

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
FELIPE C. CRUZ, ACCUSED. GLOBE ASSURANCE CO., INC.,
BONDSMAN AND APPELLANT.**

G.R. Nos. L-15214-15. October 26, 1960

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/53b95c846782/>

BAUTISTA ANGELO, J.:

Felipe C. Cruz was charged with estafa in two separate cases before the Justice of the Peace Court of Lucena, Quezon. To secure his provisional liberty, he was allowed to put up a personal bail bond in the amount of P7,000.00 which was subscribed in the two cases by the Globe Assurance Co., Inc. Thereafter, the cases were forwarded to the Court of First Instance of Quezon where the accused was formally indicted charging him with the same crime of estafa to which he pleaded not guilty.

On June 25, 1955, a copy of the notice of hearing was sent to the bondsman which was served thru the Sheriff of the City of Manila by leaving it with a person with sufficient discretion to receive it. When the date of hearing came, the accused failed to appear, whereupon the court ordered the forfeiture of the bond giving the bondsman 30 days within which to produce the accused and to show cause why judgment should not be rendered against it for the amount of its bond. On July 21, 1955, the accused himself filed a motion for reconsideration attaching thereto an affidavit of merit.

Because the bondsman failed to comply with the court's order dated July 18, 1955, the trial court rendered judgment against it for the amount of its bond, while ordering the arrest of the accused unless he files a new bail bond. Thereupon, upon receipt of said order, the accused filed on October 23, 1956 a new bond thru the Alliance Insurance and Surety Co., Inc. for the same amount of P7,000.00, which was duly approved, resulting in the abatement of the order for his arrest.

On June 17, 1957, the Globe Assurance Co., Inc., the original bondsman, filed a motion praying that the accused be required to file a new bail bond in order that its own bond may be cancelled, which motion the court denied considering that said bond has already been declared forfeited in view of its failure to produce the accused on the date of hearing. The bondsman filed a motion for reconsideration, which the court also denied on the ground that the order forfeiting the bond has already become final and executory. The bondsman filed a second motion for reconsideration, which the court likewise denied, although it stated that if it could produce the accused within sixty days the court might look with favor its petition for relief, whereupon the bondsman interposed the present appeal.

Under the rules of this Court, when the appearance of an accused is required, his sureties shall be notified to produce him before the court on a given date. If the accused fails to appear as required, the bond is declared forfeited and the bondsmen are given 30 days within which to produce the accused and to show cause why judgment should not be rendered against them for the amount of the bond. Within the said period of 30 days the bondsmen (a) must produce the body of the accused, or give their reasons for his non-production; and (b) must

explain satisfactorily why the accused did not appear when first required so to do. If they fail to comply with these requisites, the court shall render judgment against them on the bond (Section 15, Rule 110, Rules of Court).

In the instant cases, the lower court issued a notice setting their hearing on July 15, 1955, copy of which was sent to bondsman-appellant thru the Sheriff of Manila who made the corresponding return on the back thereof to the effect that he has served the same by leaving a copy with a person authorized to receive it. When said date came, the accused failed to appear and so the court declared the bond forfeited and gave the bondsman 30 days within which to produce the accused and to show cause why judgment should not be rendered against it for the amount of the bond. And since the bondsman-appellant failed to either produce the accused or give a satisfactory explanation of its failure within the period set for doing so, the lower court rendered judgment against it for the amount of the bond. The lower court, therefore, did nothing but to comply with the rules relative to the bond filed by appellant.

But it is contended that three days after the confiscation of the bond was ordered by the trial court, the accused on his own accord filed a motion for reconsideration praying for the lifting of the order for the reasons stated in his affidavit of merit, which motion the court should have entertained not only because it was seasonably filed but because the reasons alleged for his failure appear to be satisfactory. While these reasons may be satisfactory with regard to the order of arrest, which in effect were so found by the trial court when it ordered the release of the accused on condition that he files a new bail bond, they were not satisfactory insofar as the appellant is concerned, it appearing that it utterly failed to explain its failure to produce the accused as required by the court. What appellant did was to file a motion for the cancellation of its own bond, which the lower court properly denied, considering that the order forfeiting the bond had become final long ago.

It is true that the bondsman now claims that it failed to respond to the order of July 18, 1955 because it never received a copy thereof which made it impossible for it to implement it, but this is hard to believe considering the time that has elapsed since its issuance to the date it filed its motion for cancellation. To this effect, we find satisfactory the following comment of the Solicitor General:

"* * * The facts as shown by the records however, furnish adequate support to warrant the application of the presumption of law to the effect that said orders were duly received by appellant-bondsman. No convincing explanation has been adduced to prove a conclusion to the contrary. In fact, several notices of hearing have reached bondsman-appellant, and it is rather difficult to believe* that the abovementioned orders of the court were the only ones not received by appellant. Indeed, th'e almost two years that had lapsed from the time the last order was issued until the motion for substitution and cancellation of bond was filed, is quite considerably long enough to have made appellant discover the status of the case as part of their business operation, especially so in the face of an assertion by appellant in its motion for reconsideration fehat 'even as early as September, 1954,. the accused already moved his residence! without even notifying the bondsman so that the notice sent by us as early as September, 1954 returned unclaimed' and 'since then, all notices vsent to the accused returned unclaimed.'"

However, considering the fact that three days after the forfeiture of appellant's bond the accused immediately submitted to the jurisdiction of the court giving weighty reasons for his failure to appear, we agree with the Solicitor General that the amount adjudged against appellant may be reduced to a degree this Court may deem reasonable, following the policy enunciated in several similar cases,[1] especially that of *People vs. Puyal*, 98 Phil., 415; 52 Off. Gaz. (16) 6886.

Wherefore, the order of the trial court dated September 12, 1955 is hereby modified in the sense of reducing the amount adjudged against appellant to P2,000.00. No pronouncement as to costs.

Paras, C.J., Bengzon, Padilla, Labrador, Reyes, J.B.L., Barrera, Gutierrez David, and Paredes, JJ., concur.

Order modified.

[1]People vs. Alamada, 89 Phil.,1; People vs. Reyes, 48 Phil.,139.

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.