

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. RAMON BLANCO, AS JUDGE OF THE COURT OF FIRST INSTANCE OF ILOILO AND GERVASIO DEQUIÑA, ALIAS NONOY, RESPONDENTS.

G.R. No. L-31298. May 12, 1978

Ponente: FERNANDO, J.

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FERNANDO, J.:

An order of the then respondent Judge Ramon Blanco granting bail to private respondent Gervasio Dequiña, a co-accused in an information for an attempted robbery with homicide,[1] was assailed in this certiorari proceeding by petitioner as a grave abuse of discretion, at the instance of the private prosecution. Respondent Judge explained the rationale for such order thus: "Evaluating the evidence of the prosecution in connection with the petition for bail of Dequiña and the opposition thereto, the Court believes that the crime charged may be capital offense but the evidence of guilt of Dequiña is not strong. Homicide as used in Art. 297 of the Revised Penal Code is generic and includes murder if there are attendant qualifying circumstances. * * * The purpose of bail is to secure and assure the presence of the accused when needed by the Court. The accused is detained and there is no report that he ever attempted to escape." [2]

In the light of the above finding, it was to be expected that respondents would stress the lack of plausibility in the assertion that there was a grave abuse of discretion in the granting of bail. There was mention likewise of the liberality shown by this Tribunal in the appraisal of challenged actuations involving the constitutional right to bail. So it was even prior to the 1935 Constitution.[3] Such an approach had a greater justification under its Bill of Rights provision.[4] Justice Laurel, who wrote the opinion in *Payao v. Lesaca*, [5] the first case decided after it had become operative, made it quite clear. It bears repeating that later decisions of this Court made even more evident the scope and amplitude accorded this right.[6]

While the case was pending consideration, this Court, through its Executive Officer, Attorney Arturo B. Buena, received a certified true copy of a decision in Criminal Case No. 11170 where private respondent Gervasio Dequiña was one of the accused. It was penned by the then Judge Valerio B. Rovira and acquitted all the accused, including private respondent Gervasio Dequiña. An academic character was therefore imparted to this certiorari petition.

WHEREFORE, this petition for certiorari is dismissed for being moot and academic. No costs.

Barredo, Antonio, Concepcion, Jr., and Santos, JJ., concur.

Aquino, J., did not take part.

[1] *People v. Jerome Betita, Gervasio Dequiña, Nestor Valenzuela, and Enrico Duran*, Crim. Case No. 11170, Court of First Instance of Iloilo.

[2] Order of Judge Ramon Blanco dated June 26, 1969, Annex A to Amended Petition, 10.

[3] Cf. *United States v. Babasa*, 19 Phil. 198 (1911) and *Montalbo v. Santamaria*, 54 Phil. 955 (1930).

[4] According to Article III, Section 1, par. 16 of the 1935 Constitution: "All persons shall before conviction be bailable by sufficient sureties except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required."

[5] 63 Phil. 210 (1936).

[6] Cf. *Teehankee v. Rovira*, 76 Phil. 756 (1946); *Ocampo v. Bernabe*, 77 Phil. 55 (1946); *De la Rama v. People's Court*, 77 Phil. 461 (1946); *Sy Guan v. Amparo*, 79 Phil. 670 (1947); *People v. Alano*, 81 Phil. 19 (1948); *People v. Berg*, 79 Phil. 842 (1947); *People v. Hernandez*, 99 Phil. 515 (1956); *Bernardez v. Valera*, 114 Phil. 851 (1962); *Villaseñor v. Abaño*, L-23599, Sept. 29, 1967, 21 SCRA 312; *People v. Bocar*, L-27120, March 28, 1969, 27 SCRA 512.

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