

Republic of the Philippines
REGIONAL TRIAL COURT

Branch 3
Jolo, Sulu

Jan 16, 2012
Ormin

PEOPLE OF THE PHILIPPINES,
Plaintiffs

CRIM. CASES NO. (07-09)
1648-3 AND (07-09) 1649-3

-versus-

TEMOGEN "COCOY" TULAWIE, ET AL
Accused.

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ORDER

Filed before this Court is a Manifestation with Very Urgent Ex-Parte Motion for Immediate Transfer of the accused, Temogen "Cocoy" Tulawie, to the Sulu Provincial Jail, Jolo, Sulu.

The Court has studied and reviewed the arguments propounded by the private complainant and the records of this case on the immediate transfer of the accused, Temogen "Cocoy" Tulawie, to the Sulu Provincial Jail, Jolo, Sulu.

The Court acknowledges that it is in receipt of the Order of the Supreme Court, Third Division, granting the request of the herein accused, Temogen "Cocoy" Tulawie, to transfer venue of this case from the Regional Trial Court of Jolo, Sulu to the Regional Trial Court of Davao City.

However, it is also in receipt of a Motion for Reconsideration filed by private complainant before the Honorable Supreme Court.

The general rule is that when there is a Motion for Reconsideration, the order or judgment does not become final and executory.

Precisely for this reason, the Court has not yet transmitted the records of the cases against the accused to the Regional Trial Court of Davao City pending the final resolution of the petition for transfer of venue by the Honorable Supreme Court.

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Thus the accused, Temogen "Cocoy" Tulawie, with his arrest by joint elements of MIG 9, MIG 11, and SAF (R2 Davao City) in Davao City is to be delivered to the Regional Trial Court of Sulu which issued the warrants for his arrest. Pending the final disposition by the Honorable Supreme Court of his request for change of venue, this court continues to exercise jurisdiction on the criminal cases pending before it against the accused and over his person.

It is needless to state that the Special Action Force (SAF R2, Davao City) headed by P/SUPT Michael Dubria, Chief, Regional Intelligence and Investigation Division, Police Regional Office 11, Camp Catitipan, Davao City, the MIG 9 and MIG 11, who have jointly conducted the operation to apprehend the accused, were all acting under and by virtue of the authority of this Court's warrants of arrest, and thus, they have the legal duty and responsibility to report to this Court and account for the person of the accused regarding the service of the warrants of arrest it has issued.

Nevertheless, the continued detention and/or refusal by whomsoever in custody of the accused, Temogen "Cocoy" Tulawie, to deliver him to the jurisdiction of the Regional Trial Court of Jolo, Sulu, is disobedience to this court's lawful orders and interferes with court proceedings and processes tantamount to obstruction of justice and may constitute contempt of court and administrative proceedings.

Moreover, to dispel all doubts of any special treatment being enjoyed by the accused while detained at Camp Catitipan, Davao City which is not a detention center, or elsewhere, this Court is compelled to immediately issue together with this order, the commitment of the accused to the Provincial Jail of Sulu, Jolo, Sulu, as provided for by law.

WHEREFORE, premises considered, the Court hereby orders P/SUPT Michael Dubria, Chief, Regional Intelligence and Investigation Division, Police Regional Office 11, Camp Catitipan, Davao City, who is said to have custody of the accused, Temogen "Cocoy" Tulawie or any person who has custody of him, to immediately deliver the person of the accused, Tomegen "Cocoy" Tulawie to this Honorable Court at the Regional Trial Court, Branch 3, Jolo, Sulu, within a period of forty eight (48) hours from receipt of this Order taking the necessary security measures to ensure the safety of the prisoner during the transfer from Davao City to Jolo, Sulu, and to

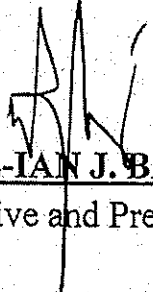
prevent his escape while under his or their custody to be dealt with in accordance with law.

Fail not under the penalty of law.

So ordered.

Respectfully submitted.

January 16, 2012, at Jolo, Sulu for Davao City, Philippines.


BETLEE-IAN J. BARRAQUIAS
Executive and Presiding Judge

Copy furnished:

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