

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. FIDEL LAPINGCAO, ACCUSED-APPELLANT.

Ponente: QUIJANO-PADILLA, J.

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QUIJANO-PADILLA, J.:

This is an appeal from the Decision[1] dated October 1, 2007, of the Regional Trial Court, 8[th] Judicial Region, Branch 14, Baybay, Leyte, finding accused-appellant Fidel Lapingcao, guilty beyond reasonable doubt of Frustrated Homicide in Criminal Case No. B-03-09-108.

The Facts

On September 7, 2003, accused-appellant Fidel Lapingcao was charged in an Information[2] for Frustrated Homicide, the accusatory portion thereof, reads:

"That on or about the 29[th] day of June 2003, at about 7:00 in the evening at Zone 1, Municipality of Baybay, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with intent to kill, did then and there, willfully, unlawfully and feloniously attack, assault and stab Carlos Parba, Jr., with a knife which the accused had provided himself for the purpose thereby causing and inflicting upon the victim stab wound 4 cm. in length epigastric area, accused thus performed all the acts of execution which would have produced the crime of Homicide, as a consequence but which nevertheless did not produce it by reason of the timely medical attendance rendered on the victim, Carlos Parba, (Jr.), to his damage and prejudice.

CONTRARY TO LAW."

Accused-appellant was released when he posted bail on July 24, 2003.[3]

During his arraignment[4] on October 30, 2003, with the assistance of his counsel, he pleaded not guilty to the offense charged.

During pre-trial, the parties stipulated on the identity of accused-appellant Fidel Lapingcao as well as the identity of the complainant Carlos Pabra, Jr., the time, place and date of the commission of the offense.[5]

Thereafter, trial on the merits ensued.

VERSION OF THE PROSECUTION

Prosecution presented the victim and his wife Magdalena Pabra.

The victim Carlos Pabra, Jr., [Carlos] worked for Jose Ong Construction [JO] as a painter. Sometime in June 2003, he was assigned to work at Baybay, Leyte for the construction of the Mormon Latter Day Saint's Church. During his temporary stay thereat, he was accompanied by his wife.[6] On June 28, 2003, he was informed by their timekeeper that he was already laid off from work. So the next day on June 29, 2003 at around 7:00 o'clock in the evening, Carlos pleaded with Fidel Lapingcao [Fidel] being the head painter, to give him one more week to work, explaining that his previous week's wage was already spent for their consumption so that he does not have

enough money to pay for their fare.[7] Fidel ignored him and instead went to the canteen, Carlos joined by his wife followed the former.[8]

In the canteen, Carlos earnestly begged Fidel, when suddenly the latter grabbed a knife and stabbed Carlos on the right side of his abdomen.[9] Shocked, Carlos covered his wounds with his hands and was able to walk three steps away from Fidel until he lost consciousness.[10] He was rushed to the Western Leyte Provincial Hospital in Baybay but because of the gravity of his wounds, he had to be brought to Tacloban City the next day[11] where surgery was performed on him and was confined for one [1] week.[12] He spent P2,500.00 only because JO Construction paid for all his hospitalization expenses. His wound made him unfit and incapacitated to work for eleven [11] months, leaving him with no income during the interim.[13]

The parties agreed to dispense with the testimony of the attending physician Dr. Christopher John S. Ramos of the Eastern Visayas Regional Medical Center because he is no longer connected at the said hospital.[14] Prosecution offered for admission the Medical Certificate issued by the attending physician which was admitted by the defense.[15]

After the prosecution has rested, it offered Exhibits “A” to “D”[16] with all their sub-markings which were duly admitted[17] by the court a quo.

VERSION OF THE DEFENSE

The defense presented three [3] witnesses: accused-appellant himself, his wife Gloria Lapingcao and Guillermo Bengalan, who established the following facts:

Accused-appellant Fidel Lapingcao is employed at JO Construction as a head painter. Sometime in June 2003 he together with his fellow painters were shipped to Baybay, Leyte to work on the construction of the Mormon Church there along with Engineer Benjamin Fazon. Carlos was under the supervision of Fidel.[18]

Fidel noticed that Carlos had been sleeping at their bunkhouse during work hours, in fact he had caught him thrice doing the same thing. So Fidel intimated the matter to Engineer Benjamin Fazon and told the latter to dismiss Carlos due to his inefficiency at work. The engineer agreed with him and on June 28, 2003 Carlos received his last pay from the company. He was likewise given money to cover for his fare going home.[19]

On June 29, 2003, Fidel together with his wife Gloria Lapingcao and Guillermo Bengalan arrived at JO Construction's bunkhouse from visiting Fidel's relatives at Patag, Leyte. When Fidel went up to his designated room he was surprised to see Carlos and his wife still on the premises after the latter's dismissal.

Magdalena Parba, Carlos' wife approached Fidel and angrily asked him why he laid off her husband. In order to avoid trouble, Fidel decided to go to the canteen and watched television there. Little did he know that Carlos and Magdalena Parba followed him to the canteen, while there Carlos' wife started cursing him and Carlos uttered “I will kill you”.[20] With the threat, Carlos brought out his sharpened spatula and thrust it to Fidel twice and the latter was able to avoid it by retreating backwards away from the blows of Carlos. Carlos continued to thrust at Fidel who later retreated to the wall of the kitchen and had nowhere else to go. Cornered, he immediately grabbed the knife lying on top of the table and brandished it at Carlos warning him “Do not get near me and if you get near me I will stab you.” When Carlos continued stabbing Fidel and the latter could no longer evade the thrusts of Carlos, he stabbed the latter. After Fidel saw the blood oozing from the abdominal wound of Carlos, he left him for fear of the sight of blood.[21] The narration of Fidel was corroborated by his witnesses.

Thereafter, defense formally offered Exhibits “2 and 3”[22] with all their sub-markings, all duly admitted[23] by the court a quo over the objection[24] of the prosecution.

After weighing the evidence rendered by both parties, the court a quo found accused-appellant guilty beyond reasonable doubt of the offense charged. The dispositive portion of its Decision, reads:

“WHEREFORE, judgment is hereby rendered finding the accused, Fidel Lapingcao, GUILTY beyond reasonable doubt for having committed the crime of Frustrated Homicide. Sentence is hereby rendered for said accused to suffer an indeterminate penalty of FOUR (4) YEARS of prision correccional as minimum to EIGHT (8) YEARS of prision mayor as maximum and to indemnify the victim the sum of Forty Eight Thousand Pesos (Php 48,000.00) representing lost income.

No pronouncement as to costs.”[25]

On appeal, accused-appellant raised the lone assignment of error, thus:

“THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.”[26]

Our Ruling

Accused-appellant disagrees with the ruling of the court a quo finding that the course of action taken by him was unreasonable thereby negating the presence of unlawful aggression which is one of the elements of the justifying circumstance of self defense. While accused-appellant may have used a bladed weapon in order to repel the attack on him the same should not immediately be ruled out as an unreasonable course of action. In the imminent need, accused-appellant should not reasonably be expected to have the luxury of time to choose the weapon that is similar and less lethal than what the victim used in attacking him.[27]

Citing the case of *People v. Artuz* (71 SCRA 116), the Supreme Court had already declared that the gauge of rational necessity is to be found in the situation as it appears to the individual who is the object to the aggression. The instinct of self-preservation more often than not is the moving power in man's action in defending himself.

The appeal is impressed with merit.

By pleading self-defense, an accused admits the killing or injuring of the victim, and thereby assumes the burden to establish his plea of self-defense by credible, clear and convincing evidence; otherwise, his conviction will follow from his admission of killing or inflicting injury to the victim. Self-defense cannot be justifiably appreciated when it is uncorroborated by independent and competent evidence or when it is extremely doubtful by itself. Indeed, the accused must discharge the burden of proof by relying on the strength of his own evidence, not on the weakness of the State's evidence, because the existence of self-defense is a separate issue from the existence of the crime, and establishing self-defense does not require or involve the negation of any of the elements of the offense itself.[28]

As an element of self-defense, unlawful aggression refers to an assault or attack, or a threat thereof in an imminent and immediate manner, which places the defendant's life in actual peril. It is an act positively strong showing the wrongful intent of the aggressor and not merely a threatening or intimidating attitude. It is also described as a sudden and unprovoked attack of immediate and imminent kind to the life, safety or rights of the person attacked.[29]

There is an unlawful aggression on the part of the victim when he puts in actual or imminent peril the life, limb, or right of the person invoking self-defense. There must be actual physical force or actual use of weapon. In order to constitute unlawful aggression, the person attacked must be confronted by a real threat on his life and limb; and the peril sought to be avoided is imminent and actual, not merely imaginary.

Thus, to escape liability, the accused must show by sufficient, satisfactory and convincing evidence that: (a) the victim committed unlawful aggression amounting to an actual or imminent threat to the life and limb of the accused claiming self-defense; (b) there was reasonable necessity in the means employed to prevent or repel the unlawful aggression; and (c) there was lack of sufficient provocation on the part of the accused claiming self-defense or at least any provocation executed by the accused claiming self-defense was not the proximate and immediate cause of the victim's aggression.[30]

In the instant case, accused-appellant is clear, consistent and unwavering in his testimony that the victim is the unlawful aggressor and that he merely did what he could at the moment in order to defend his person, thus:

“Q:

Mr. Witness, can you still recall where were you on June 28, 2003?

A:

Yes.

Q:

Where were you?

A:

We were at Brgy. Patag.

Q:

Who was with you in going to Brgy. Patag?

A:

My wife and Guillermo Bengalan.

Q:

What date did you come back to Baybay?

A:

June 29.

Q:

What time is that?

A:

8:30 in the evening.

Q:

And when you arrived from Brgy. Patag, were there any unusual incident that happened?

A:

When we arrived nothing happened yet. So, when we arrived, we went up to the bunkhouse and[31] when I went up, I saw Carlos Parba and Lina Parba, his wife and I was surprised why they were still there and had not gone home.

Q:

Why do you know that Mr. Carlos Parba was already given money for his fare home?

A:

Yes, our time keeper had already given him.

Q:

After you saw Mr. Carlos Parba and his wife, what happened?

A:

The wife of Carlos Parba has been chatting that why I laid off her husband. So to avoid trouble, we went down together with my wife and Guillermo Bengalan to the canteen.

Q:

And did you in fact arrive at the canteen?

A:

Yes, we were at the canteen and we watched TV.

Q:

And while you were at the canteen, what happened?

A:

While we were at the canteen, Carlos and Lina Parba followed us and when we arrived at the canteen, Lina Parba has been saying bad words and Carlos Parba shouted, "I will kill you".

Q:

After Carlos Parba shouted, "I will kill you", what did you do?

A:

When Carlos Parba shouted, "I will kill you", he suddenly attacked me holding his spatula and he tried to stab me but I was able to evade it. The second[32] time he made a stab thrust, I was then able to evade it but at the third time, I was cornered by the wall of the canteen and that was the time I saw a knife on the table which was used in cutting vegetables, so I took the knife.

Q:

After you took the knife, what did you do?

A:

After I took the knife, I told Carlos Parba "Do not get near me and if you will get near me, I will stab you."

Q:

And after you uttered those words, what happened?

A:

After I uttered those words, he is (sic) still attacked me and tried to stab me and so, what I did was made a stab

thrust because I could not evade anymore because I was cornered by the wall of the canteen. So, in order to depend (sic) myself, I stabbed him.

Q:

How many times were you able to hit Carlos Parba?

A:

Only once.

Q:

After you hit Mr. Carlos Parba, what did you do?

A:

When I saw the blood oozing from his wound, I left because I was afraid of the blood.”[33]

As corroborated by his witness Guillermo Bengalan, wherein he testified:

“Q:

And can you still recall if there was any unusual incident that happened on June 29, 2003?[34]

A:

Yes, sir.

Q:

What was that incident?

A:

We were from Patag then I accompanied Fidel to the construction site and Fidel went up to the bunkhouse. But the wife of Parba was talking, so Fidel just went down from the bunkhouse and watched TV.

Q:

You said you went to Brgy. Patag, who were with you?

A:

Fidel sir, he went to our house.

Q:

When you arrived at the bunkhouse, where did Fidel go?

A:

To the bedroom at the bunkhouse, house. (sic)

Q:

When you arrived at the bunkhouse, where did you go?

A:

I was also there, sir because the wife of Parba was very noisy, so Fidel went to the canteen to watch TV. I was

at Fidel's back.

Q:

At that time when you were watching TV, were there any unusual incident that happened?

A:

Yes, Carlos approached us and he was angry and he was looking for trouble because Parba was dismissed from his job.[35]

Q:

And what did the accused Fidel Lapingcao do?

A:

Fidel just stay there but Parba stabbed Fidel twice but Fidel was able to evade the thrust.

Q:

When you saw Parba trying to stab Fidel, what did you do?

A:

Nothing sir, I was looking at them because I was around 2 meters away from them.

Q:

Did the accused Fidel Lapingcao injure this Carlos Parba at that time?

A:

Yes sir. While Parba was attacking Fidel, Fidel just kept on evading the thrust until he was on the wall of the canteen, While he was leaning on the wall, he saw a knife in (sic) the table so Fidel got the knife and pointed it at Parba and said, "Don't get near or else you will be injured with this knife."

Q:

After Fidel Lapingcao said those words, what happened?

A:

But Parba still attacked Fidel, that is why his stomach was wounded because Fidel was pointing the knife at him.

Q:

When Carlos Parba approached Fidel Lapingcao, did Carlos Parba try to stab the accused Fidel Lapingcao?[36]

A:

Yes, sir. He was holding a sharpen[ed] spatula.

Q:

You said a while ago that you worked as a painter, what is the used (sic) of this spatula?

A:

Spatula is used for removing uneven paints but that spatula built by Parba was a pointed one.

Q:

Why did you know that the spatula that was used by Carlos Parba was a pointed one not a flat surface?

A:

He cut it with a galvanize[d] iron scissor.

Q:

And after Carlos Parba suffered an injury, what did that accused, Fidel Lapingcao do?

A:

He left because they were helping Parba.[37]”

Defense had sufficiently established that the unlawful aggression came from the victim. It was proven that the aggression is of such nature as placing in real peril the life or the personal safety of the accused. In other words, there was an outward and material attack upon the person defending himself or a wrongful act showing the aggressor's wrongful intent, not merely a threatening attitude.[38]

Was there sufficient provocation on the part of accused-appellant sufficient to warrant the attack made upon him by the victim?

Provocation is defined to be any unjust or improper conduct or act of the offended party, capable of exciting, inciting, or irritating anyone.[39] The dismissal of the victim from his work because of the recommendation of accused-appellant is not the provocation meant by the law. Even assuming *arguendo* that it is the provocation contemplated, the same is not immediate. Records reveal that the victim was discharged on June 28, 2003 but was able to confront accused-appellant on the evening of the next day or on June 29, 2003. Summing up those facts, provocation was not given by the accused-appellant.

Consequently, accused-appellant merely employed reasonable means to repel the sudden unprovoked attack of which he was the victim.[40]

Reasonable necessity does not mean absolute necessity. It must be assumed that one who is assaulted cannot have sufficient tranquility of mind to think, calculate and make comparisons which can easily be made in the calmness of the home. It is not the indispensable need but the rational necessity which the law requires. In each particular case, it is necessary to judge the relative necessity, whether more or less imperative, in accordance with the rules of rational logic. The defendant may be given the benefit of any reasonable doubt as to whether he employed rational means to repel the aggression.

Plainly, the accused-appellant could no longer retreat from the continuing assault by the victim who, as inexorably shown by his relentless advance towards the accused-appellant, was poised to kill the latter. The danger to the accused-appellant's life was clearly imminent. It would not then be proper nor reasonable to claim that he should have fled or selected a less deadly weapon, because in the emergency in which, without any reason whatever, he was placed, there was nothing more natural than to use the weapon he had to defend himself. In the natural order of things, following the instinct of self-preservation, he was compelled to resort to a proper defense. It is settled that reasonable necessity of the means employed does not imply material commensurability between the means of attack and defense. What the law requires is rational equivalence, in the consideration of which will enter the principal factors, the emergency, the imminent danger to which the person attacked is exposed, and the instinct, more than the reason, that moves or impels the defense, and the proportionateness thereof does not depend upon the harm done, but rests upon the imminent danger of such injury.[41]

Verily, the rule of reasonable necessity is not ironclad in its application; it depends upon the circumstances of the particular case. One who is assaulted does not have the time nor sufficient tranquility of mind to think, calculate and choose the weapon to be used. The reason is obvious, in emergencies of this kind, human nature does not act upon processes of formal reason but obedience to the instinct of self-preservation; and when it is apparent that a person has reasonably acted upon this instinct, it is the duty of the courts to sanction the act and to hold the actor irresponsible in law for the consequences.[42]

Since accused-appellant has duly proved all the essential elements of self-defense, namely, unlawful aggression on the part of the complainant; reasonable necessity of the means employed to prevent or repel it; and lack of sufficient provocation on the part of the accused on that score alone, he is entitled to an acquittal.[43]

Another reason for the acquittal of accused-appellant is that the prosecution simply failed to discharge the burden of proving the guilt of the accused-appellant by the quantum of evidence required by law, by proof beyond reasonable doubt.

For a successful prosecution of the crime of frustrated homicide, the prosecution must establish beyond reasonable doubt the elements thereof which are: (1) the accused intended to kill his victim, as manifested by his use of a deadly weapon in his assault; (2) the victim sustained fatal or mortal wound/s but did not die because of timely medical assistance; and (3) none of the qualifying circumstance for murder under Article 248 of the Revised Penal Code, as amended, is present.[44]

In the case at bench, intent to kill was not proven.

Thus, in order to establish its case, prosecution presented the victim, who testified:

“Q:

Now on the evening of June 29, 2003, at about 7:00 o'clock in the evening, do you recall where were you Mr. Witness?[45]

xxxxxx

A:

At the bunk house, sir. At the house where we were renting.

Q:

I see. Now on this date and time, June 29, 2003, at about 7:00 o'clock in the evening, was there any incident that took place?

A:

Yes, there was.

Q:

What was that incident?

A:

He stabbed me, sir.

Q:

Who stabbed you?

A:

Fidel Lapingcao, sir.

Q:

Where were you hit when you said you were stabbed by Mr. Lapingcao?

A:

Yes, sir.

Q:

Where? In what part of your body were you hit?

A:

Here, sir. (Witness pointed to a scar on the right side of his abdomen).

Q:

Now what was the reason why Mr. Lapingcao stabbed you?

A:

He dismissed me from the job but he did not inform me personally. It was our timekeeper who informed me. But at that time my wife had already bought some goods^[46] for our consumption, so I asked him that I will be going home the following Friday so that I could also bring some money because at that time we have no more money for our fare.

Q:

Why, what was the reason that you were allegedly taken out of your job?

A:

He was angry that I did not spend for a drinking spree, sir.

Q:

Now you said that you were stabbed by Mr. Lapingcao, what kind of instrument that was used in stabbing you by Mr. Lapingcao?

A:

A stainless knife, sir.

Q:

And you said you were hit. After you were hit, what action did you take?

A:

Nothing, sir. I just covered my wound and then we were just facing each other, then after I moved away for around 3 steps, I loss (sic) consciousness.^[47]

A cursory reading of the foregoing testimony shows that the intent to kill of accused-appellant was not established. It is worthy to note that only a single stab was delivered by Fidel on the victim, just sufficient enough in order to stop the latter from further pursuing his attack which certainly could not be concluded as an intention

to sever the life of the victim.

Further, jurisprudence dictates that intent to kill cannot be automatically drawn from the mere fact that the use of a knife is dangerous to life. *Animus interficendi* must be established with the same degree of certainty as is required of the other elements of the crime. The intent to kill must be proved in a clear and evident manner to exclude every possible doubt as to the homicidal (or murderous) intent of the aggressor. The inference of intent to kill should not be drawn in the absence of circumstances sufficient to prove such intent beyond reasonable doubt[48] and the onus probandi lies not on accused-appellant but on the prosecution.[49]

Likewise, the non-presentation of the attending physician of the victim proves fatal to prosecution's case. The crucial point to consider is the nature of the wound inflicted which must be supported by independent proof showing that the wound inflicted was sufficient to cause the victim's death without timely medical intervention. From the account of the victim, the wound could have been fatal as it is an abdominal wound, however, absent any testimony from the physician as to the gravity of the wound inflicted on the victim and absent any proof that without timely medical intervention the victim could have died, then, paucity of proof must necessarily favor accused-appellant.[50]

Lastly, jurisprudence provide that: flight alone is not a reliable indicator of guilt without other circumstances because flight alone is inherently ambiguous. Alone, and under the circumstances of this case, accused-appellant's flight lends itself just as easily to an innocent explanation as it does to a nefarious one.[51]

All told, there is reasonable doubt as to accused-appellant's guilt. Where there is reasonable doubt, an accused must be acquitted even though his innocence may not have been fully established. When guilt is not proven with moral certainty, exoneration must be granted as a matter of right. Thus, the Court is mandated to uphold the presumption of innocence guaranteed by our Constitution to the accused.[52]

Pursuant to Article 22, Rule 114[53] of the Rules of Court, the bail posted by accused-appellant is deemed automatically cancelled upon his acquittal.

WHEREFORE, premises considered, the Decision dated October 1, 2007, of the Regional Trial Court, 8[th] Judicial Region, Branch 14, Baybay, Leyte is hereby REVERSED and SET ASIDE.

Accused-appellant Fidel Lapingcao is hereby ACQUITTED of the crime charged based on reasonable doubt.

SO ORDERED.

Hernando, and Francisco,[*] JJ., concur.

[*]Acting junior member vice J. Azcarraga-Jacob, per Office Order No. 15-14-GTI, June 30, 2014

[1] Records, pp. 185-191, penned by the Honorable Judge Absalon U. Fulache

[2] Records, p. 1

[3] Records, p. 22

[4] Records, pp. 50-51

[5] Records, pp. 60-60(B)

[6] TSN, February 17, 2005, pp. 5-6

[7] TSN, February 17, 2005, pp. 8-9

[8] TSN, February 17, 2005, p. 18

[9] TSN, February 17, 2005, p. 8

[10] TSN, February 17, 2005, p. 9

[11] TSN, February 17, 2005, p. 31

[12] TSN, February 17, 2005, p. 10

[13] TSN, February 17, 2005, p. 10

[14] TSN, May 10, 2005, pp. 44-45

[15] TSN, May 10, 2005, pp. 45-46

[16] Records, pp. 134-135

“A”- Affidavit of Magdalena Pabra;

“B”- Sworn Statement of Rito Salera;

“C”- Medical Certificate of Carlos Pabra, (Jr.); and

“D”- Sworn Statement of Carlos Pabra, (Jr.)

[17] Records, p. 138

[18] TSN, June 13, 2007, pp. 22-24

[19] TSN, June 13, 2007, p. 24

[20] TSN, June 13, 2007, p. 25

[21] TSN, June 13, 2007, p. 26

[22] Records, pp. 172-173

“2”- Affidavit of Guillermo Bengalan; and

“3”- Affidavit of Fidel Q. Lapingcao

[23] Records, p. 177

[24] Records, p. 175

[25] Records, p. 191

[26] Rollo, p. 37

[27] Rollo, pp. 43-44

[28] People v. Nugas, G.R. No. 172606, November 23, 2011

[29] Palaganas v. People, G.R. No. 165483, September 12, 2006

[30] People v. Nugas, G.R. No. 172606, November 23, 2011

[31] TSN, June 13, 2007, p. 24

[32] TSN, June 13, 2007, p. 25

[33] TSN, June 13, 2007, p. 26

[34] TSN, August 2, 2006, p. 4

[35] TSN, August 2, 2006, p. 5

[36] TSN, August 2, 2006, p. 6

[37] TSN, August 2, 2006, p. 7

[38] Jayme v. People, G.R. No.124506, September 9, 1999

[39] Navarro v. CA, et al., G.R. No. 121087, August 26, 1999

[40] Jayme v. People, G.R. No.124506, September 9, 1999

[41] People v. Gutual, G.R. No. 115233, February 22, 1996

[42] Jayme v. People, G.R. No.124506, September 9, 1999

[43] Jayme v. People, G.R. No.124506, September 9, 1999

[44] People v. Lanuza, G.R. No. 188562, August 17, 2011

[45] TSN, February 17, 2005, p. 7

[46] TSN, February 17, 2005, p. 8

[47] TSN, February 17, 2005, p. 9

[48] Dado v. People, G.R. No.131421, November 18, 2002

[49] People v. Villacorta, G.R. No. 186412, September 7, 2011

[50] Serrano v. People, G.R. No. 175023, July 5, 2010

[51] Valdez v. People, G.R. No. 170180, November 23, 2007

[52] Bahilidad v. People, G.R. No. 185195, March 17, 2010

[53] Sec. 22. Cancellation of bail – Upon application of the bondsmen, with due notice to the prosecutor, the bail may be cancelled upon surrender of the accused or proof of his death.

The bail shall be deemed automatically cancelled upon acquittal of the accused, dismissal of the case, or execution of the judgment of conviction.

In all instances, the cancellation shall be without prejudice to any liability on the bail.

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