



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 May 2021** which reads as follows:*

**“G.R. No. 252166 (*Danielle Tan Parker v. Bureau of Immigration Commissioner Jaime Morente and Remiecar Caguiran, Warden of Bureau of Immigration Bicutan Detention Center, Camp Bagong Diwa, Taguig, Metro Manila*). –**

**The Case**

This Petition for Writ of *Habeas Corpus* seeks to direct respondents Bureau of Immigration and Deportation (BID) Commissioner Jaime Morente, and BID Warden Remiecar Caguiran to present the live person of petitioner Danielle Tan Parker (petitioner) to the Court and cause her immediate release from the BID Bicutan Detention Center, Camp Bagong Diwa, Taguig, Metro Manila.

**Antecedents**

On November 21, 2012, the BID received a letter from Mr. Carlos Johnson, an Attaché from the United States Department of State requesting assistance for the apprehension of one Danielle Nopuente with aliases “*Isabelita Nopuente*,” and “*Danielle Parker*,” herein petitioner.<sup>1</sup> Danielle Nopuente was charged with multiple counts of fraud and considered a fugitive from justice in the United States of America. She had an outstanding arrest warrant issued by the Superior Court of California, County of Santa Clara.<sup>2</sup>

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<sup>1</sup> *Rollo*, p. 23.

<sup>2</sup> *Id.* at 13.

Per official records, petitioner arrived in the Philippines on March 23, 2011 under the Balikbayan Program with an authorized stay for a period of one (1) year. Petitioner did not have an approved application for dual citizenship, nor a valid Philippine Passport.<sup>3</sup> All she had was an American passport, albeit it was already revoked by the United States Department of State.<sup>4</sup> In other words, she was an undocumented and overstaying alien, as defined and penalized under Section 37 (a) (7)<sup>5</sup> of Commonwealth Act No. 613, otherwise known as the Philippine Immigration Act of 1940, as amended.<sup>6</sup>

After due proceedings, the BID, on January 24, 2013, issued a Summary Deportation Order (SDO) on petitioner, thus:<sup>7</sup>

**WHEREFORE**, premises considered and after finding her to be undesirable and for being an undocumented and overstaying alien in violation of Section 37 (a) [7] of the Philippine Immigration Act of 1940, as amended in relation to Rule XVI, Office Memorandum No. ADD-01-004, the Board of Commissioners orders the Summary Deportation of **DANIELLE NOPUENTE @ ISABELITA NOPUENTE @ DANIELLE PARKER**, DOB: 12 March 1965, American national to her country of origin subject to the submission of the required clearance from the National Bureau of Investigation.<sup>8</sup>

On June 5, 2014, petitioner got arrested pursuant to the SDO and taken to the immigration detention facility in Camp Bagong Diwa, Taguig. She has not been deported yet because she is currently being tried before the Municipal Trial Court in Cities of Davao City, Branch 4 (MTCC)<sup>9</sup> for falsification and use of falsified documents, docketed as Criminal Case No. 136,196-D-2010.<sup>10</sup>

Petitioner now questions the authority of the BID to detain her. She insists that it has failed to show that she and “Danielle Nopuente,” the name appearing on the SDO, are one and the same person. Only the Charge Sheet and the SDO, and no other documents, bear the report that Danielle Nopuente had aliases such as “*Danielle Parker*” and “*Isabelita Nopuente*.”<sup>11</sup>

<sup>3</sup> *Id.* at 85.

<sup>4</sup> *Id.* at 23.

<sup>5</sup> SEC. 37. (a) The following aliens shall be arrested upon the warrant of the Commissioner of Immigration or of any other officer designated by him for the purpose and deported upon the warrant of the Commissioner of Immigration after a determination by the Board of Commissioners of the existence of the ground for deportation as charged against the alien:

x x x x

(7) Any alien who remains in the Philippines in violation of any limitation or condition under which he was admitted as a nonimmigrant;

x x x x

<sup>6</sup> Entitled “An Act and Regulate the Immigration of Aliens into the Philippines the Philippines,” approved on August 26, 1940.

<sup>7</sup> *Rollo*, pp. 83-84.

<sup>8</sup> *Id.* at 84.

<sup>9</sup> *Id.* at 4-5.

<sup>10</sup> *Id.* at 8.

<sup>11</sup> *Id.* at 12.

Anent Criminal Case No. 136,196-D-2010, she claims that the same was archived on August 30, 2012<sup>12</sup> because she failed to appear during the settings for her arraignment.<sup>13</sup> The case though had been ordered revived per Order dated September 11, 2020 of the MTCC.<sup>14</sup>

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Eric Remegio Panga, and Senior State Solicitor Jane Yu, essentially counters:

1. Petitioner made several attempts in the past to evade both the deportation proceedings and the criminal case filed against her. First, on September 12, 2014, she filed before the Regional Trial Court of Pasig City, Branch 266 (RTC) a similar petition for writ of *habeas corpus* entitled “*Danielle Parker v. Bureau of Immigration Commissioner Siegfried Mison*”<sup>15</sup> and docketed as Special Proceedings No. 12733-TG. The RTC dismissed the petition on the basis of the SDO issued by the BID on petitioner. On appeal, the Court of Appeals affirmed. The decree of affirmance became final and executory on January 5, 2016.<sup>16</sup>

2. Thereafter, or on March 23, 2017, petitioner filed before the Court a petition for writ of *amparo*<sup>17</sup> entitled “*Callo v. Commissioner Jaime Morente*” and docketed as G.R. No. 230324. In that case, she also sought immediate release from the BID’s detention facility due to the supposed illegality of her detention and purported threats of enforced disappearance.<sup>18</sup>

By Decision<sup>19</sup> dated September 19, 2017, the Court ruled that there actually existed no threats of enforced or involuntary disappearance, hence, the writ of *amparo* being prayed for was denied. The Court noted the SDO issued on petitioner and the pending Criminal Case No. 136,196-D-2010 against her. The Court also found that petitioner “Danielle Parker” and “Danielle Nopuente” are one and the same person.<sup>20</sup> Hence, petitioner can no longer invoke mistaken identity in the present action as this issue had already been passed upon with finality by the Court in *Callo*.<sup>21</sup>

3. On November 13, 2018, petitioner initiated yet another case, a petition for review before the Department of Justice (DOJ) seeking to reopen the proceedings that led to the issuance of the SDO. By Resolution<sup>22</sup> dated February 27, 2019, the DOJ also denied the petition and upheld the validity of the SDO. The DOJ cited the ruling in *Callo* that “Danielle Parker” is the

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<sup>12</sup> *Id.* at 8.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 110.

<sup>15</sup> *Id.* at 59.

<sup>16</sup> *Id.* at 65.

<sup>17</sup> *Id.* at 59.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 66.

<sup>20</sup> *Id.* at 60.

<sup>21</sup> *Id.* at 62.

<sup>22</sup> *Id.* at 90-91.

same person as “Danielle Nopuente,” the American national subject of the SDO.<sup>23</sup>

4. The Report<sup>24</sup> dated February 24, 2020 of the National Bureau of Investigation (NBI) disclosed that petitioner had other criminal cases for carnapping, oral defamation, slight physical injuries, falsification, and grave coercion pending before Muntinlupa City or Davao City. While most of these cases had been dismissed at the prosecutor’s level, petitioner still has two (2) pending criminal cases, *viz.*: 1) Criminal Case No. 136,196-D-2010 for falsification by private individuals and use of falsified documents; and 2) CCNO. IS No. 09-I-02983 for grave coercion.<sup>25</sup>

5. In accordance with Section 4, Rule 102<sup>26</sup> of the Rules of Court in *habeas corpus* cases, petitioner cannot be released because her detention was made under the process of law.<sup>27</sup> The BID acted within its authority when it detained petitioner for purposes of deportation.<sup>28</sup>

### Ruling

The petition is dismissed on ground of forum shopping.

Section 5, Rule 7 of the Rules of Court prohibits forum shopping, *viz.*:

Section 5. *Certification against forum shopping.* – The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) **that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency** and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 86-87.

<sup>25</sup> *Id.* at 65.

<sup>26</sup> Section 4, Rule 102. When writ not allowed or discharge authorized. – If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Not shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment.

<sup>27</sup> *Rollo*, p. 73.

<sup>28</sup> *Id.*

shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. **If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.** (Emphasis and underscoring supplied)

Here, the verification and certification of non-forum shopping falsely states that “petitioner has **not filed any other case of similar nature** in the Supreme Court, Court of Appeals, or any other tribunal or agency.”<sup>29</sup> The truth is petitioner had successively filed against the BID Commissioners (specifically Commissioners Siegfried Mison and Jaime Morente) at least three (3) related, if not similar cases, before different fora, all assailing her detention at the BID’s detention facility and seeking to cause her release therefrom, thus:

Petition filed	Date of Filing and concerned court or agency	Issue/s Raised	Relief Prayed	Resolution
1) Petition for writ of <i>habeas corpus</i> docketed as Special Proceedings No. 12733-TG and entitled “ <i>Danielle Parker v. Bureau of Immigration Commissioner Siegfried Mison</i> ”	Filed on September 12, 2014 before the Regional Trial Court (RTC) – Pasig City	1) Authority of the BID to detain petitioner. 2) Validity of the SDO issued on petitioner.	Immediate release of petitioner from the BID’s detention facility.	Petition dismissed. The BID lawfully detained petitioner for violation of the Philippine Immigration Act of 1940.  The Court of Appeals affirmed the trial court’s decree of dismissal. The ruling of the Court of Appeals became final and executory on January 5, 2016.
2) Petition for writ of <i>amparo</i> docketed as G.R. No. 230324 and entitled “ <i>Callo v.</i> ”	Filed on March 23, 2017 before the Supreme Court	1) Authority of the BID to detain petitioner. 2) Invoked mistaken identity.	Immediate release of petitioner from the BID’s detention facility.	The Court <i>En Banc</i> dismissed the petition per Decision dated September 19, 2017 and ruled, <i>viz.</i> :

<sup>29</sup> *Id.* at 20.

<p>Commissioner Jaime Morente.”</p>		<p>3)The existence of alleged threats of enforced disappearance due to prolonged confinement in the BID’s detention facility.</p>		<p>a) There was no enforced or involuntary disappearance, or any threats thereof, that would justify the issuance of the writ of <i>amparo</i>. b) Petitioner’s detention was <b>sufficiently justified</b> pursuant to the SDO issued on petitioner and in view of the pending criminal case filed against her. c)Petitioner <b>failed to sufficiently prove</b> that she is a different person from Danielle Nopuente.</p>
<p>3) Petition for Review entitled “Danielle Tan Parker v. Commissioner Jaime Morente, Bureau of Immigration”</p>	<p>Filed on November 13, 2018 before the DOJ</p>	<p>1) Authority of the BI to detain petitioner. 2) Validity of the SDO issued on petitioner 3)Invoked mistaken identity</p>	<p>Immediate release of petitioner from the BID’s detention facility.</p>	<p>Petition denied per Resolution dated February 27, 2019.  The DOJ upheld the validity of the SDO and emphasized that the Court in <i>Callo v. Commissioner Morente</i> already ruled that Danielle Parker is the same person as Danielle Nopuente, the American national subject of the SDO.</p>

The thing speaks for itself. Undeniably, petitioner resorted to successive legal remedies prior to the filing of the present petition, all against the BID Commissioners (Commissioners Siegfried Mison and Jaime Morente respectively), and all raising the same issues: a) the authority of the BID to detain her; b) the validity of the SDO; and c) her supposed mistaken identity. Too, the ultimate relief sought by petitioner in the present case is the same as in the previously filed petitions<sup>30</sup> *i.e.*, her immediate release from the BID's detention facility in Camp Bagong Diwa, Taguig. This is plain and simple forum shopping which warrants the **outright dismissal** of this petition.<sup>31</sup>

The Court invariably ruled that the deliberate filing of multiple petitions to obtain a favorable action constitutes forum-shopping and shall be a ground for summary dismissal thereof.<sup>32</sup>

Notably, the successive cases that petitioner filed caused harm to our justice system as it would have resulted in possible conflicting rulings.<sup>33</sup> Surely, the imposable sanctions here do not only apply to petitioner but also to Atty. Stephen Arceno (Atty. Arceno), her legal representative.<sup>34</sup> Both of them showed a contemptuous act of malpractice that is **proscribed and condemned** as trifling with the courts and abusing their processes.<sup>35</sup>

Section 5, Rule 7 of the Rules of Court in relation to paragraph 2 (b) of the Supreme Court Revised Administrative Circular No. 28-91<sup>36</sup> provides that a willful and deliberate forum shopping committed by the erring petitioner and his or her counsel shall constitute direct contempt, thus:

**Section 5, Rule 7 of the Rules of Court:**

x x x **If the acts of the party or his counsel** clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute **direct contempt**, as well as a cause for administrative sanctions.

**Supreme Court Revised Administrative Circular No. 28-91:**

2. xxx (b) any **willful and deliberate forum shopping by any party and his counsel** through the filing of multiple petitions or complaints **to ensure favorable action** shall constitute **direct contempt of court**; xxx (Emphasis and underscoring supplied)

<sup>30</sup> See *Lanao Del Norte Electric Cooperative, Inc. v. Provincial Government of Lanao Del Norte*, 817 Phil. 263 (2017).

<sup>31</sup> *Estrada v. Office of the Ombudsman*, 751 Phil. 821, 887 (2015); See also *Joy Mart Consolidated Corp. v. Court of Appeals*, 285 Phil. 315 (1992); *Montes v. Court of Appeals*, 523 Phil. 98 (2006); *Pulido v. Abu*, 553 Phil. 450, 457 (2007).

<sup>32</sup> See *Estrada v. Office of the Ombudsman*, supra at 882; See also *Joy Mart Consolidated Corp. v. Court of Appeals*, supra; *Montes v. Court of Appeals*, supra; *Pulido v. Abu*, supra; *Biñan Steel Corp. v. Court of Appeals*, 439 Phil. 688, 706 (2002); *Saudi Arabian Airlines (Saudia) v. Rebesencio*, 750 Phil. 791, 822 (2015).

<sup>33</sup> See *Estrada v. Office of the Ombudsman*, supra at 827.

<sup>34</sup> See *Balais-Mabanag v. Register of Deeds of Quezon City*, 631 Phil. 1, 20 (2010).

<sup>35</sup> *Board of Commissioners (Commission on Immigration and Deportation) v. Dela Rosa*, 274 Phil. 1157, 1179 (1991), citing *E. Razon, Inc., et al v. Philippine Port Authority, et al.*, 235 Phil. 223 (1987).

<sup>36</sup> Entitled *Additional Requisites to Prevent Forum Shopping or Multiple Filing of Petitions and Complaints*, *Supreme Court Revised Administrative Circular No. 28-91*, effective on April 1, 1994.

True, the filing of multiple petitions wreaks havoc upon orderly judicial process which tends to impede, obstruct, and degrade the administration of justice.<sup>37</sup> The corresponding liability therefor for direct contempt of court may be resolved and imposed in the same case where the forum shopping was found.<sup>38</sup>

In *Heirs of Arania v. Intestate Estate of Sangalang*,<sup>39</sup> the Court found that therein respondents were guilty of direct contempt because they engaged in forum shopping. Under Section 1, Rule 71<sup>40</sup> of the 1997 Rules of Civil Procedure, direct contempt is punishable by imprisonment not exceeding 10 days and/or a fine not exceeding ₱2,000.00. Accordingly, the Court imposed a ₱2,000.00 fine against respondents. Further, in *Heirs of Sotto v. Palicte*<sup>41</sup> the Court held that Atty. Makilito Mahinay, petitioner's counsel, was guilty of direct contempt on account of forum shopping and likewise ordered him to pay a ₱2,000.00 fine.

Here, the Court also finds both petitioner and her counsel Atty. Arceno guilty of direct contempt for repeatedly abusing the legal processes. They are ordered to pay a fine of ₱2,000.00 each. In addition, Atty. Arceno ought to be reminded of his solemn oath as a member of the bar and as an officer of the Court to respect the law and the legal processes at all times.<sup>42</sup>

**WHEREFORE**, the petition is **DISMISSED** on ground of forum shopping. The Court cites both petitioner Danielle Tan Parker and her counsel Atty. Stephen Arceno in **DIRECT CONTEMPT** of Court for abusing the legal processes many times over. They are ordered to pay a FINE of ₱2,000.00 each within a period of fifteen (15) days from receipt of this Resolution.

Petitioner Danielle Tan Parker and her counsel Atty. Stephen Arceno are likewise **WARNED** that a repetition of the same or a similar offense shall merit a more severe penalty. Additionally, Atty. Stephen Arceno is admonished to strictly adhere to his solemn oath as a member of the bar and as an officer of the Court at all times.

Let a copy of this resolution be attached to the records of Atty. Stephen Arceno in the Office of the Bar Confidant.

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<sup>37</sup> Supra note 31.

<sup>38</sup> *Top Rate Construction & General Services v. Paxton Development Corp*, 457 Phil. 740, 765 (2003).

<sup>39</sup> 822 Phil. 643, 668 (2017).

<sup>40</sup> Section 1, Rule 71 of the Rules of Court. *Direct contempt punished summarily.* – A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be a lower court.

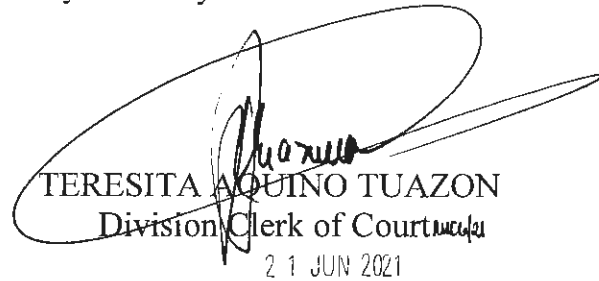
<sup>41</sup> 726 Phil. 651, 663 (2014).

<sup>42</sup> See *Teodoro v. Atty. Gonzales*, 702 Phil. 422, 431 (2013) as cited in *In Re: Ferrer*, 781 Phil. 48 (2016).



**SO ORDERED.” (J. Lopez, J., designated additional member per Special Order No. 2822 dated April 7, 2021)**

By authority of the Court:



TERESITA AQUINO TUZON  
Division Clerk of Court  
21 JUN 2021

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