

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE VS. NATIONAL SURETY CO., INC., BONDSMAN AND APPELLANT. PEDRO IGNACIO, ET AL., ACCUSED, PHILIPPINE INTERNATIONAL SURETY CO.,...

G.R. No. L-18572. July 31, 1963

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d9c96d3d0624/>

BAUTISTA ANGELO, J.:

Genaro Tegrane y Balan and Pedro Ignacio y Dizon were charged with murder before the Court of First Instance of Manila. Both were allowed to put up a bond for their provisional liberty. With regard to accused Ignacio a bond of P20,000.00 was put up by the Philippine International Surety Co., Inc.

When the case was called for hearing on April 8, 1959, accused Ignacio failed to appear in spite of the notice given him and his bondsman to appear on said date, and as a consequence the court a quo issued an order declaring the bond confiscated and requiring the bondsman to show cause why judgment should not be rendered against it on the bond. After the efforts made in locating said accused so that he may be produced in court, the bondsmen's efforts were at last rewarded when on January 19, 1960 he was apprehended and surrendered to the court. In view of such surrender, the bondsman prayed that its bond be cancelled and the confiscation thereof issued by the court be lifted. On February 8, 1960, the court denied the motion for the lifting of the confiscation, but amended its order by reducing the bondsman's liability by 50%, that is, P20,000.00 to P10,000.00. Hence this appeal.

When the bondsman was informed of the failure of accused Ignacio to appear at the hearing called on April 8, 1959 and of the confiscation of the bond put up by it, the bondsman began to take steps with a view to his apprehension and surrender. The efforts in this direction are narrated by its counsel as follows:

"Upon learning the failure of the accused to appear in court on April 8, 1959, and the confiscation of the bond, appellant at once took positive steps to produce the accused before the lower court, consisting in the assignment of men to apprehend Pedro Ignacio. On April 28, 1959 appellant filed a 'Manifestation and Motion to Stay Order of Confiscation', which the lower court denied in its order of April 11, 1959. On May 6, 1959, appellant filed a 'Motion for Extension of Time' which was granted by the presiding Judge on May 15, 1959 giving the appellant thirty (30) days from May 15, 1959 within which to produce the accused before the court. An Additional Motion for Extension of Time filed on June 11, 1959 was denied by the lower court on August 13, 1959 and a judgment was rendered against the bond. On October 1, 1959, the lower court issued an order reconsidering a previous order declaring Pedro Ignacio as having waived his right to be present during the trial and declared that with respect to the said accused, the case was considered suspended. On October 3, 1959, a writ of execution was issued by the lower court against the appellant and filed with the Sheriff of Manila. Then, on December 5, 1959, the lower court issued another order denying the motion of the appellant for extension of time to apprehend the accused and the postponement of the auction sale of the properties located in the offices of the appellant. The Office of the Solicitor General, in representation of the Government gave its conformity to the postponement of the auction sale, to give a chance to appellant to proceed with its plan to

capture the accused because at that stage the appellant had already incurred considerable expenses and had obtained reliable information which would culminate in the final capture of Pedro Ignacio. The appellant intensified effort, sparing no opportunity, unmindful of the expenses involved, sending all its men to the provinces. The auction sale was again set on February 11, 1960. However, on January 19, 1960, after appellant had already spent thousands of pesos and after its own arresting officers and outsiders were deputized, the effort of the appellant was rewarded. On said date appellant surrendered the person of Pedro Ignacio to the Honorable Judge, Magno S. Gatmaitan, presiding and on the same date, a 'Motion to Surrender Accused' was filed with the lower court and the Honorable Judge accepted the surrender by annotating the acceptance on the bottom right margin of the motion."

Appellant now contends that taking into account all the expenses, efforts, and difficulties it had undergone to locate and produce the accused, the court a quo erred in not exercising its discretion in completely exonerating it from its liability under the bond.

Under the rules of this Court, when the appearance of an accused is required, his surety shall be notified to produce him before the court on a given date. If the accused fails to appear as required, the bond is declared forfeited and the bondsmen are given 30 days within which to produce the accused and to show cause why judgment should not be rendered against them for the amount of the bond. Within said period of 30 days the bondsmen (a) must produce the body of the accused, or give the reasons for his non-production; and (b) must explain satisfactorily why the accused did not appear when first required to do so. If they fail to comply with these requisites, the court shall render judgment against them on the bond (Section 15, Rule 110, Rules of Court).

The court a quo did precisely what our rules require. It gave appellant sufficient time to show cause why it failed to produce the accused when his presence was required, or why judgment should not be rendered against it for the amount of the bond. This appellant failed to do, and was only able to surrender the accused on January 19, 1960, or almost 9 months after the failure of the accused to appear at the hearing. There is, therefore, no plausible reason for relieving appellant from its liability notwithstanding the efforts it made to locate and surrender the accused.

We find fitting the following comment of this Court. It is a well-settled doctrine that a surety is the jailer of the accused. He takes charge of, and absolutely becomes responsible for the latter's custody, and under such circumstance, it is incumbent upon him, or rather, it is his inevitable obligation, not merely a right, to keep the accused at all times under his surveillance inasmuch as the authority emanating from his character as surety is no more or less than the Government's authority to hold the said accused under preventive imprisonment.' (People vs. Tusing, 61 Phil. 404.)" (People vs. Rizal Surety and Insurance Company, 94 Phil., 31, November 27, 1953; See also People vs. Luzon Surety Company, Inc., G.R. L-14457, June 30, 1961.)

The most that can be said considering the efforts made by appellant in locating and producing the accused is that it is entitled to a mitigation of its liability following the policy enunciated by this Court in People vs. Puyal, 94 Phil., 415. But this discretion has already been exercised by the court a quo when on this matter it said: "all that the Court can give unto the bonding company is reduction of liability for the reason that after all it is only fortunate enough to bring the accused to the Court before the execution could be carried out. Under the circumstances, the Court believes that reducing its liability to 50% would be good enough."

Wherefore, the order appealed from is affirmed, with costs against appellant.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.