RONALDO ALDANA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. MATIAS M. GARCIA II, AS PRESIDING JUDGE OF BRANCH 19, REGIONAL TRIAL COURT OF BACOOR, CAVITE AND RODERICK MACKAY,...

Ponente: BARRIOS, M. M., J.

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BARRIOS, M. M., J.:

This is a Petition for Certiorari under Rule 65 of Rules of Court assailing, on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction, the Order dated 05 February 2009 of the Regional Trial Court (RTC), Branch 89, Bacoor, Cavite in Criminal Case No. B-2004-1063, which denied petitioner's application for bail.

Also assailed is the Order dated 17 October 2011 of the RTC, Branch 19, Bacoor, Cavite denying petitioner's motion for reconsideration for lack of merit.

THE FACTS

On 26 November 2004, Charlotte Mackay Aldana, petitioner's wife, was killed inside their house located at Springville Heights, Molino, Bacoor, Cavite. The killing was discovered by their son, Karlo Aldana, who quickly relayed the incident to his uncle (Charlotte's brother), herein private respondent Roderick Mackay. Private respondent Roderick reported the incident to the Bacoor, Cavite Police who immediately investigated the crime scene. At around 11 P.M. of that same date, petitioner husband arrived at the scene. However, petitioner was suspected by private respondent to be the assailant; hence, said petitioner was brought by the operatives to their station for custodial investigation. He was later released by the authorities.

Subsequently, a criminal complaint for Parricide was filed against petitioner before the Provincial Prosecutor's Office of Cavite based on Sworn Affidavits of private respondent, Karlo M. Aldana, SPO1 Rodolfo Arboleda and PO1 Joel Malinao. During the preliminary investigation, petitioner strongly denied killing his wife and asserted that the charge was maliciously concocted by Charlotte's family who disliked him. He alleged that he was at his workplace in PLDT, Cubao, Quezon City when the killing transpired. Moreover, he also asserted that based on the gathered evidence and attending circumstances, their housemaid, Joy Dawa, appears to be the assailant.

After finding probable cause[1], an Information for Parricide was filed against petitioner before the RTC, Branch 89, Bacoor, Cavite. Petitioner was arrested on 28 December 2004 on the strength of a Warrant of Arrest issued by the trial court. When arraigned, petitioner pleaded not guilty. On 17 February 2005, an Amended Information was filed adding Joy Dawa, the maid, as co-accused.

Subsequently, petitioner applied for bail[2] on the ground that the prosecution's evidence against him was not strong to warrant a conviction for Parricide, as these were purely based on conjecture, surmises and exaggerated statements of biased witnesses. It is argued[3] that the declarations of prosecution witnesses were mere inferences or based on speculation as they were admittedly not present at the crime scene. In addition, Dactyloscopy Report

No. F-152004[4] showed that none of the fingerprints picked at the crime scene when the incident occurred pertained to him, thereby affirming that he was not there.

At the bail hearing, the prosecution presented the following witnesses to dispute the claims of petitioner and to prove that the evidence of guilt against him is strong, viz: a) Anita Gose testified that petitioner had unduly requested her to falsely put the date 25 November 2004 on 8[th] Avenue Apartel Invoice No. 8125 sometime in the first week of December 2004; b) Arturo Guerrero – neighbor of Aldana spouses - testified that the car used by petitioner was parked near the crime scene at the precise time when the killing transpired; c) SPO1 Rodolfo Arboleda declared that the car seen by Arturo Guerrero was the same vehicle driven by petitioner in the evening of 26 November 2004; and d) Beatriz Patinio declared that when petitioner arrived at the crime scene in the evening of 26 November 2004, he uttered “nawawala yung mga kutsilyo kanina pang umaga” which, therefore, disputes his claim that he was not in the area in the morning of that same day.

Ruling on the bail incident, the trial court issued the now assailed Order[5] dated 05 February 2009 denying the petition for bail for the reason that “at this stage of proceedings, the totality of the circumstantial evidence points to the guilt of the accused.”

On 25 February 2009, petitioner filed a Motion for Reconsideration. Meanwhile, upon petitioner's motion, Presiding Judge Eduardo Tanguanco of RTC, Branch 89, Bacoor, Cavite issued an Order[6] dated 21 July 2010 inhibiting himself. Resultantly, the case was raffled to Branch 19 presided by public respondent who eventually denied the motion for reconsideration per the other assailed Order[7] which ruled that a consideration of the entire records and proceedings does not merit the reconsideration, reversal or modification of the denial of bail.

In this petition, it is argued that:

> ERROR OF LAW AND GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION ON THE PART OF HON. JUDGE MATIAS M. GARCIA II WHEN HE ISSUED THE ASSAILED 17 OCTOBER 2011 ORDER, DENYING THE 25 FEBRUARY 2009 MOTION FOR RECONSIDERATION, THUS, AFFIRMING THE 5 FEBRUARY (2009) ORDER DENYING PETITIONER'S PETITION FOR BAIL.

OUR RULING

The petition is meritorious in part.

Section 13[8], Article III of the Constitution provides that all persons in custody shall, before conviction, be entitled to bail as a matter of right.[9] However, when accused is charged with a capital offense, or an offense punishable by reclusion perpetua, and the evidence of guilt is strong, the grant of bail becomes a matter of discretion.[10] Thus, the grant or denial of bail in cases where bail is a matter of discretion, hinges on the issue of whether or not the evidence of guilt of accused is strong.[11] On this score, the prosecution is burdened to prove that the evidence of guilt against the accused is strong and it shall be accorded the opportunity to present all the evidence it may deem necessary for this purpose.[12]

The determination of whether the evidence of guilt is strong, being a matter of judicial discretion, remains with the judge.[13] Such discretion must be sound and exercised within reasonable bounds.[14] Otherwise stated, judicial discretion, by its very nature, involves the exercise of the judge's individual opinion and the law has wisely provided that its exercise be guided by well-known rules which, while allowing the judge rational latitude for the operation of his or her own individual views, prevent them from getting out of control.[15]

In this regard, the Supreme Court has enjoined trial judges to observe the following duties whenever an

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application for bail is filed, to wit:

> "1) In all cases, whether bail is a matter of right or discretion, notify the prosecutor of the hearing of the application for bail or require him or her to submit his or her recommendation;
>
> 2) Where bail is a matter of discretion, conduct a hearing of the application for bail regardless of whether or not the prosecution refuses to present evidence to show that the guilt of the accused is strong for the purpose of enabling the court to exercise its sound discretion;
>
> 3) Decide whether the guilt of the accused is strong based on the summary of evidence of the prosecution; and
>
> 4) If the guilt of the accused is not strong, discharge the accused upon the approval of the bail bond. Otherwise, the bail should be denied.[16]"

Prescinding from the above, after the bail hearing, the trial court must issue an order granting or refusing bail which must contain a summary of evidence of the prosecution.[17] A summary is a comprehensive and usually brief abstract or digest of a text or statement.[18] Based on the summary of evidence, the judge formulates his own conclusion as to whether the evidence so presented is strong enough to indicate the guilt of accused.[19] Otherwise, the order granting or denying the application for bail may be invalidated because the summary of evidence for the prosecution which contains the judge's evaluation of the evidence may be considered as an aspect of procedural due process for both the prosecution and the defense.[20]

For a better understanding, We quote hereunder the first assailed Order dated 25 February 2009 denying the petition for bail, viz:

> "This resolves the petition for bail filed by the accused Rolando Angeles Aldana.
>
> Without at all prejudging the merits of the case as the accused has still to present his evidence to prove his innocence in consonance with his previous plea during arraignment that he is not guilty as charged, it appears that after a comprehensive and painstaking analysis of the evidence adduced by the prosecution in this case, the evidence of guilt is strong.
>
> At this stage of the proceedings, the totality of the circumstantial evidence points to the guilt of the accused. It is thus incumbent on him to prove otherwise.
>
> ACCORDINGLY, the petition for bail is denied."
>
> x x x"

The other assailed Order dated 17 October 2011 pertinently reads:

> "When this case was called for trial, both counsels appeared and informed this Court that there is still a pending incident which is yet to be resolved.
>
> Records show that there is a pending motion for reconsideration filed by the accused on the finding of the former judge denying their petition for bail. After going over the entire refords of this case as well as the pleadings and the transcript of stenographic notes of the witnesses presented, this Court finds no cogent reason to reconsider, reverse, modify the Order denying the petition for bail and hereby denies the motion for reconsideration for lack of merit.
>
> WHEREFORE, in view of the foregoing, the motion for reconsideration filed by the accused is hereby DENIED for lack of merit.
>
> Thereafter, the prosecution reminded this Court of another pending motion for the discharge of accused Joy Dawa as state witness. Defense counsel had already filed their opposition thereto and the same is hereby

> submitted for resolution.
>
> In the meantime, let this case be reset to NOVEMBER 23 & DECEMBER 14, 2011 at 8:30 in the morning."
>
> x x x

From a reading thereof, it is easily discernible that both Orders did not comply with the aforementioned guidelines set by the Supreme Court.

It is rightly pointed out by petitioner that the single page order did not contain a summary of the evidence thus far adduced by the prosecution from which can be deduced the conclusion that the evidence of guilt against petitioner-accused is strong. In the same vein, the second assailed Order dated 17 October 2011 of the public respondent denying petitioner's motion for reconsideration does not also state clearly and distinctly the reasons for the denial. It did not have a discussion of the arguments posed by petitioner, other than saying that there is no cogent reason to reconsider, reverse or modify the order. In other words, the absence of such summary of evidence effectively deprives petitioner of his right to an intelligent understanding of the court's evaluation of the evidence vis-a-vis their arguments.

In a catena of cases, the Supreme Court underscored the reasons for requiring a summary of evidence to be contained in the order granting or denying bail, thus:

> x x x
>
> "There are two corollary reasons for the summary. First, the summary of the evidence in the order is an extension of the hearing proper, thus, a part of procedural due process wherein the evidence presented during the prior hearing is formally recognized as having been presented and most importantly, considered. The failure to include every piece of evidence in the summary presented by the prosecution in their favor during the prior hearing would be tantamount to not giving them the opportunity to be heard in said hearing, for the inference would be that they were not considered at all in weighing the evidence of guilt. Such would be a denial of due process, for due process means not only giving every contending party the opportunity to be heard but also for the Court to consider every piece of evidence presented in their favor. Second, the summary of the evidence in the order is the basis for the judge's exercising his judicial discretion. Only after weighing the pieces of evidence as contained in the summary will the judge formulate his own conclusion as to whether the evidence of guilt against the accused is strong based on his discretion.....
>
> Based on the above-stated reasons, the summary should necessarily be a complete compilation or restatement of all the pieces of evidence presented during the hearing proper.[21]"

Needless to state, absent such summary of evidence, the assailed Orders would not be able to stand appellate scrutiny by reason of the want of details.[22] Thus, it has been ruled that an order granting or denying bail without the required summary of evidence of the prosecution is not a product of sound judicial discretion, but of whim, caprice and arbitrariness.[23] Such order could not be sustained, allowed to stand, or given any semblance of validity.[24]

Be that as it may, the invalidation of the two (2) asailed orders will not ipso facto result in the assumption that evidence of guilt is not strong and, ultimately, in the grant of the bail petition. Nor should this Court arrogate upon itself the appreciation of the extant evidence to determine its strength or weakness. In our view, the equitable course of action is to remand the incident to the trial court for the purpose of making a new, immediate and updated assessment of the evidence at hand and to issue the appropriate Order containing a summary thereof with its resolution on the entitlement to bail; or better still, considering the lapse of time since the assailed Orders were issued, to conduct a speedy trial and promptly decide the merits of the case.

WHEREFORE, for the foregoing reasons, the assailed Orders dated 05 February 2009 and 17 October 2011 are ANNULLED and SET ASIDE.

Considering the proceedings that have progressed since the issuance of the assailed orders, the Regional Trial Court, Branch 19, Bacoor, Cavite, or whichever trial court is currently handling the case, is directed to immediately make an updated summary and assessment of the evidence of the prosecution, and determine petitioner's entitlement to bail pursuant to existing guidelines.

SO ORDERED.

Reyes, Jr., (Chairperson) and Pizarro, JJ., concur.

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[1] Resolution, Rollo, pp. 26 – 29.

[2] Petition for Bail, Id., pp. 30 – 32.

[3] Memorandum (In support to the Petition for Bail), Id., pp. 33 – 39.

[4] Id., p. 24.

[5] Rollo, p. 22.

[6] Rollo, p. 59.

[7] Id., p. 23.

[8] Section 13. All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

[9] Marallag vs. Cloribel-Purugganan, A.M. No. 00-1529-RTJ, April 9, 2002.

[10] Marallag vs. Cloribel-Purugganan, supra.

[11] Zuno vs. Cabebe, A.M. No. OCA 03-1800-RTJ, November 26, 2004.

[12] Serapio vs. Sandiganbayan, G.R. Nos. 148468, 148769 & 149116, January 28, 2003.

[13] Bitoon vs. Toledo-Mupas, A.M. No. MTJ-05-1598, January 23, 2006.

[14] Mabutas vs. Perello, A.M. No. RTJ-03-1817 & RTJ-04-1820, June 8, 2005.

[15] Santos vs. How, A.M. No. RTJ-05-1946, January 26, 2007.

[16] Mabutas vs. Perello, supra.

[17] Zuno vs. Cabebe, supra.

[18] People of the Philippines vs. Gako, G.R. No. 135045, December 15, 2000.

[19] Zuno vs. Cabebe, supra.

[20] Domingo vs. Pagayatan, A.M. No. RTJ-03-1751, June 10, 2003.

[21] People of the Philippines vs. Presiding Judge of the Regional Trial Court of Muntinlupa City, G.R. No.

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151005, June 8, 2004, citing the case of People of the Philippines vs. Cabral, G.R. No. 131909, February 18, 1999.

[22] People of the Philippines vs. Presiding Judge of the Regional Trial Court of Muntinlupa City, supra.

[23] Marallag vs. Cloribel-Purugganan, supra.

[24] People of the Philippines vs. Presiding Judge of the Regional Trial Court of Muntinlupa City, supra.

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