

**THE PEOPLE OF THE PHILIPPINES, PALINTIFF-APPELLEE, VS.  
DOMINGO LICERIO, ET AL., ACCUSED, THE PHILIPPINE  
INTERNATIONAL SURETY CO., INC., BONDSMAN-APPELLANT.**

*G.R. No. L-12660. February 19, 1959*

Ponente: BENGZON, J.

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**BENGZON, J.:**

In Criminal Case No. 24525 of the Manila Court of first instance, for murder, the accused Domingo Licerio failed to show up on the day set for the promulgation of the final judgment of conviction. Consequently, the judge decreed forfeiture of the bail bond filed for his provisional liberty by Philippine International Surety Co. Inc., in the sum of P10,000.00. Such order also gave the surety thirty days within which to produce the defendant, and the explain why no judgment should be rendered against it for the amount of the bond.

When the thirty day period was about to expire, i.e. on December 21, 1955, the surety asked for extension, which was granted, up to January 25, 1956. Then on January 3, 1956, its agents managed to surrender to the Manila Police the person of Domingo Licerio. Whereupon it asked for exoneration, and for cancellation of its bond, offering the excuse that it stood also as surety for the release of this accused in Criminal Case No. 5200 of the Pasig court; that when his presence was required, said accused failed to appear there, that such bond was confiscated, and the surety began its search for said accused; that when in this case it received notice to produce said accused, the latter had already absconded and it had already assigned agents to look for him; that the surety had tried to discharge its duties to the best of its ability, but was unable to bring the accused who had gone into hiding, and that anyway the delay in his presentation did not prejudice public interests.

Considering this explanation, the judge reduced the confiscation, and required the surety to pay one-third of the face value of the bond; but upon motion to reconsider, he further reduced it to P2,000.00 only.

Whereupon this appeal was taken.

The authorities consistently hold the reduction to depend on the judge's discretion. In the circumstances disclosed by the record, it cannot be said there was such abuse as to call for correction by a higher court. [1]

Hence, the order must be affirmed, as it is hereby affirmed, with costs against appellant.

Paras, C.J., Padilla, Montemayor, Reyes, A. Bautista Angelo, Labrador, Reyes, J.B.L. and Endencia, JJ., concur. Concepcion, J., took in part.

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[1] Cf. *People v. Alamada* 889 Phil. 128; *People v. Manila Surety*, L-6239 April 30, 1957; *People v. Alto Surety* L-12056 January 24, 1959; *People v. Manila Surety* L-10617 August 29, 1958; *People v. Puyal*, 52 Of. Gaz.

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