

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
RODOLFO SANTOS, DEFENDANT. RURAL INSURANCE AND SURETY
CO., INC., BONDSMAN AND APPELLANT.**

G.R. No. L-17887. April 28, 1962

Ponente: BENGZON, C.J.

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BENGZON, C.J.:

When on April 2, 1959, the case of *People vs. Rodolfo Santos y Alejo* was called for trial, the accused failed to appear. The judge immediately issued an order for his arrest and for the confiscation of the bail bond previously posted for his provisional release by the Rural Insurance & Surety Co., Inc. in the amount of P7,500.00. In the same order, the surety was given thirty days within which to produce the person of the defendant and to state the reasons, if any, why the bond should not be forfeited.

On May 26, 1959, the bonding company filed its ex-parte motion requesting an extension of thirty days within which to produce the accused; but this was denied by the Court because it had been presented beyond the 30-day period granted to it. Wherefore, on June 11, 1959, the court rendered final judgment forfeiting the bond in favor of the Government. On the next day, the corresponding writ of execution was issued.

However, on July 20, 1959, the surety company surrendered the person of the accused; and two days later, it submitted a motion to lift the order of confiscation and execution. It was denied. Then, it moved for reduction of the amount so forfeited. Considering the circumstances, the judge reduced the amount confiscated to one-half of the original bail bond.

The bonding company brought the matter to the Court of Appeals, which forwarded the case to us after finding that there was no issue of fact.

The appellant company insists that the amount confiscated should be further reduced, if possible to P200.00 only. It alleges that immediately after receiving the order of confiscation, it took the necessary steps to locate the whereabouts of the accused; that it employed three agents for the purpose; that these exerted diligent efforts which were finally successful when in July 20, 1959, the body of the defendant was surrendered to the Court; that the defendant had left his residence without notifying the company and had been very elusive, transferring from one place to another, etc.

The record discloses these circumstances which do not speak well of appellant's diligence and care in this matter: In the first place, having been given a 30-day period to produce or to explain, it made no explanation; instead it asked for an extension more than twenty days after the expiration of such period. In the second place, it neglected to explain at the first opportunity why it failed to produce the accused on the day of trial (Motion of July 21, 1959). And when it did so, it alleged it had given notice to the accused of the date of the trial "and likewise sent an employee * * * in the early morning of April 2 (trial) to fetch the accused and escort him" to the court, only to find that the latter had already left his residence. And, it said, the employee did not bother (sic) to insure the defendant's appearance in court. No wonder, His Honor, the judge declined to reduce its responsibility to the

nominal amount which it now urges upon this Court to approve.

We fail to see a valid reason to interfere with the discretion of the lower court. Judgment affirmed, with costs.

Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, and Dizon, JJ., concur.

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