

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ALFREDO PUYAL, ET AL., DEFENDANTS, MANILA SURETY AND
FIDELITY CO., INC., BONDSMAN AND APPELLANT,**

G.R. No. L-8091. February 17, 1956

Ponente: LABRADOR, J.

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LABRADOR, J.:

This is an appeal against an order of the Court of First Instance of Quezon in Criminal Case No. 10535, *People vs. Alfredo Puyal, et al*, dated March 30, 1954, denying a motion of the accused to lift the court's order confiscating his appeal bond, and, also against its order dated May 13, 1954, denying a motion for reconsideration of the Manila Surety and Fidelity Co., Inc., surety on the appeal bond, to lift the said order of confiscation, and if not possible to do so, that the surety's liability thereon be diminished to one-tenth of the amount of the bond.

Upon his conviction in the Court of First Instance, Puyal appealed and filed a bond in the amount of P10,000, executed by the Manila Surety & Fidelity Co., Inc. The date of the appeal is March 2, 1951. On April 11, 1953, the Manila Surety & Fidelity Co., Inc. was notified that the promulgation of the sentence of the Court of Appeals was to take place on April 27, 1953. Upon petition of his counsel, the date of the promulgation was postponed to June 10, 1953. Before this date, counsel asked for another extension of ten days, but this was denied. Thereupon the court ordered the confiscation of the bond, the arrest of the accused, and the production of his person within 30 days, with explanation why judgment should not be rendered against the surety for the amount of the bond. A motion to reconsider this order was denied. So was a second motion therefor. On October 30, 1953, the Fiscal moved for judgment against the surety and the arrest of the accused. This motion was granted on November 3, 1953. In a subsequent order, the surety was given another period up to December 1, 1953 to produce the person of the "accused. The bondsman filed another motion for another extension of time, but this was denied. The execution of the bond was again ordered, as well as the arrest of the accused, as the surety failed to comply with the court's order. On March 30, 1954, the accused voluntarily appeared before the court for the reading of the sentence, and at the same time his counsel moved to lift the order of confiscation[^] of the bond. It is alleged in the motion that his failure to contact his lawyers was due to his belief that his case was still pending appeal in the Court of Appeals. This motion was denied on the same day. On May 6, 1954, the surety moved to have the order of confiscation reconsidered, and to reduce its liability on the bond, alleging that it had employed a representative in the towns where the accused was supposed to be found, but that said representative failed to locate his whereabouts; that it had appealed to the authorities for help in locating the accused, but to no avail; and that the surety had also contacted all its branches for help in locating the accused, but also to no avail. It invoked the discretion of the court, in view of the diligence it had exerted to locate the whereabouts of its principal and produce him in court, and the unbroken line of decisions to the effect that where the accused has already been arrested, the court may relieve the surety from a part or portion of its liability according to the circumstances of each particular case. This was also denied in an order of May 13, 1954.

On this appeal, the cases of *People vs. Alamada*,^[1] G.R. No. L-2155 promulgated on May 23, 1951; and *People*

vs. Arlatinco,[2] G. R. No. L-3411, promulgated on May 30, 1951, are invoked. In the first case, we reduced the amount of the bondsman's liability from P2,000 to P200. In his brief the Solicitor General calls attention- to the fact that in the cases where We have reduced the liability of bondsmen, failure to produce the person of the accused was not so unreasonably long as in the case at bar. In the case of *People vs. Reyes*, 48 Phil. 139, the delay was only five days. In the *Alamada* case, the delay was six days. But in the case at bar" the accused submitted . himself to the court only after ten months from the date "when the confiscation of his bail was ordered- , So he prays that the order be sustained and that the motion to reduce bondman's liability be denied.

The liberality which we have shown in dealing with bondsmen in criminal cases and in mitigating their liability on bonds already confiscated because rff the delay in the presentation of defendants, finds explanation in the fact that the ultimate desire of the State is not the monetary reparation of the bondsman's default, but the enforcement or execution of the sentence, such as the imprisonment of. the accused or the payment by him of the fine imposed. That interest of the State can not be measured in terms of pesos as in private contracts and obligations. The surrender of the person of the accused so that he can serve his sentence is its ultimate goal or object. The provisioni for the confiscation of the bond, upon failure within a reasonable time to produce the person of the accused for the execution of the sentence, is not based upon a desire to gain from such failure; it is to compel the bondsman to enhance its efforts to have the person of the accused produced for the execution of the sentence. Hence after the surety has presented the person of the accused to the court, or the accused already arrested, we have invariably exercise our discretion in favor of the partial remission of the bondsman's liability.

A further reason for such liberality lies in the fact that if the courts were strict in enforcing the liability of bondsmen, the latter would demand higher rates for furnishing bail for accused persons, making it difficult for such, accused to secure their freedom during the course of the proceedings. If courts were strict in- the enforcement of the monetary responsibility of bondsman, bail, which is considered a precious right, would be difficult to obtain. Bondsmen will reduce rates only if the, courts are liberal in dealing with them in the performance of their obligations.

Lastly, if the courts are averse to mitigating the monetary responsibility of bondsmen after confiscation of their bond, bondsmen would be indifferent towards the attempts of the State to secure the arrest of defendants, instead of helping it therein.

But while we are committed to a policy of liberality towards bondsmen, the circumstances of each case must determine the degree in which said liberality should be exercised. Diligence on the part of the bondsmen in the performance of their obligation must, be the gauge for such liberality. In the case at bar, we are not fully satisfied with the explanation given why the presentation ' of the person of the accused was delayed for a period of 10 months. On the other hand, the bond .confiscated (P10,000) is not proportional to the sentence, which is 5 years, 5 months and 11 days of prison correctional. We believe that the ends of justice will best be subserved if we reduce, as we hereby reduce, the liability of the bondsman, Manila Surety and Fidelity Co., Inc., from P10,000 as ordered by the trial court, to P3,000. Without costs.

Panás, C.J., Padilla, Montemayor, Reyes, A., Jugo, Bautista, Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

[1] 89 Phil., 1.

[2] 89 Phil., 220.

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