

### Case Title:

**\*\*Francisco Yap, Jr. vs. Court of Appeals and The People of the Philippines\*\***

### Facts:

Francisco Yap, Jr., also known as Edwin Yap, was convicted by the Regional Trial Court of Pasig City for misappropriating funds amounting to P5,500,000.00 and sentenced to imprisonment of four years and two months to eight years, with an additional penalty contingent on the amount misappropriated. Following his conviction, Yap sought provisional liberty pending appeal under the cash bond he had previously posted. This request was denied by the trial court. Consequently, upon the transmission of case records to the Court of Appeals, Yap filed a Motion to Fix Bail for his provisional liberty pending appeal, invoking the relevant provisions of the 1997 Revised Rules of Court. The Solicitor General recommended a bail of P5,500,000.00 alongside conditions such as residence certification from the Mayor and a hold-departure order. Yap contested this proposal, arguing it was excessive and restrictive of his constitutional rights. Following the denial of his motion for reconsideration by the Court of Appeals, Yap escalated the matter to the Supreme Court.

### Issues:

1. Was the P5,500,000.00 bail set by the Court of Appeals excessive and violative of Yap's right against excessive bail?
2. Did the bail amount and conditions imposed unduly restrict Yap's constitutional liberties of abode and travel?
3. Is the condition requiring a certification/guaranty from the Mayor regarding Yap's residency unlawful or an impairment of his liberty?

### Court's Decision:

The Supreme Court partially granted the petition, reducing the bail from P5,500,000.00 to P200,000.00. The Court found that while the Court of Appeals had the discretion to grant bail and impose conditions to mitigate the risk of flight, setting the bail equal to the amount of Yap's civil liability was deemed excessive and effectively nullified his right to bail. The Court affirmed the constitutional prohibition against excessive bail and underscored the bail's sole purpose: to ensure the accused's appearance during trial. Conditions for bail, such as reporting any change of residence, were deemed lawful and not impairing Yap's liberties unduly as they were consistent with the purpose of bail.

### Doctrine:

The decision establishes or reiterates that:

1. Bail should not be set at an amount that effectively negates the accused's right to provisional liberty, thus aligning with the constitutional safeguard against excessive bail.
2. The amount and conditions of bail must only serve its purpose—ensuring the accused's presence during judicial proceedings without being punitive or compensatory regarding civil liabilities.
3. Conditions imposed by courts as part of bail terms, which require the accused to notify the court of changes in residence, are lawful and do not unjustly infringe upon the accused's constitutional rights to liberty of abode and travel.

### Class Notes:

- Excessive Bail: The Constitution prohibits excessive bail. The amount set should reflect solely the aim to guarantee the accused's presence in court.
- Rights to Liberty of Abode and Travel: Conditions on bail that require the accused to inform the court of change in residence don't infringe the constitutional rights to liberty of abode and travel, provided these conditions are aimed at ensuring the accused's presence during legal proceedings.
- Bail upon Appeal: The setting of bail post-conviction must consider several factors, including the severity of the penalty, the probability of flight, and the amount necessary to reasonably ensure the accused's appearance in court.

### Historical Background:

This case exemplifies the judicial discretion involved in granting bail and imposing conditions thereupon, balanced against the protection of constitutional rights. It underscores the judiciary's role in safeguarding individual liberties while ensuring the effective administration of justice, especially in the delicate post-conviction phase where the presumption of innocence is rebutted by a conviction.