

Republic of the Philippines  
**SUPREME COURT**  
Manila

IN THE MATTER OF THE PETITION  
FOR THE **WRIT OF AMPARO**  
**AND HABEAS DATA** IN FAVOR  
OF **MELISSA C. ROXAS,**

SP. PROC. NO. \_\_\_\_\_  
FOR: Writ of Amparo and Habeas  
Data with prayers for  
Protection Orders, an Order  
of Inspection of Place, and  
Production of Documents

MELISSA C. ROXAS,  
Petitioner,

- versus -

GLORIA MACAPAGAL ARROYO,  
GILBERT TEODORO,  
GEN. VICTOR S IBRADO,  
P/DIR. GEN. JESUS AME VERZOSA,  
LT. GEN. DELFIN N BANGIT,  
PCSUPT LEON NILO A. DELA CRUZ,  
MAJ. GEN. RALPH VILLANUEVA,  
PSSUPT. RUDY GAMIDO LACADIN,  
CERTAIN PERSONS WHO GO  
BY THE NAMES DEX, RC, AND ROSE  
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**PETITION FOR THE WRIT OF AMPARO**  
**AND PETITION FOR THE WRIT OF HABEAS DATA**  
WITH PRAYERS FOR PROTECTION ORDERS  
INSPECTION OF PLACE, AND PRODUCTION OF  
DOCUMENTS AND PERSONAL PROPERTIES

PETITIONERS, through Counsel, and unto this Most Honorable  
Court, respectfully avers:

1. That petitioner is a U.S. Citizen and has temporary residence in Quezon City and is the aggrieved party and victim in this Petition and she can be served with processes of this Honorable Court at her attorneys-in-fact and her lawyer's address at Second Floor, Erythrina Bldg., 1 Maaralin corner Matatag streets, Barangay Sentral, Diliman, Quezon City;

2. Respondents are: GLORIA MACAPAGAL ARROYO, the President of the Philippines and who can be served with summons and other court processes and matters at Malacañang Palace, Manila, SEC. GILBERT TEODORO, Secretary of Defense, and who can be served with summons and other court processes and matters at Camp Aguinaldo, EDSA, Quezon City, GEN. VICTOR S. IBRADO, Commanding General of the Armed Forces of the Philippines, and who can be served with summons and other court processes and matters at Camp Aguinaldo, EDSA, Quezon City, P/DIR. GEN. JESUS AME VERZOSA, the Director General of the Philippine National Police, and who can be served with summons and other court processes and matters at Camp Crame, EDSA, Quezon City, LT. GEN. DELFIN N. BANGIT, the Commanding General of the Philippine Army, and who can be served with summons and other court processes and matters at Fort Bonifacio, Taguig City, MM, PCSUPT LEON NILO A. DELA CRUZ, the Regional Director of the Philippine National Police Region Office III, and who can be served with summons and other court processes and matters at Camp

Olivas, San Fernando, Pampanga, MAJ. GEN. RALPH VILLANUEVA, Commanding General Of the Philippine Army's 7th Infantry Division, and who can be served with summons and other court processes and matters at Fort Magsaysay, Laur, Nueva Ecija, PSSUPT. RUDY GAMIDO LACADIN, Police Director of the Province of Tarlac, and who can be served summons and other court processes and matters at Camp Macabulos, Tarlac City, Tarlac, and CERTAIN PERSONS WHO GO BY THE NAMES DEX, RC, and ROSE and they being members or officers of the Armed Forces of the Philippines can be served summons, court processes and matters at Camp Aguinaldo, EDSA, Quezon City;

3. MELISSA C. ROXAS with two other companions, Juanito Carabeo and John Edward Jandoc, were abducted and kidnapped by about 15 armed men with strong evidence of being military personnel on the early afternoon of May 19, 2009 at La Paz, Tarlac, Philippines and were forcibly brought to a place which is strongly believed to be Fort Magsaysay;

4. Petitioner and her companions were abducted and kidnapped without any legal ground, authority and basis for being believed by their abductors and kidnappers to be members of the CPP - New People's Army;

5. Petitioner underwent tactical interrogation and was tortured (attached is her affidavit and medical certificate as Annexes "A" and "B" with reservation on the marking of a Book entitled Love in Times of Cholera as Annex "A-1", the Holy Bible St. James Version as Annex "A-2", the handcuffs with lot number 4760 and made in Taiwan, as Annex "A-3", a slip of paper with an email address and password as Annex "A-4", a blouse as Annex "A-5" and a pair of white shoes as Annex "A-5") heavily causing trauma and depression and fear for her life;

6. The lives, liberty and security of Petitioner and her uncle and family have been threatened by the abductors and kidnapers of Petitioner and are in real imminent danger and threat;

7. The distance of the travel and the sounds heard by Petitioner in the place where the Petitioner and the two men were brought as well as the buildings described by Petitioner are places inside Fort Magsaysay;

8. When Petitioner was abducted, Karapatan made investigations of her disappearance and reported the matter to police authorities (attached hereto is the police report as Annex "C");

9. The initial reports tallied with the same patterns of abduction and kidnapping done by military forces to commit the crime with impunity and done brazenly only which can be done by people who are authorities;

10. The police and military authorities and the Office of the President have not done anything to investigate their personnel in the commission of this dastardly crime and if any investigation was made, the investigation was shallow and pro-forma without any intention of really solving the crime;

11. The Petitioner has been declared by those who abducted her as being in the Order of Battle (OB) and has been investigated to be a member of the CPP - NPA without the presence of counsel despite persistent demand for one. The labeling and listing her in the OB is a violation of her privacy rights and these list and label must be expunged from the records including all records taken during the said tactical interrogation;

12. A camera containing a memory card, an Ipad, the laptop and the journal, which contain materials private to the petitioner, which were taken from her be returned including the sphygmomanometer, stethoscope, the medicine, the Ps. 15,000.00 cash robbed from her;

13. That Petitioner has exhausted all efforts legally available and that there is no other plain, speedy, and adequate remedy to protect the rights of the victims except by this application for a Writ of Amparo.

#### PRAYER

WHEREFORE, premises considered, it is most respectfully prayed unto this Honorable Court that a WRIT OF AMPARO ORDERING THE RESPONDENTS:

GLORIA MACAPAGAL ARROYO,  
GILBERT TEODORO,  
GEN. VICTOR S IBRADO,  
P/DIR. GEN. JESUS AME VERZOSA,  
LT. GEN. DELFIN N BANGIT,  
PCSUPT LEON NILO A. DELA CRUZ,  
MAJ. GEN. RALPH VILLANUEVA,  
PSSUPT. RUDY GAMIDO LACADIN,  
CERTAIN PERSONS WHO GO  
BY THE NAMES DEX, RC, ROSE

FURTHERMORE, it is likewise most respectfully prayed unto this Most Honorable Court to issue a **Protection Order** in favor of PETITIONER MELISSA C. ROXAS and her family including her uncle, Ruben Roxas, and his family against and from respondents and to enjoin respondents from doing harm or even approaching the said persons.

IN THE EVENT THAT THE RESPONDENTS WOULD DENY CUSTODY, it is most respectfully prayed unto this Most Honorable Court to allow the inspection of detention areas in 7<sup>th</sup> Infantry Division at Fort Magsaysay, Laur, Nueva Ecija.

ALSO, it is also most respectfully prayed unto this Honorable Court to order respondents GLORIA MACAPAGAL ARROYO, to produce documents

submitted to her in the matter of any report on the case of MELISSA ROXAS.

LIKEWISE, to order the other respondents to produce any report submitted to them regarding the matter of MELISSA ROXAS, including but not limited to intelligence reports prior to, during and subsequent to May 19, 2009, operation reports prior to, during and subsequent to May 19, 2009, provost marshal reports during and subsequent to May 19, 2009 of the 7<sup>th</sup> Infantry Division, the Special Operations Group under the Armed Forces of the Philippines or its subsidiaries or those under its branch, including the 7<sup>th</sup> infantry Division.

Furthermore, to order that the records pertinent or connected in any way to MELISSA C. ROXAS or MELISSA ROXAS, or any name which might sound or approximate the same in the hands of respondent be expunged and should forever be disabused and should not be used anymore.

FINALLY, to return to Petitioner the camera containing a memory card, the IPOD, the laptop and the journal which were taken from her, which contain materials private to the petitioner, be returned including the sphygmomanometer, stethoscope, the medicine, and the Ps. 15,000.00 cash robbed from her;

DONE. QUEZON, CITY, PHILIPPINES. MAY 28, 2009.

**REX J.M.A. FERNANDEZ**  
PTR 5441971, 1/07/09, Prov. Cebu  
LIFETIME MEMBER NO. 01032, Cebu  
Second Flr., Erythrina Bldg.,  
Maaralin corner Matatag sts.,  
Barangay Sentral, Quezon City  
Roll 37453, Page 491, Book XV  
MCLE Compliance II 001709, 3/12/09

**EXPLANATION:** SERVICE TO RESPONDENTS IS DONE by registered mail due to lack of personnel and distance. (See attached Affidavit of service)

REX J.M.A. FERNANDEZ

Republic of the Philippines)  
Quezon City.....) S.S

**VERIFICATION AND CERTIFICATION**

I, **MELISSA C. ROXAS**, of legal age, U.S. Citizen and a temporary resident of Quezon City, after having been sworn to in accordance with law, do hereby depose and state that: she is the Petitioner in the above-entitled Petition; she has caused the preparation of the above Petition and has read and knows the same; the allegations therein are true and correct of her own personal knowledge; she has not filed nor commenced any action or proceedings involving the same issues nor is there any proceedings or action pending before the Supreme Court, Court of Appeals or in any tribunal or agency with the same issues and parties and in the event that Petitioner would know that there is an action or proceedings involving the same issues and parties, she undertakes to notify this Honorable Court of the pendency of the said action within five (5) days from knowledge thereof.

**MELISSA C. ROXAS**

SUBSCRIBED AND SWORN to before me this \_\_\_th day of October 2007 at Quezon City, Philippines by affiant who showed to me her U.S. Passport No. 443307364, with expiry date on June 1, 2018 and issued at the US Embassy Manila.

REPUBLIC OF THE PHILIPPINES)  
QUEZON CITY.....) s.s.

**AFFIDAVIT OF SERVICE**

I, OLIVIA BERNARDO, of legal age, Filipino and resident of Quezon City, Philippines, after having been sworn to in accordance with law, do hereby depose and state that:

I am a staff member of Karapatan with the Service Department of said human rights organization;

I furnished a copy of the Petition for a Writ of Amparo each to the following through private courier attaching hereto the corresponding receipts:

GLORIA MACAPAGAL ARROYO	
GILBERT TEODORO	
GEN. VICTOR S IBRADO	
P/DIR. GEN. JESUS AME VERZOSA	
LT. GEN. DELFIN N BANGIT	
PCSUPT LEON NILO A. DELA CRUZ	
MAJ. GEN. RALPH VILLANUEVA	
PSSUPT. RUDY GAMIDO LACADIN	
A CERTAIN DEX	
A CERTAIN RC	
A CERTAIN ROSE	

I am executing this affidavit to state the truth of the foregoing statements.

IN WITNESS WHEREOF, I hereunto affix this signature this \_\_th day of May 2009 at Quezon City, Philippines.

**OLIVIA BERNARDO**

SUBSCRIBED AND SWORN to before me this \_\_th day of May 2009 at Quezon City, Philippines by affiant who showed to me her Passport No. xx19589505, issued on September 4, 2008 at Manila.