



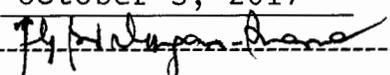
Present:

SERENO, C.J.,  
CARPIO,  
VELASCO, JR.,  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
MARTIRES,  
TIJAM,  
REYES, JR., and  
GISMUNDO, JJ.:

Promulgated:

**NEDINA GADIAN-DIAMANTE,**  
Respondent.

October 3, 2017

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**RESOLUTION**

**BERSAMIN, J.:**

For consideration are the consolidated petitions for review on *certiorari* separately brought against the decision promulgated on June 15, 2009 by the Court of Appeals (CA) in CA-G.R. SP No. 00034 entitled *Nedina Gadian-Diamante v. Armed Forces of the Philippines Chief of Staff Lt. Gen. Victor Ibrado, Philippine Navy Flag Officer In Command Vice Admiral Ferdinand Golez, Col. Joel Ibañez – Chief of Staff of the Western Mindanao Command (WESTMINCOM), Lt. Col. Antonio Dacanay – Management and Financial Officer of the WESTMINCOM, Retired Lt. Gen. Eugenio Cedo – Former Commander of the WESTMINCOM,*<sup>1</sup> whereby the CA disposed as follows:

WHEREFORE, the Court finds and directs that –

- (a) petitioner has established by substantial evidence that there is threat to life, liberty and security to the aggrieved party, Lt. SG Mary Nancy Gadian and thus, she is entitled to the benefits of a protection order under A.M. No. 07-9-12 SC (The Rule on the Writ of *Amparo*).

<sup>1</sup> *Rollo* (G.R. No. 188163), pp. 28-56; penned by Associate Justice Sixto C. Marella, Jr. (deceased), with Associate Justice Rebecca De Guia-Salvador and Associate Justice Japar B. Dimaampao concurring.

The Secretary of National Defense is hereby directed to extend the protection to the aggrieved party by adopting necessary measures and employing such personnel to ensure no impairment of the right of the aggrieved party, Lt. SG Mary Nancy P. Gadian to life, liberty and security;

(b) for lack of basis, petitioner's prayer that respondents be directed to refrain from issuing or carrying out any threat to life, liberty and security of the aggrieved party, Lt. SG Mary Nancy P. Gadian, is denied; and

(c) respondent General Ibrado shall comply strictly with his undertaking to provide material facts of the investigation conducted by the Flag Officer of the Philippine Navy and the Commander of the WESTMINCOM pursuant to his directive issued on May 26, 2009 relative to the circumstances of the threats to the life, liberty and security of the aggrieved party, Lt. SG Mary Nancy P. Gadian, and to bring those responsible, including military personnel, if shown to have participated or had complicity in the commission of the acts complained of, to the courts of justice.

Within five (5) days from receipt of this Decision, a report of the results of the investigation shall be submitted to the Court.

Let a copy of this Decision be served personally on the Secretary of National Defense.

SO ORDERED.

### **Antecedents**

On May 19, 2009, Nedina Gadian-Diamante, the respondent in G.R. No. 188195, alleging herself as the older sister of Lt. SG Mary Nancy P. Gadian (Lt. SG Gadian), brought in this Court a petition for the issuance of a writ of *amparo* in behalf of the latter, impleading as respondents various officers of the Armed Forces of the Philippines (AFP), including then AFP Chief of Staff Lt. Gen. Victor Ibrado (Gen. Ibrado). The petition was docketed as G.R. 187652.<sup>2</sup> On May 21, 2009, the Court issued the writ of *amparo*, and directed the CA to hear and decide the petition.<sup>3</sup>

On May 22, 2009, the Association of Major Religious Superiors of the Philippines (AMRSP) manifested to the Court their willingness to provide sanctuary to Lt. SG Gadian.<sup>4</sup>

The case, meanwhile docketed as CA-G.R. SP No. 00034, was heard in the CA. The initial hearing took place in the CA on May 28, 2009 but Lt. SG Gadian asked for time to submit evidence to support her allegations. The preliminary conference and summary hearing actually proceeded on June 5,

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<sup>2</sup> Id. at 4.

<sup>3</sup> Id.

<sup>4</sup> Id.

2009. The parties stipulated on the testimonies of psychologist Dr. Lopez, and Roy Lirazan and Armando Matutina, Lt. SG Gadian's companions. After the issues were defined and agreed upon, the evidence of the parties were respectively received.

### **Lt. SG Gadian's Evidence**

Lt. SG Gadian was a commissioned officer of the Philippine Navy. At the time material to this case, she served as the Officer-In-Charge of the Civil Military Operations (CMO) Fusion Cell for the RP-US Balikatan Exercises 2007. As such, she was responsible for the allocation of Balikatan funds and the planning and preparation of the Civil Military Operations component of the RP-US Balikatan Exercises 2007. Balikatan CMO Task Group (BK CMOTG) was formed for this purpose.<sup>5</sup>

For funding, Lt. SG Gadian asked for assistance from her immediate supervisor Lt. Col. Bajunaid Abid who reported to the General Headquarters (GHQ) through Lt. Col. Steve Crespillo (Lt. Col. Crespillo). They learned that the Balikatan Exercises 2007 had an approximate budget of ₱40 to ₱46 Million. They requested ₱4 Million to support the requirements of BK CMOTG.<sup>6</sup>

Out of the ₱4 Million approved budget, Lt. Col. Crespillo secured only ₱2.7 Million, and delivered ₱2.3 million thereof to BK CMOTG on two separate occasions, specifically on February 25, 2008 and March 3, 2008. The funds were turned over to Ms. Tessie Beldad, the fund custodian, but Lt. Col. Crespillo retained ₱400,000.00. Later, Ms. Beldad told Lt. SG Gadian that only ₱1.3 Million were actually turned over to her, for which she signed an acknowledgment report, pursuant to Lt. Col. Crespillo's instructions, despite the original plan being for him to distribute the funds personally to the participants. Lt. SG Gadian then accompanied Lt. Col. Crespillo to the office of Col. Joel Ibañez (Col. Ibañez) where they started to talk about funding problems, to which Lt. Col. Crespillo replied: *Meron akong dalang konti, sir*. Ms. Tessie Beldad was still required by Col. Buena of the Office of the Deputy Chief of Staff for Operations to submit receipts covering the disbursement of funds.<sup>7</sup>

On February 14, 2007, the CMO held the opening ceremony where the funds for food allowance were distributed to the participants.

In May 2007, Lt. SG Gadian was asked about the status of the funds during the staff conference presided by Col. Ibañez. When she reported that

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<sup>5</sup> Id. at 32.

<sup>6</sup> Id.

<sup>7</sup> Id. at 33.

the funds had been distributed to the recipients who were grateful for the support, Col. Ibañez shouted: *You are not authorized to distribute the funds! You should tell the people at GHQ that they should follow the proper channel!* She was then required to submit a fund utilization report, but Lt. Col. Crespillo told her not to submit the report to Col. Ibañez because only the Exercise Directorate could require them to submit such report.<sup>8</sup>

Thereafter, at the behest of Retired Lt. General Eugenio Cedo (Gen. Cedo) to the Office of the Inspector General, Lt. SG Gadian was investigated for: (a) lavish spending; (b) misuse of funds; and (c) willful disobedience. She was placed on floating status until her transfer to the Philippine Navy in January 2008. The Philippine Navy Efficiency and Separation Board took jurisdiction of her case upon the recommendation of AFP Investigation General Lt. Gen. Bocobo. In January 2009, Gadian was arraigned and pleaded not guilty to the charges. She was absolved from liability by prosecution witnesses. The case was submitted for decision in April 2009.<sup>9</sup>

Lt. SG Gadian went on official ordinary leave from April 9 to May 21, 2009. On April 13, 2009, she received a message through text and email requiring her to report to Manila. She flew to Manila on April 14, and attended the hearing on April 15. On April 16, 2009, she filed her resignation from the AFP effective May 1, 2009.<sup>10</sup>

Fearing for her life after her resignation, Lt. SG Gadian went into hiding. On May 11, 2009, her sister sought the help of Archbishop Angel Lagdameo of Jaro, Iloilo City by delivering Lt. SG Gadian's letter appealing for help from the church, media, and all sectors of society. On May 13, 2009, Lt. SG Gadian and her sister were interviewed by different media outlets on the alleged misuse of RP-US Balikatan Exercises 2007 funds.<sup>11</sup>

Since then, Lt. SG Gadian received text messages from concerned individuals warning her that people were conducting surveillance at their house. Two attempts were even made to 'snatch' her *en route* to the hearing in Manila. All these were testified to by her family members and people who were with her throughout her struggle.<sup>12</sup>

An apprehension order was released for Lt. SG Gadian's arrest, along with a "48 hour ultimatum" for her surrender. Again, concerned individuals told her that there was a verbal shoot to kill order to silence her. She was also not unaware of other unsolved cases similar to the case of Ensign Philip

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<sup>8</sup> Id. at 34.

<sup>9</sup> Id. at 35-36.

<sup>10</sup> Id. at 36.

<sup>11</sup> Id. at 36-37.

<sup>12</sup> Id. at 37-38.

Andrew Pestaño's death after giving information of his superior's engagement in drugs, illegal logging and gun running.<sup>13</sup>

### **The AFP's Evidence**

For their part, respondents General Ibrado, Vice Admiral Ferdinand Golez, Col. Ibañez and Lt. Col. Antonio Dacanay admitted that Lt. SG Gadian had been assigned to WESTMINCOM as its Deputy of the CMO. They confirmed that she had taken charge of and supervised the activities of BK CMOTG; that a total of ₱2.7 Million was turned over to her but she did not inform General Cedo, then the Commander of WESTMINCOM, of the receipt and utilization of the fund. According to them, she acted on her own in disposing the fund.<sup>14</sup> Gen. Cedo then constituted a committee to investigate, but she did not appear and instead questioned its jurisdiction because the fund had come from General Headquarters. The committee concluded that she had utilized the fund for its intended purpose, but without the approval of Gen. Cedo, and that she had falsely declared the actual amount of her accommodation based on the receipt (difference of ₱2,500.00).

The Office of the Inspector General recommended that Lt. SG Gadian return the balance of ₱2,500.00 for her hotel stay; that she be reprimanded by her Commander according to Article 105 of the Articles of War for violation of Article 97 of the Articles of War, or conduct prejudicial to the good order and military discipline; and that she be reassigned to the Philippine Navy.<sup>15</sup>

The AFP Chief of Staff ordered a reinvestigation, however, to look into the matter of technical malversation and insubordination.<sup>16</sup> Pending resolution of her case, Lt. SG Gadian filed an application for ordinary leave, and later on tendered her resignation from the service effective May 1, 2009.

Lt. SG Gadian's resignation was not processed due to lack of requisite enclosures and justifications, and because of the pending case. As a consequence, the AFP declared her absent without leave (AWOL), leading to her being dropped from the rolls as a deserter on May 2, 2009. The apprehension order was issued against her pursuant to standard procedures.<sup>17</sup>

Aggrieved, Lt. SG Gadian, through her sister, filed the petition for the writ of *amparo* in this Court, alleging perceived threats to her life, liberty and security from the AFP. As earlier stated, the petition was referred to the CA for further proceedings.

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<sup>13</sup> Id.

<sup>14</sup> *Rollo* (G.R. No. 188195), pp. 6-7.

<sup>15</sup> Id. at 7-9.

<sup>16</sup> Id. at 9-11.

<sup>17</sup> Id. at 11-12.

In the CA, the parties stipulated on the following issues:

- (a) whether or not there is [a] threat to aggrieved party's life, liberty and security and sufficiency of proof thereof;
- (b) in the affirmative, whether or not there is [a] link between the threat to the life, liberty and security of the aggrieved party and, any or all, of the respondents; and
- (c) whether or not the aggrieved party is entitled to the reliefs prayed [for] in the Petition.<sup>18</sup>

Lt. SG Gadian then made public appearances with media coverage giving statements about the conduct of RP-US Balikatan Exercises 2007. She explained that she had resorted to the writ of *amparo* because of perceived threats to her life, liberty and security. She incorporated her claims of the threats in her affidavit, wherein she detailed the text messages she had received about "people who were tracking, conducting casing and surveillance" of her place, and the presence of plain-clothes men at their house looking for her and her children. Her statements were corroborated by witnesses, including members of her family and friends who had accompanied her.<sup>19</sup>

The respondents denied knowledge of any existing threats against Lt. SG Gadian's life, but did not present controverting evidence. On his part, respondent Gen. Cedo averred that he had had no participation in the issuance of the apprehension order and the shoot-to-kill order against her; and that he had retired from the service in September 2007 and had not been interested in her whereabouts.<sup>20</sup>

### **Decision of the CA**

The CA promulgated its assailed decision on June 15, 2009.<sup>21</sup>

In its decision, the CA observed that receiving messages through SMS warning of a shoot-to-kill order against a person was not alarming; that, however, the situation became different when the person threatened was a junior officer of the AFP who had exposed anomalies regarding the conduct of military exercises involving the country and the United States of America, and the expose could involve senior officers of the AFP; that the situation was complicated when unidentified persons had knocked at the door of the house where Lt. SG Gadian lived without expressing the purpose of their

<sup>18</sup> *Rollo* (G.R. No. 188163), p. 46.

<sup>19</sup> *Id.* at 36-37.

<sup>20</sup> *Id.* at 42.

<sup>21</sup> *Supra* note 1.

visit, and, in addition, when there was an attempt to abduct; that such circumstances only proved that there had really been an actual threat to her life, liberty and security.<sup>22</sup>

Yet, the CA noted that Lt. SG Gadian had not established the authorship of the threats against her; that her affidavit did not implicate any of the respondents in the making of the threats; that although her father and sister had testified about men who had been making inquiries of her whereabouts, they had not attributed any overt act to the men that would suffice to deduce the clear intent to harm her; and that her two companions at the time the attempts to snatch her occurred did not identify any person in particular to be responsible.<sup>23</sup>

The CA concluded that Lt. SG Gadian had presented substantial evidence to prove the existence of a threat on her life, liberty and security but had not established the source of the threats; that then Secretary of National Defense Gilbert C. Teodoro (Defense Secretary Teodoro) should be deemed the appropriate person to extend protection to her as the aggrieved party inasmuch as he had executive supervision over the AFP even he did not engage in actual military directional operations;<sup>24</sup> and that respondent AFP Chief of Staff General Ibrado (Ret.) had also undertaken to cause the investigation of the alleged threats on her life, and the surrounding circumstances involved in her allegations.<sup>25</sup>

The parties then respectively appealed. On her part, respondent filed her petition for review on *certiorari* on June 22, 2009 (G.R. 188163),<sup>26</sup> while Gen. Ibrado, *et al.* filed their own petition for review on *certiorari* on June 23, 2009 (G.R. 188195).<sup>27</sup> The appeals were consolidated.

### Issues

Lt. SG Gadian assails the CA's ruling ordering then Secretary of National Defense Teodoro to provide protection to her, insisting that said official was biased in favor of the military hierarchy as borne out by the statement he had made during the Navy's anniversary celebration,<sup>28</sup> to wit:

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<sup>22</sup> Id. at 49-50.

<sup>23</sup> Id. at 51.

<sup>24</sup> Id. at 51-53.

<sup>25</sup> Id. at 53.

<sup>26</sup> Id. at 2-13.

<sup>27</sup> *Rollo* (G.R. No. 188195), pp. 2-23.

<sup>28</sup> *Rollo* (G.R. No. 188163), p. 7.

We are hoping the court will be careful in reviewing the petition and the circumstances behind it as well as granting such relief as this could affect the chain of command and the implementation of the disciplinary system in the military.

Lt. SG Gadian argues that although the Department of National Defense (DND) was civilian in character, the protection could only be extended to her through DND's military personnel.<sup>29</sup> Hence, she asks that the AMRSP be instead allowed to continue providing protection and sanctuary to her; and that the Court provides all means necessary to AMRSP, specifically the accreditation of it as a private institution or person capable of keeping and securing the aggrieved party under the *Rule on the Writ of Amparo*.

On their part, the AFP and Gen. Ibrado, *et al.* assail the CA for not dismissing the petition for the writ of *amparo* despite the CA having found no evidence showing that they were the authors of the alleged threat.<sup>30</sup>

The following issues are to be dealt with, namely: (a) Was the issuance of the writ of *amparo* warranted by the circumstance?; and (2) Assuming that there had really been threats against Lt. SG Gadian, who was in the best position to protect her – the Secretary of National Defense or the AMRSP?

### **Ruling of the Court**

The appeals have no merit.

A writ of *amparo* is an independent and summary remedy to provide immediate judicial relief for the protection of a person's constitutional right to life and liberty.<sup>31</sup> When a person is consumed by fear for her life and liberty that it completely limits her movement, the writ may be issued to secure her. Note, however, that the source of this fear must be valid and substantiated by circumstances, and not mere paranoia. Thus, in resolving the necessity of issuing a writ of *amparo* and the corresponding protection order, the courts must look at the overall circumstance surrounding the applicant and respondents.

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<sup>29</sup> Id. at 8.

<sup>30</sup> *Rollo* (G.R. No. 188195), pp. 25-26.

<sup>31</sup> *Lozada, Jr. et al. v. President Macapagal-Arroyo, et al.*, G.R. 184379-80, April 24, 2012, 686 SCRA 536, 551.

Moreover, the writ of *amparo* is both preventive and curative. It is preventive when it seeks to stop the impunity in committing offenses that violates a person's right to live and be free. It is curative when it facilitates subsequent punishment of perpetrators through an investigation and action.<sup>32</sup> Thus, the writ of *amparo* either prevents a threat from becoming an actual violation against a person, or cures the violation of a person's right through investigation and punishment.

The CA has correctly determined the existence of the justification to warrant the issuance of the writ of *amparo* in favor of Lt. SG Gadian, stating:

In brief, prior to the filing of the present Petition, petitioner and aggrieved party's evidence of threat to the latter's life, liberty and security are their receipt of short messaging service or text messages warning them of the giving of "shoot to kill order." Taken alone, such messages may not lead a reasonable mind to consider seriously the existence of threat to life, liberty and security but when receipt of such messages come at a time when claims of anomalies in the holding of military exercises participated in by a foreign country affecting several individuals and involving significant amount of money are being announced publicly, the situation differs. The aggrieved party is a junior officer in the military, with the rank of the lieutenant senior grade. The anomalies reported refer to the conduct of military exercises involving the Philippines and United States of America. The officers claimed to be involved are officers far more senior than the aggrieved party. There is a claim of the aggrieved party that she has resigned from her commission, an act which could be viewed, rightfully or wrongfully, as intended to evade the restrictions of military discipline.

Evidence was likewise presented that after public announcements were made by aggrieved party about the said anomalies, unidentified persons came to their house in Polomolok, South Cotabato asking for information about the aggrieved party and her family. No mention was made that the purpose of their visit was to serve a legal process, such as arrest warrant.

After the present petition was filed, an attempt to abduct the aggrieved party, to be attested to [sic] by Armando Matutina and Roy Lirazan, was committed.

The Court finds these sufficient to establish for purposes of the present proceedings, threat to life, liberty and security of the aggrieved party. Threat or intimidation must be viewed in the light of the perception of the victim at the time of the commission of the crime, not by any hard and fast rule.<sup>33</sup>

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<sup>32</sup> Id.

<sup>33</sup> *Rollo* (G.R No. 188163), pp. 49-50.

While it is conceded that Lt. SG Gadian's life was in actual danger, the possibility of danger must be acknowledged to exist. The reason, as she claims, was her expose of the Balikatan Funds anomaly. Consequently, she has hereby sought a preventive writ of *amparo*.

Yet, as the CA also pointed out, Lt. SG Gadian did not exactly know who had threatened her, and merely points towards the general direction of the military as the source of the threats. The uncertainty about the identities of the individuals who had knocked at her home, or who had conducted surveillance in her neighborhood, or who had even attempted to snatch her during her boat trip cannot be glossed over in order to immediately hold the leadership of the AFP in suspicion of complicity. Indeed, to do so would convert the proceedings into an unwarranted witch-hunt that could unfairly implicate many in the country's military service.

Moreover, we note that the AFP declared Lt. SG Gadian a deserter because her resignation had not been accepted due to deficiencies that she did not rectify or fill. Under the regulations of the AFP, the declaration could most likely be not entirely unwarranted because she had apparently opted to quit her post and go into hiding. Her being a commissioned officer of the AFP called for the application of the Articles of War against her.<sup>34</sup> The military discipline that still applied to her then treated her as a deserter who was subject to apprehension even during a time of peace. Her going into hiding constituted abandonment of her post regardless of her reasons for doing so.

The choice Lt. SG Gadian made was to leave the military service in order to expose an irregularity. The AFP could justifiably consider her leaving as an act of cowardice and insubordination. For this reason, Defense Secretary Teodoro's observation that her conduct would affect the chain of command in the AFP as an organization could not be dismissed as unfounded.

It is noteworthy that the AFP already conducted its own investigation of the misuse of the Balikatan Fund. Despite the grant of the petition for the writ of *amparo* brought at her instance, Lt. SG Gadian still opted not to participate in that investigation. Such attitude could only reveal the lack of sincerity of her resort to the recourse of *amparo*.

Nonetheless, it becomes necessary for the Court to deal with the willingness and ability of the AMRSP to provide protection and sanctuary to

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<sup>34</sup> See Section 20, first paragraph of Republic Act No. 242, amending Article 58 of Commonwealth Act No. 408, (The Articles of War).

persons like Lt. SG Gadian who seek protection after filing their petitions for the writ of *amparo*.

Under the *Rule on the Writ of Amparo*, the persons or agencies who may provide protection to the aggrieved parties and any member of the immediate family are limited to government agencies, and accredited persons or private institutions capable of keeping and securing their safety, but in respect of the latter, they should be accredited in accordance with guidelines still to be issued.<sup>35</sup> Conformably with the rule, the CA observed that the only official with the capacity to provide protection to Lt. SG Gadian at that time was incumbent Defense Secretary Teodoro considering that the AMRSP, despite being her personal choice, was not yet an accredited agency in the context of the *Rule on the Writ of Amparo*.

Although the CA did not err in its observation, the Court feels that the AMRSP, which had manifested its willingness and readiness to give sanctuary to Lt. SG Gadian, could have been a viable provider of protection and sanctuary to her. The viability of the AMRSP, or of any other private or religious organization or person so disposed into taking a petitioner like Lt. SG Gadian under its protection, should not be dismissed or ignored only because of the lack of accreditation, but should have been fully determined by hearing the AMRSP thereon. The lack of accreditation should not have hindered but instead invited the holding of the hearing. Indeed, the matter of protection and sanctuary should be of foremost consideration by the court because the personal and immediate concern of the petitioner whose life and liberty were under threat was exactly her temporary protection. The CA as the court hearing her petition for the writ of *amparo*, if satisfied by the qualifications of the AMRSP, could have effectively entrusted her temporary protection to the still-to-be accredited AMRSP given the latter's willingness and capability to provide her the sanctuary she needed. To repeat, the lack of accreditation required by the *Rule on the Writ of Amparo*, which can follow, should be a lesser concern.

In this regard, we advert to the following insights provided by Justice Leonen during the deliberations, to wit:

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<sup>35</sup> Section 14 (a), *The Rule on the Writ of Amparo* states:

SEC. 14. *Interim Reliefs*. — Upon filing of the petition or at anytime before final judgment, the court, justice or judge may grant any of the following reliefs:

(a) *Temporary Protection Order*. — The court, justice or judge, upon motion or *motu proprio*, may order that the petitioner or the aggrieved party and any member of the immediate family be protected in a government agency or by an accredited person or private institution capable of keeping and securing their safety. If the petitioner is an organization, association or institution referred to in Section 3(c) of this Rule, the protection may be extended to the officers involved.

The Supreme Court shall accredit the persons and private institutions that shall extend temporary protection to the petitioner or the aggrieved party and any member of the immediate family, in accordance with guidelines which it shall issue.

The accredited persons and private institutions shall comply with the rules and conditions that may be imposed by the court, justice or judge.

x x x

Liberty and security are ultimately personal. No amount of admonition by another can undo a person's rational, well-founded fear. In petitions for the issuance of writs of amparo, it is well-within an aggrieved party's right to avail of protection through private persons and organizations. Precisely because the writ of amparo is a liberty-promoting mechanism, the aggrieved party's preferences must be upheld, to the extent practicable. The Rule on the Writ of Amparo imposes no compulsion or even an order of preference between public and private entities. As far as the Rule is concerned, the only requirement is that the private person or entity through whom the aggrieved party seeks to be protected is accredited by this Court. Uncertainty as to the identity of the persons responsible for threats against the aggrieved party's liberty and security are not grounds for curtailing the aggrieved party's liberty to choose.

The Court of Appeals then should not have undercut Lt. SG Gadian's resort to the Association of Major Religious Superiors of the Philippines or to another person or institution of her choosing. Even as the Association of Major Religious Superiors of the Philippines may have yet to secure accreditation, it was not for the Court of Appeals to consummately foreclose Lt. SG Gadian's choice as to who shall be protecting her. Certainly, the Court of Appeals could have been more deferential to Lt. SG Gadian's liberty to choose. It could have extended to the Association a reasonable period to obtain accreditation, and enabled Lt. SG Gadian to identify an alternative in the interim. If the Association is ultimately found wanting, the Court of Appeals could have still enabled Lt. SG Gadian to name her preferred substitute. It could have taken better, more enfranchising, precautions.

We recognize that as of today the danger to the life and security of Lt. SG Gadian had already ceased, if not entirely disappeared. Although summoned to appear at the AFP's investigation of her exposé, she voluntarily chose not to despite the institutional assurances for her personal safety. The AFP then declared her on AWOL status as of April 22, 2009, and dropped her from the roster as a deserter on May 2, 2009 following her unexplained failure to report to her mother unit.<sup>36</sup> Worth noting, too, is that the individuals to whom she had attributed the threats to her life and liberty had since retired from active military service. These circumstances are supervening events that have rendered the resolution on the merits of the consolidated appeals moot and academic, that is, to still continue with the resolution when no practical consequence will be achieved or ensured is pointless and of no utility. Moot and academic cases cease to present any justiciable controversies by virtue of supervening events.<sup>37</sup> The courts of law will not determine moot questions,<sup>38</sup> because it is unnecessary for the courts to indulge in academic declarations.<sup>39</sup>

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<sup>36</sup> *Rollo* (G.R. No. 188195), p. 124.

<sup>37</sup> *Barayuga v. Adventist University of the Philippines*, G.R. No. 168008, August 17, 2011, 655 SCRA 640, 654-655.

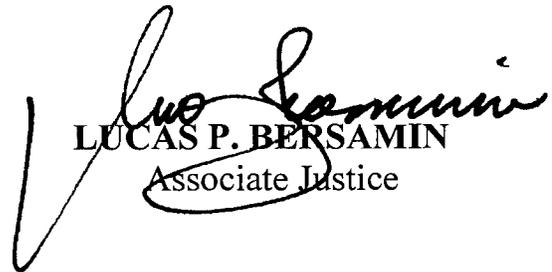
<sup>38</sup> *Cole v. Court of Appeals*, G.R. No. 137551, December 26, 2000, 348 SCRA 692, 698.

<sup>39</sup> *Pepsi-Cola Bottling Company v. Secretary of Labor*, G.R. No. 96663, August 10, 1999, 312 SCRA 104, 144.

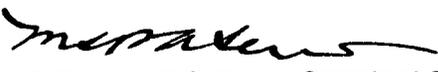
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**WHEREFORE**, the Court **DISMISSES** these consolidated appeals for being now moot and academic.

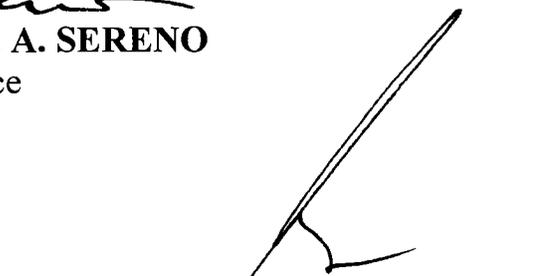
**SO ORDERED.**

  
**LUCAS P. BERSAMIN**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

  
**ANTONIO T. CARPIO**  
Associate Justice

  
**PRESBITERO J. VELASCO, JR**  
Associate Justice

  
**TERESITA J. LEONARDO DE CASTRO**  
Associate Justice

  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**SAMUEL R. MARTIRES**  
Associate Justice

  
**NOEL GIMENEZ TIJAM**  
Associate Justice

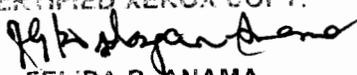
  
**ANDRES BREYES, JR.**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice

**CERTIFICATION**

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

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

CERTIFIED XEROX COPY:  
  
**FELIPA B. ANAMA**  
CLERK OF COURT, EN BANC  
SUPREME COURT