

Revisiting Jurisprudence on the Quantum of Restraint Required to Warrant the Issuance of the Writ of *Habeas Corpus*: A Proposal to Rethink the Rules of Court Formulation on the Availability of the Writ

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SUBJECT(S): CONSTITUTIONAL LAW

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The Author cites three cases in which the Supreme Court granted the writ of *habeas corpus* without actually strictly complying with the requirements of the Rules of Court. These cases are: *Villavicencio v. Lukban* (39 Phil. 778 (1919)); *Caunca v. Salazar* (82 Phil. 851 (1949) (unreported)); and *Moncupa v. Enrile* (141 SCRA 233 (1986)).

The crux of these decisions is that they do not involve, strictly speaking, “illegal confinement or detention.” The Author then proposes his recommendations to reform the rule on the issuance of the writ.