

**ARCHIMEDES P. CARDINES, NOEL L. VISQUERA, ROLLY ACOSTA
AND RONALDO MACABUNGA, COMPLAINANTS, VS. JUDGE
GREGORIO L. ROSETE, 4TH MCTC, MONCADA-SAN MANUEL-ANAO,
TARLAC, RESPONDENT.**

A.M. No. MTJ-94-1000. March 22, 1995

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5edde251c8e5/>

BELLOSILLO, J.:

Respondent Judge Gregorio L. Rosete of the 4th Municipal Circuit Trial Court of Moncada-San Manuel--Anao, Tarlac, is charged with misconduct and ignorance of the law for allegedly granting bail to Erlie U. Claro and Emilio B. Claro in conspiracy with Julieta Villanos who is his Clerk of Court and Reiner Antonio, Criminal Docket Clerk of the Regional Trial Court of Tarlac, Br. 67, knowing fully well that the charge of illegal recruitment was punishable with life imprisonment hence non-bailable.

The records show that on 10 November 1993 SPO2 Virgilio B. Pajarillo, PNP Chief Investigator, filed a criminal complaint before the Municipal Circuit Trial Court, Moncada-San Manuel-Anao, docketed as Crim. Case No. 93-1117, charging Erlie U. Claro, Emilio B. Claro and Albert Reyes with illegal recruitment. The complaining witnesses, Archimedes Cardines, Noel Visquera, Rolly Acosta and Ronaldo Macabunga claimed that the accused, who had no license or authority to conduct recruitment and placement of workers, promised to hire them for overseas employment upon payment of a fee. The complaint was filed with respondent Judge for preliminary investigation. On 11 November 1993 a second criminal complaint for illegal recruitment (not in large scale) was filed by PNP Senior Inspector Julian A. Saygo against the same accused upon the complaint of Archimedes Cardines and Lea Cardines, docketed as Crim. Case No. 93-1118.

Upon filing of the two criminal complaints with the 4th MCTC of Moncada-San Manuel-Anao, Tarlac, accused Erlie U. Claro and Emilio B. Claro were placed under preventive detention at the municipal jail of Moncada, Tarlac, while Albert Reyes remained at large. On 23 November 1993, upon application of the accused, respondent Judge granted them provisional liberty on a bond of P20,000.00 each on the ground that the right to bail was guaranteed by the Constitution and should not be denied the accused except those charged with a capital offense and since "the maximum penalty that could be possibly imposed in any court of justice is life imprisonment x x x the penalty therefore is still bailable." [1]

However, after conducting preliminary investigation on the two complaints, respondent Judge "was convinced that the crime charged has been committed and that the accused (were) probably guilty thereof." Whereupon he canceled the bail bonds and issued warrants for their arrest. The records of the two cases were then forwarded to the Provincial Prosecutor for the filing of two (2) Informations before the Regional Trial Court - one for illegal recruitment in large scale, and another for estafa.

Complainants contend that one of the offenses charged is illegal recruitment in large scale constituting economic sabotage under Art. 38, par. (b), [2] of the Labor Code as it was committed against three (3) or more persons (in

fact five [5] in this case) individually or as a group. Since the imposable penalty for illegal recruitment in large scale amounting to economic sabotage under Art. 39, par. (a),[3] of the Labor Code is life imprisonment and a fine of P100,000.00, the accused should not have been granted bail.

Respondent Judge refutes the charge. He maintains that under Sec. 3, Rule 114, of the 1985 Rules on Criminal Procedure, the accused charged with an offense penalized with life imprisonment should be granted bail as a matter of right. He also denies that he conspired with Julieta Villanos and Reiner Antonio in releasing the accused on a bail bond of P20,000.00 each. This allegation, according to respondent Judge, is a product of complainants' imagination borne out of their frustration having been swindled of large sums of money.

We agree with respondent Judge. The complaint is devoid of merit. The law existing at the time of the alleged illegal recruitment, which was sometime in May to July 1993, and when the accused applied for bail was the 1985 Rules on Criminal Procedure which took effect 1 October 1988. Particularly, Sec. 3 of Rule 114 thereof provides -

Sec. 3. Bail, a matter of right; exception. - All persons in custody shall, before final conviction, be entitled to bail as a matter of right, except those charged with a capital offense or an offense which, under the law at the time of its commission and at the time of the application for bail, is punishable by reclusion perpetua, when evidence of guilt is strong.

Clearly, the rule at that time was that a person under detention shall before conviction be granted bail as a matter of right. Two exceptions however were recognized: (a) when the person was charged with a capital offense, or (b) when the offense charged was punishable with reclusion perpetua, in both instances when the evidence of guilt was strong. Interestingly, "life imprisonment" was not among the exceptions, which leads us to the conclusion that persons accused of crimes punishable with "life imprisonment" were entitled to bail as a matter of right.

Apparently, complainants find difficulty dissociating the concept of "life imprisonment" from "reclusion perpetua." As we have repeatedly held, these terms are not synonymous. While "life imprisonment" may appear to be the English translation of "reclusion perpetua," in law it goes deeper than that. First, "life imprisonment" is invariably imposed for serious offenses penalized by special laws, while "reclusion perpetua" is prescribed under the Revised Penal Code. Second, "life imprisonment," unlike "reclusion perpetua," does not carry with it any accessory penalty. Third, "life imprisonment" does not appear to have any definite extent or duration, while "reclusion perpetua" entails incarceration for at least thirty (30) years after which the convict becomes eligible for pardon.[4]

Perhaps, there is no better proof of the non-inclusion of "life imprisonment" in "reclusion perpetua" than Adm. Cir. No. 12-94 issued on 16 August 1994, which took effect 1 October 1994, amending Rule 114 of the 1985 Rules on Criminal Procedure. Consequently, under Adm. Cir. No. 12-94, a person now charged with an offense punishable with death, reclusion perpetua or life imprisonment is no longer entitled to bail as a matter of right when evidence of guilt is strong.[5] If "life imprisonment" be considered embraced in "reclusion perpetua," as implied from complainants' asseverations, there would have been no need for its separate inclusion in Adm. Cir. No. 12- 94. Obviously, the amendments therein cannot be applied retroactively to the present case since the application would be unfavorable to the accused.

Thus, under Rule 114 as recently amended, when a person is charged with an offense which is not capital, or one which is not punishable with reclusion perpetua or life imprisonment, admission to bail is a matter of right. However, when the imposable penalty for the offense charged is death, reclusion perpetua or life imprisonment, a person charged therewith is no longer entitled to bail as a matter of right for then admission to bail is addressed to the sound discretion of the court depending on whether the evidence of guilt is strong. The prosecution which has the burden of showing that evidence of guilt is strong[6] must be accorded an opportunity to present such

evidence which the court shall consider in determining whether the accused or the person charged therefor should be granted bail. Judicial discretion must be exercised regularly, legally, and within the confines of procedural due process, i.e., after evaluation of the evidence submitted by the prosecution.[7]

Consequently, when bail is a matter of discretion and the detainee who is charged in a criminal complaint with the municipal court for preliminary investigation files a motion for bail thereat, the prosecution must be given an opportunity, within a reasonable time, to present all the evidence that it may desire to introduce before resolving the motion.

In the case of respondent Judge, even assuming *arguendo* that he did not give the prosecution an opportunity to be heard and present evidence on the guilt of the accused, he cannot be faulted because the crime charged is punishable with life imprisonment which at the time of its commission and the filing of the criminal complaint was bailable as a matter of right. Verily, respondent Judge acted accordingly in initially granting bail to the accused.

The fact that respondent Judge subsequently canceled the bonds and issued the warrants of arrest upon a finding of probable cause should not be taken against him, for again, he was only acting pursuant to Sec. 6, par. (b), Rule 112, of the 1985 Rules on Criminal Procedure mandating that when a Municipal Judge is satisfied that probable cause exists after conducting preliminary investigation and finds a necessity for placing respondent under immediate custody in order not to frustrate the ends of justice, he shall issue a warrant of arrest. All told, we find no irregularity, much less gross error, on the part of respondent Judge that should subject him to administrative sanction.

ACCORDINGLY, the complaint against respondent Judge Gregorio L. Rosete, Municipal Circuit Trial Court, Moncada-San Manuel-Anao, Tarlac, for misconduct and gross ignorance of the law is **DISMISSED** for lack of merit.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Quiason, and Kapunan, JJ., concur.

[1] Annex "C" of Comment of respondent Judge Rosete.

[2] Art. 38. Illegal Recruitment. - x x x x (b) Illegal recruitment when committed by syndicate or in a large scale shall be considered an offense involving economic sabotage and shall be penalized in accordance with Art. 39 hereof.

1

Illegal recruitment is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring and/or confederating with one another in carrying out any unlawful or illegal transaction, enterprise or scheme defined under the first paragraph hereof. Illegal recruitment is deemed committed in large scale if committed against three (3) or more persons individually or as a group.

[3] Art. 39. Penalties. - (a) The penalty of life imprisonment and a fine of One Hundred Thousand Pesos (P100,000) shall be imposed if illegal recruitment constitutes economic sabotage as defined herein x x x x

[4] *People v. Retuta*, G.R. No. 95758, 2 August 1994, citing *People v. Baguio*, G.R. No. 76585, 30 April 1991, 196 SCRA 459, and *People v. Penillos*, G.R. No. 65673, 30 January 1992, 205 SCRA 546.

[5] Sec. 4. Bail, a matter of right. - All persons in custody shall: (a) before or after conviction by the Metropolitan

Trial Court, Municipal Trial Court in Cities and Municipal Circuit Trial Court, and (b) before conviction by the Regional Trial Court of an offense not punishable by death, reclusion perpetua or life imprisonment, be admitted to bail as a matter of right x x x x

Sec. 7. Capital offense or an offense punishable by reclusion perpetua or life imprisonment, not bailable. - No person charged with a capital offense, or an offense punishable by reclusion perpetua or life imprisonment, when evidence of guilt is strong, shall be admitted to bail regardless of the stage of the criminal prosecution.

[6] Sec. 8, Rule 114 as amended by Adm. Cir. 12-94.

[7] *Borinaga v. Tamin*, A.M. No. RTJ-93-936, 10 September 1993, 226 SCRA 206.

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.