

and Henry C. Tayo, Sr. (collectively, Tayo family) for the purported enforced disappearance of Henry V. Tayo, Jr., alias "Magelan Tayo" (Tayo, Jr.).

The salient facts unfurl as follows:

On September 27, 2022, at around 11:30 a.m., Tayo, Jr. was arrested and detained at Bacolod City Police Station 8 (BCPS 8), owing to separate complaints for theft filed by Genoveva B. Bona (Bona) and Melleza Basco Besana (Besana). When both Bona and Besana did not pursue their case, Tayo, Jr. was released to Besana and five barangay tanods of Barangay Singcang-Airport at around 11:30 p.m. of the same day.⁴

After Tayo, Jr.'s supposed release from the police station, his family did not hear from or see him, prompting them to proceed to the police station to inquire as to his whereabouts. However, respondents, who were officers of the BCPS 8, namely, Police Major Joery T. Puerto (PMAJ Puerto), station commander, Police Staff Sergeant Roberto P. Guarana, Jr. (PSSg Guarana, Jr.),⁵ duty jailer, and Patrolman Garry Buganotan (Pat Buganotan), desk officer/records custodian (PMAJ Puerto et al.), informed them that they had already released Tayo, Jr. together with Besana. At that point, PMAJ Puerto et al. showed them a video clip recorded by Pat Buganotan where Tayo, Jr. appeared, signing the release logbook.⁶

Unconvinced, the Tayo family requested a copy of the CCTV footage of Tayo, Jr. leaving the police station. Thereupon, PMAJ Puerto assured them that they would be furnished the footage once available.⁷

In the interstice, the Tayo family sought the assistance of the Regional Office of the Commission on Human Rights (CHR) and the Public Attorney's Office (PAO), which soon sent requests⁸ to the police officers of BCPS 8 to produce the footage. As there was no response, the Tayo family went to NAPOLCOM to seek further assistance.⁹

Subsequently, PMAJ Puerto, accompanied by several police officers, went to the house of the Tayo family to inform them that an investigation into Tayo, Jr.'s whereabouts was being conducted and that an information technology (IT) personnel was already assigned to retrieve the footage. Despite this, no progress was made, prompting the Tayo family to request for

⁴ *Id.* at 39–40.

⁵ Also referred to as PSSG Roberto P. Gaurana, Jr. in the records.

⁶ *Rollo*, 40 and 42.

⁷ *Id.* at 40.

⁸ *Id.* at 64–65.

⁹ *Id.* at 40.



help from the Regional Office of the Department of Interior and Local Government (DILG).¹⁰

Distressed that they were given the runaround, the Tayo family instituted before the RTC a Petition for a Writ of *Amparo* with Prayer for Issuance of a Production Order¹¹ against PMAJ Puerto et al. Finding the petition sufficient in form and substance, the RTC issued an Order dated January 13, 2023, directing the branch clerk of court to issue a writ of *amparo*, and PMAJ Puerto et al. to file a verified written return within 72 hours from the service thereof.¹²

In their Verified Return¹³ dated January 16, 2023, PMAJ Puerto et al. averred that the Tayo family failed to show, through substantial evidence, that they were responsible for Tayo, Jr.'s disappearance. Moreover, there was no showing of any refusal on their part to provide information on his whereabouts. Even with the assistance of their IT specialist, Police Corporal Junel Valladarez Tornea (PCpl Tornea), the footage which showed Tayo, Jr. leaving the police station could not be retrieved, as their recording device could only store up to five days of data.¹⁴

PMAJ Puerto et al. also accompanied the Tayo family to the barangay hall of Barangay Pahanocoy, where they obtained a different footage of Tayo, Jr. supposedly boarding a tricycle headed north. Upon further investigation, Tayo, Jr. was last seen by one Arthur Deocadez (Deocadez) on board a tricycle with an unidentified individual at around 5:10 p.m. of September 30, 2022.¹⁵

During the scheduled summary hearing, the Tayo family decried that the footage shown to them in Barangay Pahanocoy was blurry. Despite multiple requests, they were unable to access any clear footage of Tayo, Jr. Upon the other hand, Besana, one of the complainants for theft, and to whom Tayo, Jr. was supposedly released, avouched that PMAJ Puerto et al. made her sign the release logbook when, in truth and in fact, she did not witness Tayo, Jr. leave the police station.¹⁶ She stated in her Judicial Affidavit,¹⁷ thusly—

3. On September 27, 2022 around 11:30pm, I was able to sign the logbook for the release of Magelan Tayo;
4. On September 27, 2022 around 11:30pm I saw Magelan Tayo at Bacolod City Police Station 8 but I and the five (5) other barangay

¹⁰ *Id.*

¹¹ *Id.* at 46–57.

¹² *Id.* at 40.

¹³ *Id.* at 80–90.

¹⁴ *Id.* at 82–83.

¹⁵ *Id.* at 83–85.

¹⁶ *Id.* at 41–42.

¹⁷ *Id.* at 74–75.

kagawads who went [there] left after signing the logbook for the release of Magelan Tayo;

5. After I signed the logbook for his release, Magelan Tayo was left there at Bacolod City Police Station 8 and I went home;
6. On September 28, 2022 around 8:00am, I went to the house of petitioners and informed them that **HENRY V. TAYO, JR.** has allegedly been released to my knowledge;
7. The last time I saw Magelan Tayo was at [the] Bacolod City Police Station 8 on September 27, 2022 around 11:30pm while we were signing the logbook[.]¹⁸

Similarly, Joenick B. Francisco (Francisco), one of the barangay tanods who accompanied Besana to the police station, avowed that they did not see Tayo, Jr. leave the police station.¹⁹

For their part, PMAJ Puerto et al. maintained that Tayo, Jr.'s family failed to show, through substantial evidence, that they had a hand in Tayo, Jr.'s disappearance, and that they refused to provide information on his whereabouts.²⁰ Pat Bugarotan explicated that he was unable to take a video recording of Tayo, Jr. leaving the police station because he was then simultaneously performing functions as "the jailer, the desk officer, and the radio operator" and that "he ended the recording of the video when he had to answer the radio."²¹

Meanwhile, PCpl Tornea testified that in late October 2022, PMAJ Puerto summoned him to assist in the retrieval of the requested footage. However, upon inspection, he discovered that the footage was defective and could "only show the live view of the scene captured."²²

In due course, the RTC rendered the assailed Decision,²³ dismissing the Petition for a Writ of *Amparo* and denying the prayer for the issuance of a Production Order for want of substantial evidence. The RTC held that there was no showing of any refusal on the part of PMAJ Puerto et al. to provide information on Tayo, Jr.'s whereabouts. Thus, his disappearance "after his release from the custody of BCPS 8 lacks the indispensable element of government participation."²⁴

¹⁸ *Id.* at 75.

¹⁹ *Id.* at 42; 76–77.

²⁰ *Id.* at 42–43.

²¹ *Id.* at 42.

²² *Id.*

²³ *Id.* at 39–45.

²⁴ *Id.* at 45.

Aggrieved, the Tayo family lodged the present Petition for Review on *Certiorari*²⁵ before this Court, ascribing error on the part of the RTC in dismissing their Petition for a Writ of *Amparo* and denying their prayer for the issuance of a Production Order. They propound the following reasons: *first*, they attribute suspicious behavior to the police officers, as Pat Bugarotan admitted during cross-examination that his act of taking Tayo, Jr.'s video while he was signing the release logbook deviated from the standard police procedure; and *second*, Pat Bugarotan's "explanation that he was not able to take a video of [Tayo, Jr.] actually walking out of the station because he answered the radio is unbelievable, if not highly suspicious, since failing to capture that moment (which is the most important) would defeat his purpose of taking the video[.]"²⁶

By the same token, the Tayo family bemoaned lack of cooperation and coordination among the police officers, citing PCpl Tornea's confirmation "that BCPS 8 never sent him any request for the repair of their CCTV as he was only requested to access the same on October 23, 2022 or almost a month after the petitioners had requested for a copy of the footage."²⁷ Accordingly, the Tayo family entreat the Court to reverse the RTC's ruling and grant the following reliefs:

1. A writ of *amparo* be issued against respondents PMAJ JOERY T. PUERTO, Station Commander of Bacolod City Police Station 8, [PSSg] ROBERTO P. GAURANA, JR., Duty Jailer of Bacolod City Police Station 8, and PATROLMAN GARRY BUGANOTAN, Desk Officer/Records Custodian of Bacolod City Police Station 8;
2. A Production Order be issued pursuant to Section 14 (c) of A.M. No. 07-9-12-SC or the Rule on the Writ of *Amparo* commanding the police officers of BCPS 8 to produce and permit inspection of documents, as well as the production and copying of the CCTV footage relating to the alleged release of Henry V. Tayo, Jr. on September 27, 2022; and
3. An Order commanding the respondents to locate the whereabouts of Henry V. Tayo, Jr., alias "Magelan," and upon locating him, to turn over his custody to the herein petitioners.²⁸

On August 1, 2023, the Court issued a Notice of Resolution,²⁹ requiring PMAJ Puerto et al. to submit their Comment on the Petition.³⁰ Complying therewith, PMAJ Puerto et al. averred in their Comment³¹ that the RTC

²⁵ *Id.* at 16–34.

²⁶ *Id.* at 28–29.

²⁷ *Id.* at 29.

²⁸ *Id.* at 32.

²⁹ *Id.* at 514.

³⁰ *Id.* at 452.

³¹ *Id.* at 452–458.



committed no reversible error in dismissing the Petition for a Writ of *Amparo* and denying the issuance of a Production Order.

In their Reply,³² the Tayo family iterated their reasons in the Petition for Review on *Certiorari*, namely: *one*, PMAJ Puerto et al. failed to explain why they sent the request to access the footage to PCpl Tornea “only on October 23, 2022 or almost a month after the Tayo family requested for a copy of the footage;”³³ *two*, the police officers’ negligence and failure to provide the footage evinced their “refusal to give information on the fate or whereabouts” of Tayo, Jr.³⁴; and *three*, Pat Buganotan’s act of taking Tayo, Jr.’s video while he was signing the release logbook showed hallmarks of suspicious behavior as it was highly irregular and deviated from the standard procedure.³⁵

The Issue

The jugular issue for this Court’s resolution is whether the members of Tayo, Jr.’s family were able to prove, through substantial evidence, their entitlement to the privilege of the writ of *amparo*.

The Court’s Ruling

The Petition is impressed with merit.

Section 19³⁶ of the Rule on the Writ of *Amparo*³⁷ is explicit that both questions of fact and law can be raised before the Court in a petition for review on *certiorari* under Rule 45. As a rule then, the Court is not bound by the factual findings made by the lower court which rendered the judgment in a petition for the issuance of the writ of *amparo*.³⁸

Withal, Section 1 of the Rule on the Writ of *Amparo* defines a petition for a writ of *amparo* as “a remedy available to any person whose right to life, liberty, and security is violated or threatened with violation by an unlawful act or omission of a public official or employee, or of a private individual or entity.”

The Court promulgated the *Amparo* Rule “in light of the prevalence of extralegal killings and enforced disappearances” in the country. It was an

³² *Id.* at 528–533.

³³ *Id.* at 529.

³⁴ *Id.* at 531.

³⁵ *Id.* at 530.

³⁶ SEC. 19. *Appeal*. – Any party may appeal from the final judgment or order to the Supreme Court under Rule 45. The appeal may raise questions of fact or law or both.

³⁷ A.M. No. 07-9-12-SC, October 24, 2007.

³⁸ *Morada v. Rias*, G.R. No. 222226, February 14, 2022 [Per J. Hernando, Second Division] at 3. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

exercise for the first time of the Court's expanded power to promulgate rules to protect our people's constitutional rights, which made its maiden appearance in the 1987 Constitution in response to the Filipino experience of the martial law regime. As the *Amparo* Rule was intended to address the intractable problem of "extralegal killings" and "enforced disappearances," its coverage, in its present form, is confined to these two instances or to threats thereof.³⁹

Two years after the promulgation of the *Amparo* Rule, Congress enacted Republic Act No. 9851,⁴⁰ which provided the first statutory definition of enforced or involuntary disappearance⁴¹—

Section 3. For purposes of this Act, the term:

....

(g) "Enforced or involuntary disappearance of persons" means the arrest, detention, or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

In *Navia v. Pardico*,⁴² the elements constituting "enforced disappearance" as statutorily defined under Section 3(g) of Republic Act No. 9851⁴³ are enumerated as follows:

- (1) [T]hat there be an arrest, detention, abduction or any form of deprivation of liberty;
- (2) [T]hat it be carried out by, or with the authorization, support or acquiescence of, the State or a political organization;
- (3) [T]hat it be followed by the State or political organization's refusal to acknowledge or give information on the fate or whereabouts of the person subject of the *amparo* petition; and,
- (4) [T]hat the intention for such refusal is to remove subject person from the protection of the law for a prolonged period of time.⁴⁴

³⁹ See *Mison v. Judge Gallegos*, 761 Phil. 657, 669 (2015) [Per J. Perez, *En Banc*].

⁴⁰ Republic Act No. 9851 (2009) An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Organizing Jurisdiction, Designating Special Courts, and For Related Purposes (2009).

⁴¹ See *Deduro v. Maj. Gen. Vinoya*, G.R. No. 254753, July 4, 2023 [Per J. Zalameda, *En Banc*] at 18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴² 688 Phil. 266 (2012) [Per J. Del Castillo, *En Banc*].

⁴³ Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity (2009).

⁴⁴ *Navia v. Pardico*, 688 Phil. 266, 279 (2012) [Per J. Del Castillo, *En Banc*].



Likewise, the *Amparo* Rule ordains that, in order for the court to render judgment granting the privilege of the writ, the petitioner must be able to discharge the burden of proving the allegations in the petition by the standard of proof required, i.e., substantial evidence.⁴⁵ More than a mere scintilla, substantial evidence is such relevant evidence that a reasonable mind might determine as adequate to support a conclusion.⁴⁶

Thence, for the protective writ of *amparo* to issue, allegation and proof that the persons subject thereof are missing are not enough. It must also be shown and proved by substantial evidence that the disappearance was carried out by or with the authorization, support or acquiescence of the State or a political organization, followed by a refusal to acknowledge the same or give information on the fate or whereabouts of said missing persons, with the intention of removing them from the protection of the law for a prolonged period of time. Simply put, the petitioner in an *amparo* case has the burden of proving by substantial evidence the indispensable element of government participation.⁴⁷

Pertinently, Section 17 of the *Amparo* Rule underscores the requirement of substantial evidence—

SECTION 17. *Burden of Proof and Standard of Diligence Required.*

– The parties shall establish their claims by substantial evidence.

Section 17 also defines the diligence required of a public official or employee who is named as a respondent in the petition for the writ of *amparo*, viz.:

SEC. 17. *Burden of Proof and Standard of Diligence Required.* –

The parties shall establish their claims by substantial evidence....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.

Guided by the foregoing polestars, this Court finds and so holds that the totality of the evidence adduced by the Tayo family undoubtedly shows their entitlement to the privilege of the writ of *amparo*.

⁴⁵ 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.

⁴⁶ *In the Matter of Petition for Writ of Amparo of Vivian A. Sanchez*, 865 Phil. 646, 664 (2019) [Per J. Leonen, *En Banc*].

⁴⁷ *In the Matter of the Issuance of the Writ of Amparo and Habeas Data for Jonila F. Castro and Jhed Reiyana C. Tamano and their families*, G.R. No. 269249, October 24, 2023 [Per J. Hernando, *En Banc*] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website. (Citation omitted)

There is no question that all the elements constituting an enforced or involuntary disappearance are attendant in this case. PMAJ Puerto et al. arrested Tayo, Jr. on September 27, 2022 and brought him to the BCPS 8, where they detained him. *He remains missing to this day.* While PMAJ Puerto et al. insist that Tayo, Jr. was released from their custody at about 11:00 p.m. of September 27, 2022, the *totality* of the circumstances demonstrates otherwise.

Notably, two witnesses avowed that they did not see Tayo, Jr. leave the police station on September 27, 2022. Besana, to whom Tayo, Jr. was purportedly released, described how she was prodded into affixing her signature in the release logbook when in truth and in fact, she did not witness Tayo, Jr. leave the police station.⁴⁸ In like manner, Francisco, one of the barangay tanods who accompanied Besana to the police station, averred that he, too, did not see Tayo, Jr. walk out of the police station.⁴⁹

Moreover, the Court notes that the Tayo family tried their utmost to coordinate with PMAJ Puerto et al. in locating Tayo, Jr., but were unable to receive adequate assistance from them. During the months of going back and forth to the police station and seeking assistance from other offices such as the CHR, PAO, NAPOLCOM, and DILG, members of Tayo, Jr.'s family were merely given empty reassurances that his disappearance was being investigated. Strikingly, PCpl Tornea, the IT specialist, admitted on cross-examination that the police officers summoned him to assist in the retrieval of the footage only on October 23, 2022 or almost a month after the Tayo family made their request.⁵⁰ Tellingly, PMAJ Puerto et al.'s attitude demonstrated a lack of urgency in providing critical assistance to them. Whence, PMAJ Puerto et al. failed to exercise extraordinary diligence in investigating the case and providing information on Tayo, Jr.'s fate or whereabouts, contrary to the requirement of Section 17 of the *Amparo* Rule.

A perusal of the Investigation Reports⁵¹ submitted by PMAJ Puerto et al. also shows modest effort on their part to identify the persons responsible for Tayo, Jr.'s disappearance. In particular, the Progress Report on Alleged missing Person⁵² dated October 9, 2022 is silent as to the concrete steps that the investigator-on-case undertook to ascertain the authors of his disappearance. The report, while citing the information provided by the civilian informant Deocadez, i.e., "alleged missing person boarded on the unidentified tricycle driven also by the unidentified driver in back ride position on exit way from the vicinity of Phase IV NHA Village, Brgy.

⁴⁸ *Rollo*, pp. 41–42; 74–75.

⁴⁹ *Id.* at 42; 76–77.

⁵⁰ *Id.* at 42, 29, and 529.

⁵¹ *Id.* at 98–101.

⁵² *Id.* at 98.



Pahanocoy, Bacolod City..., ”⁵³ said nothing about any attempt to obtain from him a cartographic sketch of the unidentified individual who, by his account, was last seen with Tayo, Jr. on board a tricycle.

Furthermore, as aptly observed by the Tayo family, Pat Bugarotan’s *act* of taking Tayo, Jr.’s video while he was signing the release logbook bears the stamp of suspicious behavior as it was highly irregular and deviated from standard police procedure. The Court likewise finds it unusual that Pat Bugarotan promptly ended the recording, without capturing the exact moment of Tayo, Jr. leaving the station.

At this juncture, it bears stressing that PMAJ Puerto et al. should have exerted greater effort in complying with both the letter and spirit of the *Amparo* Rule, especially in light of Besana and Francisco’s affidavits, which fully placed the responsibility for Tayo, Jr.’s disappearance right at the very doorsteps of BCPS 8. The Court reminds them of the following dictum regarding the conduct of investigations, as decreed in *Rodriguez v. Macapagal-Arroyo*⁵⁴ —

More importantly, respondents also neglect to address our ruling that *the failure to conduct a fair and effective investigation similarly amounted to a violation of, or threat to Rodriguez’s rights to life, liberty, and security*. The writ’s curative role is an acknowledgment that the violation of the right to life, liberty, and security may be caused not only by a public official’s act, but also by his omission. Accountability may attach to respondents who are imputed with knowledge relating to the enforced disappearance and who carry the burden of disclosure; or *those who carry, but have failed to discharge, the burden of extraordinary diligence in the investigation* of the enforced disappearance. The duty to investigate must be undertaken in a serious manner and not as a mere formality preordained to be ineffective.⁵⁵ (Emphasis in the original, citation omitted)

In *Republic v. Cayanan*,⁵⁶ the Court, in addition to the grant of the privilege of the Writ of *Amparo* and the interim reliefs prayed for by the petitioners therein, ordered the conduct of a thorough investigation of the persons found responsible for the victims’ disappearance. Likewise, in *Tabian v. Gonzales*,⁵⁷ the Court recommended the filing of appropriate civil, criminal, and administrative cases against the police officers who were found responsible for the extralegal killing of the victim.

Here, considering that there is substantial evidence showing that PMAJ Puerto, PSSg Guarana, Jr., and Pat Bugarotan are responsible and accountable for the disappearance of Tayo, Jr., the Court directs the conduct of a full-

⁵³ *Id.*

⁵⁴ 709 Phil. 380 (2013) [Per C.J. Sereno, *En Banc*].

⁵⁵ *Id.* at 387–388.

⁵⁶ 820 Phil. 452, 477–478 (2017) [Per J. Bersamin, *En Banc*].

⁵⁷ G.R. No. 247211, August 1, 2022 [Per J. J. Lopez, Second Division].

blown investigation by the concerned bodies and agencies, i.e., the NAPOLCOM, PNP, and DILG, and recommends the filing of the appropriate criminal and administrative charges against them, if warranted.

A final cadence. A disappearance has a doubly paralyzing impact: on the victim, who is removed from the protection of the law, frequently subjected to torture and in constant fear for their lives; and on their families, ignorant of the fate of their loved ones, their emotions alternating between hope and despair, wondering and waiting, sometimes for years, for news that may never come.⁵⁸ The feeling of insecurity generated by this practice is not limited to the close relatives of the disappeared, but also affects their communities and society as a whole.⁵⁹ Therefore, it is the duty of all States, under any circumstances, to make investigations whenever there is reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations are confirmed, to prosecute its perpetrators.⁶⁰

Given the foregoing discourse, the Court finds and so holds that the members of Tayo, Jr.'s family are entitled to the privilege of the writ of *amparo*.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The February 2, 2023 Decision of Branch 48, Regional Trial Court, Bacolod City in Spec. Proc. No. 23-2935 is **REVERSED** and **SET ASIDE**.

The protective Writ of *Amparo* is **ISSUED** in favor of petitioners Hiezel V. Tayo, Merlina V. Tayo, and Henry C. Tayo, Sr. in the following manner:

1. Respondents PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Buganotan, and all the persons and entities acting and operating under their directions, instructions, and orders are **DECLARED RESPONSIBLE and ACCOUNTABLE** for the enforced disappearance of Henry V. Tayo, Jr., alias "Magelan Tayo";
2. A Production Order shall **ISSUE** against respondents PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Buganotan, and all the persons and entities acting and operating under their directions, instructions, and orders, directing them to produce all documents, papers, books, accounts, letters,

⁵⁸ See Office of the United Nations High Commissioner for Human Rights, Enforced or Involuntary Disappearances Fact Sheet No. 6/Rev.3, available at <https://www.ohchr.org/sites/default/files/2021-08/FactSheet6Rev3.pdf> (last accessed on June 17, 2024)

⁵⁹ *Id.*

⁶⁰ *Id.*



photographs, objects, whether tangible or in digital form, which constitute, contain evidence or are reasonably connected to the matters and incidents contained in this Petition; and

3. The NAPOLCOM, PNP, and DILG are **ORDERED** to cause the speedy conduct of a thorough investigation on the disappearance of Henry V. Tayo, Jr., alias "Magelan Tayo" caused by PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Bugarotan, and all the persons and entities acting and operating under their directions, instructions, and orders, and if warranted, charge them with the appropriate criminal or administrative offenses. A report shall be submitted to the Court within 60 days from receipt of the notice of this Decision.

The Court **REMANDS** the case to Branch 48, Regional Trial Court, Bacolod City for the implementation of and compliance with this Decision with utmost dispatch.

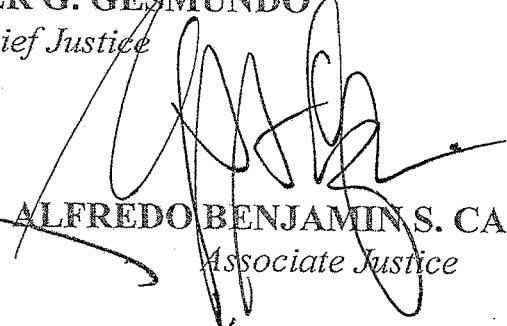
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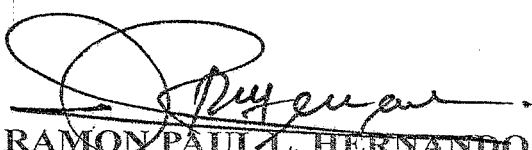

JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice

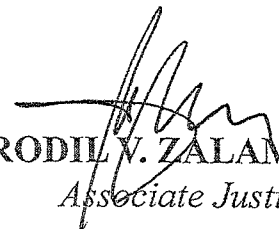

MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUITA
Associate Justice

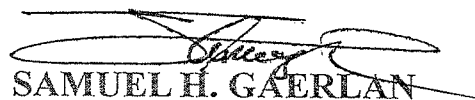

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


On Leave
HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO U. LOPEZ
Associate Justice

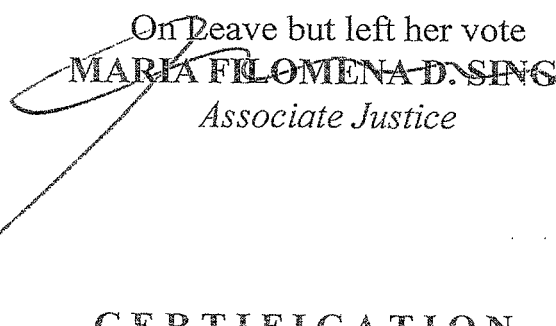

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

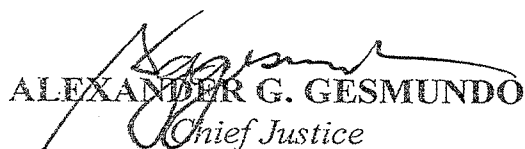

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

On Leave but left her vote

MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I 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 this Court.


ALEXANDER G. GESMUNDO
Chief Justice



Republic of the Philippines
Supreme Court
Manila

EN BANC

IN THE MATTER OF THE
PETITION FOR ISSUANCE OF A
WRIT OF *AMPARO* IN FAVOR
OF HENRY V. TAYO, JR., alias
"MAGELAN TAYO," HIEZEL V.
TAYO, MERLINA V. TAYO, AND
HENRY C. TAYO, SR.,

Petitioners,

G.R. No. 265195

WRIT OF *AMPARO*

and

PRODUCTION ORDER

- versus -

PMAJ JOERY T. PUERTO,
Station Commander of Bacolod
City Police Station 8, PSSg
ROBERTO P. GAURANA, JR.,
Duty Jailer of Bacolod City Police
Station 8, and PATROLMAN
GARRY BUGANOTAN, Desk
Officer/Records Custodian of
Bacolod City Police Station 8,
Respondents.

TO: PMAJ JOERY T. PUERTO (Reg)
Station Commander
Bacolod City Police Station 8
Brgy. Tangub, 6100 Bacolod City
Negros Occidental

PSSg ROBERTO P. GAURANA, JR. (Reg)
Police Staff Sergeant
Regional Personnel and Holding Accounting Unit
Regional Headquarters, Police Regional Office 6
Blk 2, Lot 2, Villa Baradas, Alijis
6100 Bacolod City, Negros Occidental

PATROLMAN GARRY BUGANOTAN (Reg)
Desk Officer/Records Custodian
Bacolod City Police Station 8
Brgy. Tangub, 6100 Bacolod City
Negros Occidental

GREETINGS:

WHEREAS, the Supreme Court, on September 9, 2024, rendered the Decision in the above-entitled case, the dispositive portion of which reads as follows:

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The February 2, 2023 Decision of Branch 48, Regional Trial Court, Bacolod City in Spec. Proc. No. 23-2935 is **REVERSED** and **SET ASIDE**.

The protective Writ of *Amparo* is **ISSUED** in favor of petitioners Hiezal V. Tayo, Merlina V. Tayo, and Henry C. Tayo, Sr. in the following manner:

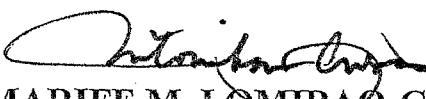
1. Respondents PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Buganotan, and all the persons and entities acting and operating under their directions, instructions, and orders are **DECLARED RESPONSIBLE and ACCOUNTABLE** for the enforced disappearance of Henry V. Tayo, Jr., alias "Magelan Tayo";
2. A Production Order shall **ISSUE** against respondents PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Buganotan, and all the persons and entities acting and operating under their directions, instructions, and orders, directing them to produce all documents, papers, books, accounts, letters, photographs, objects, whether tangible or in digital form, which constitute, contain evidence or are reasonably connected to the matters and incidents contained in this Petition; and
3. The NAPOLCOM, PNP, and DILG are **ORDERED** to cause the speedy conduct of a thorough investigation on the disappearance of Henry V. Tayo, Jr., alias "Magelan Tayo" caused by PMAJ Joery T. Puerto, PSSg Roberto P. Guarana, Jr., and Patrolman Garry Buganotan, and all the persons and entities acting and operating under their directions, instructions, and orders, and if warranted, charge them with the appropriate criminal or administrative offenses. A report shall be submitted to the Court within 60 days from receipt of the notice of this Decision.

NOW, THEREFORE, pursuant to A.M. No. 07-9-12-SC (Rule on the Writ of *Amparo*), as amended, You, respondents PMAJ JOERY T. PUERTO, as Station Commander of Bacolod City Police Station 8; PSSg ROBERTO P. GAURANA, JR., as Police Staff Sergeant of Regional Personnel and Holding Accounting Unit, Regional Headquarters, Police Regional Office 6, Blk 2, Lot 2, Villa Baradas, Alijis, Bacolod City, Negros Occidental; and PATROLMAN GARRY BUGANOTAN, as Desk Officer/Records Custodian of Bacolod City



Police Station 8, and all the persons and entities acting and operating under your directions, instructions, and orders, are hereby **REQUIRED** to produce all documents, papers, books, accounts, letters, photographs, objects, whether tangible or in digital form, which constitute, contain evidence or are reasonably connected to the matters and incidents contained in the Petition.

GIVEN by authority of the Supreme Court of the Philippines this 9th day of September 2024, in Manila, Philippines.


MARIFE M. LOMIBAO-CUEVAS
Clerk of Court