

****Title:****

Teresita Q. Tucay vs. Judge Roger A. Domagas, Regional Trial Court, Branch 46, Urdaneta, Pangasinan

****Facts:****

1. Ludovico Ellamil, Bernardo Ellamil, and Melchor Ellamil were accused of murder in Criminal Case No. U-6762.
2. The case was assigned to Judge Roger A. Domagas. Teresita Tucay, the widow of the victim, filed a complaint charging Judge Domagas with ignorance of the law, serious misconduct, and grave abuse of discretion.
3. On April 18, 1994, Bernardo Ellamil filed a petition for bail, which was denied due to the absence of the provincial prosecutor's conformity.
4. On April 19, 1994, a second petition for bail was submitted by Bernardo Ellamil, this time with the notation "No objection" from Provincial Prosecutor Jose Antonio Guillermo.
5. Without conducting a hearing to determine if the evidence of guilt was strong, Judge Domagas granted the bail petition on the same day, and ordered Bernardo Ellamil's release after posting a P50,000.00 bond.
6. The complaint alleged that the bail was granted without hearings and proper notice to the trial fiscal, Atty. Tita Villarín, and that the bond property's value was insufficient.
7. Respondent Judge stated in his defense that the bail petition had the provincial prosecutor's conformity and an additional bond was posted following objections about the bond's sufficiency.
8. The Office of Court Administrator (OCA) found Judge Domagas guilty of gross ignorance of the law and recommended a fine and a stern warning.

****Issues:****

1. Whether Judge Roger A. Domagas erred in granting bail without conducting the required hearing to determine if the evidence of guilt was strong.
2. Whether the lack of a categorical order granting the bail petition constitutes judicial misconduct.
3. Whether the insufficiencies in the bail bond were rectified appropriately and with due diligence.

****Court's Decision:****

1. The Supreme Court held that Judge Domagas erred in granting bail without holding a

hearing. The Rules of Criminal Procedure require a hearing to ascertain the strength of the state's evidence in capital offense cases before granting bail.

2. The Court highlighted that the respondent judge's order did not explicitly grant the bail petition, nor did it state that the evidence of guilt was not strong, which is a necessary consideration in such cases.

3. The issue of bond sufficiency was secondary to the primary failure to conduct a bail hearing. Although an additional bond was posted later, this compliance does not justify the initial procedural oversight.

****Doctrine:****

- Court discretion in granting bail in capital offenses must include a summary of prosecution evidence to ascertain the strength of the evidence for or against bail (Rule 114, Sec. 6).

****Class Notes:****

- Essential concepts: Bail in capital offenses, requirement of hearing, judicial discretion.
- Critical statutory provisions:
 - Rule 114, Sec. 5: Requires a hearing before granting bail in capital offense cases.
 - Rule 114, Sec. 6: Guidelines on fixing the amount of bail.
- Application: Court must hold hearings even if the prosecutor does not object to ensure evidence assessment; judicial orders on bail must be specific and detailed.

****Historical Background:****

This case reflects judicial procedures in enforcing bail provisions under Philippine law, emphasizing judicial diligence and procedural compliance in capital offense cases. It underscores the judiciary's role in safeguarding due process and proper assessment of prosecutorial evidence during bail proceedings, especially in the context of grave offenses such as murder.