

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. LAMBERTO GUEVARRA Y YCO, ET AL., ACCUSED; THE RURAL IN-SURANCE & SURETY CO., INC., BONDSMAN AND APPELLANT.

G. R. No. L-17644. June 22, 1965

Ponente: BENGZON, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2e05a87d260a/>

BENGZON, C.J.:

When in 1959 Lamberto Guevarra resorted to the Court of Appeals for reversal of his conviction of estafa, he posted a bond for provisional release in the amount of P15,000.00. Subscribed by the Rural Insurance & Surety Co., Inc., it undertook that, if convicted, the accused will appear for judgment and surrender himself for execution thereof.

In due course, the appellate court affirmed the verdict of conviction; and the record having been remanded to the Manila Court of First Instance, the surety received on August 3, 1959, a notice whereby said court directed the surety to produce Lamberto Guevarra on August 7, 1959, at 7:30 a.m. for promulgation of the judgment.

But the accused failed to appear at the time indicated. Wherefore, the presiding judge, on the same day decreed the arrest of Guevarra and the confiscation of the bail bond.

Notified of the decree, the surety exerted efforts to arrest the accused through its agents; and on September 4, 1959, it actually surrendered him to the police department. And filing a petition for relief on September 5, 1959, it alleged:

"That your herein movant on August 11, 1959, received the aforementioned order of confiscation of the bond and the arrest of the accused and immediately instructed its agents-arresting-officers to locate the whereabouts of the accused with a view of Producing his person before this Honorable Court at an early date;

"That the agents of your movant in this search for the accused went to No. 106 Santolan Road, Quezon City, the address of the accused is nowhere to be found, but movant's exerted diligent efforts in locating the whereabouts of the accused and gathered information that the accused was in hiding in Pasig, Rizal;

That the agents of this company in their continuous search and after spending considerable amount of money by hiring informants finally arrested the accused in Ho. Pinagbubatan, Pasig, Rizal and turned his person over to the Manila Police Department for confinement as evidenced by a certification hereto attached marked as Annex "A" thereby forming part of this motion;

"That for this acts of the accused, your herein movant lost confidence on his person and is now surrendering him by virtue of the Annex "A" certificate and within the jurisdiction of this Honorable Court;

"That your herein movant is aware of the inherent discretionary power of the Court in determining the liability of bondsman in criminal cases, provided the body of the accused has been produced, and thru this discretion your herein movant now seeks the kind and generous consideration of this Honorable Court in lifting the order of confiscation of the bond and in ordering the same bond cancelled relieving movant from liability."

On September 12, 1959, the court denied the petition in a short "without-merit" order. A more extended motion to reconsider having been denied, the surety appealed to the Court of Appeals, which forwarded the matter to this Tribunal for adjudication.

The Solicitor-General entertains some doubt concerning the propriety of the appeal because no money-judgment against the surety has so far been rendered in accordance with the usual procedure. However, his office in effect agrees that the orders may be considered forfeitures of the bond and judgment against the surety, for payment. And his office seemingly does not oppose a reduction of the amount of forfeiture—which is precisely one of the alternate objectives of the surety's appeal.

Overlooking the question of procedure^[1] and going into the merits, we received the impression that the court below dealt rather strictly with the surety company—No doubt, it had the power to set aside the forfeiture order or to reduce the amount. It had discretion to do so. (*People vs. Tan*, 54 Off. Gaz., 989). And such discretion should have been exercised with a view of liberality, considering that it is for the best interest of the State to mitigate, in similar circumstances, the liability of the sureties not only to make it worth their while to aid in locating and apprehending the defendant, but also to hold down premiums and to make bail less difficult or expensive for detention prisoners. (*People vs. Puyal*, 98 Phil., 415; 52 Off. Gaz., G88G; *People vs. Tan*, supra.)

Having examined all the circumstances,^[2] and realizing that had the surety been given, as usual, a thirty-day period to produce the accused, it would have produced him, we hold that reducing the forfeiture to the amount of three thousand pesos (P3,000.00) would satisfy public interest in the instance.^[3]

Judgment against the Rural Insurance & Surety Co., Inc., for that amount, which shall be paid within sixty days after this decision shall have become final. No costs.

Concepción, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur.

Judgment modified.

[1] Their motion to lift and motion for reconsideration amount to a hearing. Substantial compliance with Section Rule 114.

[2] Specially that surety's own agents arrested the convict.

[3] Bond of P5,000 forfeited; upon surrender of accused, forfeiture reduced to P500.00 (*People vs. Daisin*, 101 Phil., 228; 54 Off. Gaz., 1824); bonds of 10,000 and P4000 reduced to P2,000 and P800.00 respectively. (*People vs. Phil. International Surety*, L-12660, Feb. 19, 1959, and *People vs. Associated Insurance*, L-9497, July 31, 1956).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.