourage further divide and prejudices against the religious minority, and send this country backward. We cannot condone this. As stressed, the prosecution must not only plead, but also prove an excusable ground. This Court fails to see how a Muslim community can be threatening or dangerous, that would put our law enforcers' lives to peril. The Solicitor General's colorful choice of word, "notorious," does not inspire confidence either.

We cannot condone this. (Emphasis in the original)

This was reiterated in *People v. Abdulah*, where this Court also denounced discriminatory remarks which sought to justify noncompliance with the Comprehensive Dangerous Drugs Act. The law enforcers testified that the place of arrest was *unsafe* for being "*a Muslim area*":

Cursory and shallow averments of unsafe conditions premised on the profile of a given locality's population reveals indolence, if not bigotry. Such trite references fall woefully short of the law's lofty standards and cast doubt on the conduct of buy-bust operations. They justify the acquittal of those whose prosecutions are anchored on noncompliant police operations.

. . . .

We stressed that such invocation constitutes a bigoted view that only stirs conflict among Filipinos of different religious affiliations.

To sustain the police officers' equating of a so-called "Muslim area" with dangerous places does not only approve of a hollow justification for deviating from statutory requirements, but reinforces outdated stereotypes and blatant prejudices.

Islamophobia, the hatred against the Islamic community, can never be a valid reason to justify an officer's failure to comply with Section 21 of Republic Act No. 9165. Courts must be wary of readily sanctioning lackadaisical justifications and perpetuating outmoded biases. No form of

> religious discrimination can be countenanced to justify the prosecution's failure to comply with the law.[12] (Emphasis in the original)

Worth noting is how these three cases involved agents in the dispensation of justice: no less than the Office of the Solicitor General, police officers, and a sheriff.

The disproportionate number of unjustly accused Muslims due to a "mistaken identity" is not imagined.

Recently, in the 2022 case of *Sema v. Republic,*[13] this Court lifted the Freeze Order against the bank accounts of Bai Sandra Sinsuat Ampatuan Sema (Sema) and her husband Muslimin Gampong for lack of probable cause.

Sema, a known political figure in the south, persistently insisted that she was not Sajid Islam Uy Ampatuan's wife, "Bai Zandra Ampatuan" who was named respondent in the freeze order issued by the Court of Appeals. However, the appellate court was heedless, solely because of her sharing the same surname as the Ampatuans. Her assets were frozen, despite the Anti-Money Laundering Council's failure to show how she was connected to the unlawful activities:

> First, the Urgent *Ex Parte* Petition narrated the factual antecedents that led to the application for the freeze order. It alleged the spurious transactions but failed to mention how petitioner was related to these. All it stated was that the Council conducted an investigation on the "immediate relatives of the Ampatuans," and proceeded to enumerate petitioner's bank accounts without explaining how these were in any way connected to the unlawful activities.
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> . . . .
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> Second, the Council's investigation contained in AMLC Resolution No. 50, series of 2011 likewise failed to show how petitioner was connected to the unlawful activities. It merely mentioned that a "database search was also conducted on the immediate relatives of the Ampatuans," and listed petitioner's bank accounts without any explanation.
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> Upon clarification, Mr. Jerome Golpo (Golpo) of the Council, a member of the team that conducted the database search, said that petitioner was only included "because of the surname. [S]he was categorized in the database [as a] 'might be'." At that time, the Council was still continuing its investigation as to petitioner's "importance or relevance until a money-laundering case is actually filed." *Golpo admitted that he was unsure if*

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[12] *Garlan v. Sigales, Jr.*, A.M. No. P-19-3966, February 17, 2021 [Per J. Leonen, Special Third Division] *citing People v. Sebilleno,* 868 Phil. 374 (2020) [Per J. Leonen, Third Division] and *People v. Abdulah,* 872 Phil. 1124 (2020) [Per J. Leonen, Third Division].

[13] G.R. No. 198083, October 10, 2022 [Per J. Leonen, Second Division].

> *petitioner is indeed an immediate relative of the Ampatuans, and merely based the connection on the fact that she had the name Ampatuan.*
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> Third, Saliao's *Sinumpaang Salaysay*, also mentioned in AMLC Resolution No. 50, series of 2011, mentioned 16 individuals and three entities, but petitioner's name was notably not included.[14] (Emphasis supplied, citations omitted)

In that case, there was practically no evidence tying Sema to the Ampatuans' unlawful acts. Her name did not appear in any of the complaint-affidavits, nor was there any allegation against her. This Court underscored that the mistaken identity case was never fully considered, despite the Court of Appeals' acknowledgment that Sema insisted that she was not the proper party. There, we resolved that "[a] person's identity should be ascertained even in—or especially in—the determination of probable cause for the issuance of a freeze order. A party who has not been shown by probable cause to have any involvement whatsoever in unlawful activities should not be subject to a freeze order."[15]

In *In re Salibo*,[16] this Court had the opportunity to clarify that "[h]abeas corpus is the proper remedy for a person deprived of liberty due to mistaken identity. In such cases, the person is not under any lawful process and is continuously being illegally detained."[17] In this case, Datukan Malang Salibo (Salibo) was in Saudi Arabia for the *Hajj* (pilgrimage) when the November 23, 2009 Maguindanao Massacre transpired. Upon his return to the country, he learned that the police suspected him to be Butukan S. Malang, one of the 197 accused in the massacre. Seeking to clear his name, Salibo went to the police station, but was eventually apprehended.[18]

Maintaining that he was not accused Butukan S. Malang, Salibo filed a petition for *habeas corpus* before the Court of Appeals and questioned the legality of his detention. The Court of Appeals dismissed it, finding that his detention was under a valid information and warrant of arrest. "Even assuming that Salibo was not the Butukan S. Malang named in the Alias Warrant of Arrest, the Court of Appeals said that '[t]he orderly course of trial must be pursued and the usual remedies exhausted before the writ [of habeas corpus] may be invoked[.]"[19]

Reversing the appellate court, this Court held that "Salibo was not arrested by virtue of any warrant charging him of an offense. He was not restrained under a lawful process or an order of a court. He was illegally deprived of his liberty, and, therefore, correctly availed himself of a Petition

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14 *Id.* at 19–20. This pinpoint citation refers to the copy of this decision uploaded to the Supreme Court website.

15 *Id.* at 22.

16 757 Phil. 630 (2015) [Per J. Leonen, Second Division].

17 *Id.* at 634.

18 *Id.* at 634–635.

19 *Id.* at 639.

for Habeas Corpus."[20] This Court stressed that there was no charge against Salibo, and the police officers had no probable cause to arrest him without a warrant.

Garlan, *Sebilleno*, *Abdulah*, *Sema*, and *In re Salibo* are just some of the cases which demonstrate the propensity to profile Muslims. Undoubtedly, there are manifestations of Muslim profiling in other cases. The systemic prejudice may be hidden behind other pleadings that are left unchecked and uncorrected. Worse, these prejudice sometimes come from State agents.

In a 2015 article, the Center for Media Freedom and Responsibility recounted ABS-CBN's investigative series on the "PNP-AFP wrongful arrests." The series found that there had been 51 wrongful arrests in the government's campaign against the Abu Sayyaf Group from 2004 to 2014:

> CHEERS TO ABS-CBN 2's TV Patrol for its investigative series on the Philippine National Police-Armed Forces of the Philippines (PNP-AFP) rewards system for the arrest of allegedly high-value terrorists and criminals in the Philippines.
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> TV Patrol's Investigative Reports reviewed the multimillion rewards system for the arrest of wanted personalities which led to several wrongful arrests from 2004 to 2014. The series was aired from March 25 to 27, 2015.
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> In the first part of the series, the report reviewed the government's campaign against the Abu Sayyaf from 2004 to 2014. The government has released some Php 280 million in reward money for informants and "tipsters" that led to the arrest of suspected terrorists. *But according to the report, there were 51 wrongful arrests on record during that period.*
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> The investigative story also reported the details of the PNP-AFP rewards system. It interviewed former chief of the Philippine National Police Criminal Investigation and Detection Group (CIDG) General Investigation Unit and retired police Supt. Jess Kabigting, who admitted that some officers received kickbacks or shared the rewards for the arrest of allegedly high-value terrorists.
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> *Investigative Reports* also interviewed a government official and an intelligence officer who chose not to be identified.
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> Chief Supt. Wilben Mayor, deputy director of the PNP's Directorate for Intelligence, denied that such a scheme was in place. He said cash rewards are given informants in full.
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> The second part of the series said that the cash rewards were a major incentive for PNP and AFP officers in many of the arrests.
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> Based on the data collected by ABS-CBN News, it seems there were two Radzmar Sangkula arrested by the PNP; there were two "Black Tungkang"; three Jerome Mustakim; three Edwin Sawaldi; two Ustadz Hamad Idris; two Mohamad Said Sali; two Abdsil Dima; two Madia Hamja;

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[20] *Id.* at 654.

> and two Hussein Kasim. The rewards for these "most wanted personalities" ranged from Php 100,000 to Php 3.3 million.
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> The report highlighted the review of the transcripts of a 2014 Pasig court resolution for the Jehovah's Witnesses kidnapping case. The suspects were known as the "Black Tungkangs" and had Php 3.3 million rewards on their heads. There were two suspects arrested in 2012.
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> In 2014, the state prosecutor of the case moved for the immediate release of one of the accused when the witness, a former kidnap victim, said that the person before her was not among her kidnappers.
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> The National Commission on Muslim Filipinos recommended the review of the PNP-AFP rewards system.[21]

It is not a misrepresentation if we recognize that our system may have unfairly profiled Muslims, born out of an outdated generalization that must be dismantled. This case appears to be another manifestation of the State wrongfully depriving a citizen of their liberty for a "mistaken identity" on a completely groundless basis, emboldened by our biases.

III

"No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."[22]

The State deprived petitioner of his liberty for two years without any evidence at all. He was accused as a member of a notorious terrorist organization, the Abu Sayyaf Group. Yet, nothing was presented to identify him to be the same person as that charged in the Information, warranting his eventual acquittal. Thus, petitioner was arrested without probable cause, unlawfully deprived of his liberty.

It is in this context when petitioner urges this Court to underscore "*unjust*" in reading the law, and argues that the word "*and*" should not be strictly construed. Accused must not have to suffer all three unjust actions—accusation, conviction, and imprisonment—to be compensated. He observes that this interpretation leads to an absurdity, contrary to the law's purpose of compensating the injustice:

> 40. In a case, the Honorable Court held that as a rule the word "and" denotes a joinder or union of words, phrases, or clauses, but that "a more important rule of statutory construction dictates that laws should be

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21 CMFR Staff, *PNP-AFP wrongful arrests*, CENTER FOR MEDIA FREEDOM AND RESPONSIBILITY, May 14, 2015, *available at* https://cmfr-phil.org/media-ethics-responsibility/ethics/pnp-afp-wrongful-arrests (last accessed on February 24, 2024).

22 CONST., art. III, sec. 1.

> construed in a manner that avoids absurdity or unreasonableness." (*Microsoft Corporation v. Manansala*, G.R. No. 166391, October 21, 2015)
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> 41. In this case, the over-reliance on the word "and" - instead of focusing on the operative word "unjust" - would lead to absurdity and defeat the purpose of the law.
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> 42. For instance, between (1) a person who was unjustly accused, convicted and imprisoned for 3 years only, then acquitted on appeal; and (2) a person who was unjustly accused, imprisoned for 10 long years, then acquitted by the trial court – who suffers more? Whose case is more unjust?
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> 43. Respondent's interpretation of Section 3(a) allows the accused in the first case to claim compensation, but not the accused in the second case. This interpretation is not only contrary to the clear wording of the law (which does not require a prior conviction), it also runs counter to the intent and spirit of the law that grants compensation to all those who suffered unjust accusation and detention.[23]

Thus, I also submit that what is "unjust" under the law may not simply be determined by a prior conviction and a subsequent judgment of acquittal by an appellate court.[24] There may be unwarranted prejudices that is systematically perpetuated.

I take exception on how petitioner's continued detention during trial was supposedly proper and that there was "nothing irregular"[25] since he was charged with two non-bailable offenses of piracy and murder. Precisely, there lies the injustice. In the *ponencia's* words, "considering the gravity of the offenses charged,"[26] petitioner was unjustly accused as there was no iota of proof that he was the person charged in the Information, the proper party to the criminal case. He was thereafter illegally detained on these charges when there was *no* evidence pointing to him as the perpetrator of the supposedly grave offenses. To stress, he was tagged as a member of a notorious terrorist group. I find that the injustice that entails compensation is palpable, without the need for a prior conviction.

Republic Act No. 7309 is a good reparation measure, exacting accountability from the State for wrongful persecutions and seeking to correct injustice through minimal compensation. Indeed, sloppy police work may lead to an injustice. Law enforcers are not simply tasked to notify the judge of an arrest with no case build-up or any investigation. When they trample on fundamental freedoms, the least that the State can do is to compensate the victim.

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23 *Rollo*, p. 11.
24 *Ponencia*, p. 6.
25 *Id.* at 7.
26 *Id.*

Finally, there may be credence in petitioner's observation that if Section 3(a) of the law requires prior conviction, this violates the equal protection clause of the Constitution:

> 53. In this case, the exclusion of those who were unjustly accused, imprisoned and acquitted by the trial court from the benefit of compensation – per respondent's interpretation– is "palpably arbitrary or capricious" and exceeded the "bounds of reasonable choice".
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> 54. There is no appreciable distinction between (1) a person who was acquitted by the trial court; and (2) a person who was acquitted on appeal, provided they were both unjustly accused and imprisoned. In fact, petitioner submits that, if at all there is a distinction, it is the person who was acquitted by the trial court who suffered more because his acquittal is a showing of the complete lack of evidence against him. Why then does respondent distinguish?
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> 55. To illustrate the absurdity of the classification, persons A and B were unjustly accused and imprisoned and tried by different courts. Person A was acquitted by the trial court but, because of certain factors, was detained for 10 years. Person B on the other hand was convicted by the trial court but acquitted on appeal. Because the trial and appellate courts acted swiftly, person B was detained for 3 years only. Without bail, both continue to be incarcerated while trial ensues.
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> 56. Under respondent's interpretation of Section 3(a), person B may be entitled to compensation, but not person A. This, even if both A and B: (a) were unjustly accused and imprisoned, (b) lose out on the economic and social opportunities outside jail, (c) experience the stigma of having been detained, and (d) experienced adverse physical and mental effects while detained.
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> 57. Why then is conviction a prerequisite to apply for compensation under Section 3(a) when there is no substantial distinction as to the suffering of both persons? (In fact, in the example given, person A can be said to have suffered more, having been detained longer.)
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> 58. Why is a detention prisoner (person A) given less by the law (RA 7309) than a convicted prisoner (person B) when there is no substantial distinction between the two?
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> 59. The Honorable Court has recognized that there is no substantial distinction between detainees and convicted prisoners.[27]

In my view, when this Court decides cases, it must not be blind to the reality that pleadings alone may not fully capture. We need to construe law from different lenses, knowing that our freedoms should be individually and socially meaningful. There is no true freedom unless all persons, identities, and communities enjoy meaningful freedom.

Divorced of context when reading law, we may fail to do justice.

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[27] *Id.* at 13–14.

ACCORDINGLY, I vote for the grant of compensation for petitioner Main T. Mohammad's unjust accusation and imprisonment.

Furnish the Senate President and the House of Representatives Speaker copies of the Decision and Separate Opinion in this case for their consideration.

MARVIC M.V.F. LEONEN
Senior Associate Justice