

****Title: Goodman vs. Judge Loreto D. De La Victoria****

****Facts:****

1. On November 8, 1996, Jerome Goodman, an American citizen, was killed by gunshot and blunt force in Moalboal, Cebu. Before dying, he identified his killers as Mayor Marcelo Abrenica of Moalboal and his bodyguard, Mario Dumogho.
2. On November 9, 1996, Mayor Abrenica and Adriano Cabantugan submitted themselves to police authorities. Dumogho surrendered later.
3. The Criminal Investigation Command (CIC), after collecting sworn witness statements, charged Mayor Abrenica, Cabantugan, and Dumogho with murder on November 11, 1996. Tani Abrenica and Ikay Gabales were also implicated, but remained at large.
4. Concurrently, Mayor Abrenica and Cabantugan requested a preliminary investigation and waived their rights under Article 125 of the Revised Penal Code, agreeing to remain in custody. The preliminary hearing was scheduled for November 18, 1996.
5. On November 15, 1996, Mayor Abrenica and Cabantugan applied for bail in the Regional Trial Court in Cebu City. Two judges recused themselves due to associations with the accused, leading to the assignment of Judge Loreto D. De La Victoria.
6. Judge De La Victoria set the bail hearing for November 25, 1996. Jessica Goodman, the complainant, was represented by Atty. Cornelio Mercado, whose authority was questioned. The judge did not allow Mercado to be heard due to the lack of authority from the public prosecutor.
7. Based on the non-appearance of prosecutors and assuming innocence, the judge granted bail, setting it at P60,000.00 for Mayor Abrenica.
8. The Ombudsman's office later revealed evidence against Abrenica was strong. The complainant charged Judge De La Victoria with abuse of authority and ignorance of the law.
9. The Office of the Court Administrator suggested a fine for the judge. By June 1999, Judge De La Victoria retired.

****Issues:****

1. Was Judge Loreto D. De La Victoria justified in not allowing complainant's counsel to be heard at the bail hearing?

2. Did Judge Loreto D. De La Victoria abuse his authority or exhibit ignorance of legal procedures in granting bail to the accused when charged with a capital offense?

Court's Decision:

1. **Hearing Participation:** The Court concluded that Judge De La Victoria erred by preventing complainant's counsel from participating in the bail hearing. It was determined there is no requirement for special authority for private counsel to partake in such proceedings.

2. **Grant of Bail:** The approval of bail was criticized due to procedural lapses. Although charged with murder, where bail is discretionary and contingent upon the evidence of guilt being non-strong, the Judge failed to conduct a comprehensive hearing. Concluding that the brief inquiry did not meet legal standards for determining the strength of evidence, the Court held the judge accountable for misconduct.

Doctrine:

- The doctrine reiterates that, for non-bailable offenses, bail is not realized as a right but is subject to the court's discretion upon reviewing the evidence. A judge is obligated to conduct a full hearing to evaluate the strength of the prosecution's evidence before making decisions on bail (Sections 7, Rule 114 of the Rules on Criminal Procedure).

Class Notes:

- **Capital Offense Bail:** Bail for a capital offense requires a hearing to determine if evidence of guilt is strong.
- **Role of Private Complainant's Counsel:** No special authorization necessary for representation during bail hearings.
- **Judicial Conduct:** Non-compliance with structured legal procedures in bail considerations can amount to serious misconduct.

Historical Background:

Historically, this case underlines issues related to judicial independence and legal protection in the Philippines. It reflects the judiciary's tight-rope walk between safeguarding individuals' rights (such as the presumption of innocence) and ensuring appropriate legal conduct by judicial officers amidst the country's strict stance on crimes involving severe penalties like murder. The context highlights ongoing concerns over judicial administration and its alignment with both procedural laws and substantive justice metrics during the late 20th century in the Philippines.