

HAYDEE HERRAS TEEHANKEE, PETITIONER, VS. HON. LEOPOLDO ROVIRA, ET AL., RESPONDENTS.*G.R. No. L-101. January 11, 1946*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e07c57006c52/>

Considering the motion of petitioner's counsel in G.R. No. L-101, Haydee Herras Teehankee, petitioner, v. Leopoldo Rovira, et al., respondents, filed on January 2, 1946, and the answer thereto filed by respondent Hon. Antonio Quirino, as Associate Judge of the People's Court, dated January 3, 1946; it appearing on page 16 of the transcript Annex "D" of said motion that at the hearing held before the People's Court on December 27, 1945, pursuant to the decision of this Court, counsel for petitioner made a verbal petition asking the People's Court to issue an order for petitioner's release on bail in the amount of P50,000.00, said counsel announcing that should the People's Court deny his said petition,, he will seek the corresponding extraordinary legal remedy before this Court, and it appearing that the People's Court reserved its decision on the said oral petition, which is, therefore, still pending resolution, which fact makes petitioner's motion of January 2, 1946, premature: said motion is denied, but with instruction for the People's Court to render its decision on the aforesaid verbal petition, taking into account that when the Special Prosecutor in capital cases like the present, does not oppose the petition for release on bail, the Court should, as a general rule, in the proper exercise of its discretion, grant the release after approval of the bail which it should fix for the purpose⁵ but if the Court has reasons to believe that the Special Prosecutor's attitude is not justified, it may ask him questions to ascertain the strength of the state's evidence or to judge the adequacy of the amount of bail; when, however, the Special Prosecutor refuses to answer any particular question on the ground that the answer may involve a disclosure imperiling the success of the prosecution or jeopardizing the public interest, the Court may not compel him to do so, if and when he exhibits a statement to that effect of the Solicitor-General, who, as Head of the Office of Special Prosecutors, is vested with the direction and control of the prosecution, and may not even at the trial, be ordered by the Court to present evidence which he does not want to introduce—provided, of course, that such refusal shall not prejudice the rights of the defendant or detainee.

The Court disapproves offensive language used in the pleadings, motions and written argument submitted in this case.

Mr. Justice Jaranilla concurs in a separate opinion.

Mr. Justice De Joya concurs and dissents in a separate opinion.

Mr. Justice Ozaeta, with whom concurs Paras. J., dissents in a separate opinion.

Mr. Justice Perfecto also dissents in a separate opinion.

CONCURRING OPINION

JARANILLA, J.:

The motion of the attorney for the petitioner prays (a) that the petitioner be allowed to file a bond of P50,000.00, and (b) that a writ of mandamus issue, directing the People's Court to order the release of the petitioner within twenty-four hours upon the filing of said bond.

The People's Court was ordered to set this case for hearing to determine whether or not the petitioner may be admitted to bail. Said case has been brought again to the attention of this Court before the People's Court could pass upon the point for which it had been remanded to the latter for rehearing. As the People's Court has not; yet made any determination of the question, it would be premature for this Court to pass upon the prayers of the petitioner set forth above. Moreover, it is the weight of authority that mandamus would not lie whereby the lower court is authorized to use its discretion on the matter pending before it. It must, therefore, follow that the petition should be denied and that the People's Court should proceed with, and finish, the hearing on the petition for bail and render the necessary order therein on whether the petitioner should be admitted to bail or not and what amount should be allowed to be put up as her bail, if so admitted. Accordingly, I concur in the majority opinion to this extent.

Counsel for the petitioner seems to expect that the People's Court would immediately grant bail to the petitioner because the special prosecutor recommended that said petitioner be allowed to put up bail in the amount of P50,000. It will be remembered that during the hearing of this case Judge Antonio Quirino, who appeared for the respondents, informed the Court that when the petitioner asked for the reconsideration of the denial of her petition for bail by the People's Court, he requested the special prosecutor to inform, the People's Court of the nature of the evidence said prosecutor's office had against the petitioner, and that he obtained the information that the petitioner was responsible for the apprehension, torture and execution of guerrillas and other men engaged in anti-Japanese underground activities; that she had to her credit millions of pesos which, she made by trafficking in war materials like trucks, automobiles, tires and chemicals that she earned money the old bloody way by extorting fees from persons arrested and taken to Fort Santiago, on her connivance and confabulation with the chief of the Japanese military police, who were released through her intercession in exchange for the fees she asked from such persons, because that was her racket; and that her hands were soiled with the blood of persons she mercilessly betrayed like Colonel Ramirez. In view of the said information that Judge Quirino had received from the special prosecutor, the motion for reconsideration of the denial of the bail of the petitioner was denied by the People's Court. The facts set forth above having been disclosed to the People's Court, it cannot and should not be expected that said court would readily and immediately grant bail to the petitioner, notwithstanding the fact that the special prosecutor was recommending her admission thereto. The People's Court is not impeded, in accordance with good administration of justice, to take into consideration the facts referred to as had become known to the court, together with the recommendation of the special prosecutor and the petition for bail. Of course, if the evidence before it is considered insufficient, the People's Court is not precluded from asking the special prosecutor for such other summary information that may be deemed necessary for the exercise of its discretion on the matter of bail. On the other hand, if said information were deemed sufficient, the Court could have asked the petitioner herein for a counter explanation or statement to offset the aforestated facts and support her petition. Or if the petitioner could see that the People's Court was doubting to admit her to bail owing to the disclosure of evidence against her, she could have volunteered to offer the necessary explanation to minimize or disprove it because her attorney was present when Judge Quirino made said statement to this Court.

The People's Court is presumed to know the law and the procedure that must be followed on the subject. This Court should not be called upon to decide on matters of procedure that are not directly involved in the prayer of the motion in question. Moreover, as aforestated, the question of bail is still pending decision of the People's

Court and has not as yet been finally acted upon by it as required by law. And this Court should not interfere in the ease until that question has been properly arid squarely submitted to it for decision.

I am also of the opinion that the People's Court is empowered to require the special prosecutor to inform the Court concerning the kind, of evidence it possesses in the case in order that said Court may determine whether or not the bail should be granted and what amount should be put up by the petitioner. I do net mean that a regular hearing or trial should be held for the purpose of receiving all the evidence for the prosecution and all the evidence that the defense may desire to present to counteract that of the former, but such summary hearing only as to enable the People's Court to have a summary information of the evidence in the case to be able to exercise its discretion for the admission or refusal of bail to the petitioner. The special prosecutor could make a statement to the People's Court without mentioning the names of his witnesses to protect the prosecution's side of the case, and such procedure may also be followed by the attorney for the defense in order to avoid the disclosure of such evidence as might endanger the defense of the accused. But both parties should submit sufficient information to the court so that the latter;, may properly decide the matter as prescribed by law. If the special prosecutor's recommendation that coincides with the petition for admission to bail would be the only guide for the People's Court to follow, the latter's existence would be useless because after all. it would have no discretion as a court to pass judgment on such matters. The special prosecutor could determine for himself whether the evidence of guilt is strong or not; but as the law is framed, such decision must finally rest with the People's Court. If the special prosecutor refuses to submit to the People's Court the necessary evidence in a summary way, how could the latter then determine the character of the evidence in the case in order that its discretion may be exercised? Then it cannot be held that it is the special prosecutor who should be the sole judge on this matter because that would be contrary to the provisions, of the law creating the People's Court. The People's Court is the one clothed with authority to grant and approve bail. It cannot be maintained that when the Solicitor-General or his representative recommends bail it is the ministerial duty of the Court to follow such recommendation without being informed of the character of the evidence in the case. If that were the intention of the law, there would be no need for the matter to be submitted to the People's Court to the end that it may exercise its discretion to grant bail or not as well as to determine the amount that must be raised for that purpose. Whatever may be recommended by the prosecuting attorney with regard to a petition for bail in a given case is subject to the scrutiny of the court whose discretion further extends to the determination of the amount of bail that should, be sufficient and would not be excessive. And in order to be able¹ to do so the Court must of necessity have adequate information regarding the charge or charges, and sometimes, certain information as to the character of the evidence in the case. (Payao vs. Lesaca, 63 Phil., 210.) We agree that if the People's Court would not be allowed to exercise its discretion in the matter of hail and should simply grant the petition of counsel for the petitioner as concurred in by the special prosecutor, it would be converted into a mere rubber stamp and would not be able to comply with, the lay; which requires it to administer Justice to all, whether rich or poor.

According to section 5, Rule 124 of the Rules of Court, every court shall have the inherent power "to control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a case before it, in every matter appertaining thereto." And we are of the opinion that with such authority the People's Court will not prejudice the prosecution's side nor that of the defense if there is disclosed to it in a summary way such evidence as is necessary for the purpose of determining the right to bail. It is the most natural and logical thing to presume that the Court will administer justice without prejudicing either the prosecution or the defense.

CONCURRING AND DISSENTING OPINION

DE JOYA, J.:

I concur in the dispositive part or the majority opinions. The petition filed by the detainee should be denied, for lack of merits and for being irregular. The People's Court should proceed with the hearing on the petition for bail, requiring the special prosecutor to give the Court all the necessary information to enable the latter to act intelligently and. exercise its discretion whether to admit the petitioner to bail or not. (Marcos vs. Court of First Instance of Ilocos Norte, G.R. No. 46490). The investigation may consist in the examination exclusively by the Court of the pertinent papers in the possession of the special prosecutor. (Payao vs. Lesaca, 63 Phil. 210). And considering the cooperative Spirit which can be discerned from the answer of the special prosecutor, and that the Court is conscious of its authority and prerogatives, as revealed in its answer, the good sense of the People's Court may be trusted as to the proper procedure to be followed, always safeguarding the rights of the detainee, but without jeopardising in the least the interests of the Government. There can be no real conflict of interests between the Court and the prosecution.

DISSENTING OPINION

OZAETA, J.:

Consistent with the concurring and dissenting opinion signed by me jointly with Justices Paras and Perfecto and promulgated in this case on December SO, 1945, I cannot but dissent from the resolution of the Court upon the motion filed by the petitioner.

I maintain that the duty of every court, including the People's Court, is to decide the issue or controversy submitted to it by the parties. When, therefore, there exists no issue or controversy between them as to any phase or incident of the case but on the contrary there exists an agreement thereon, the court is bound to accept that agreement and render judgment accordingly, unless there is reasonable ground to believe that the parties are in collusion and that their agreement will prejudice public interests, as, for instance, in a divorce case wherein the parties cannot dissolve the marriage bond by mutual agreement.

In the instant case there is no reason to believe the existence of any collusion between the Office of Special Prosecutors and counsel for the defense. The recommendation of the Solicitor General for the release of the petitioner on a bail bond of P50,000 (which amount is acceptable to the petitioner} and his refusal to reveal his evidence at this stage of the proceedings, are perfectly understandable and justified, taking into consideration all the circumstances and the fact that section 15 of the People's Court Law places in him the direction and control of the prosecution in this and similar cases. The success or failure of the prosecution is his, and not the court's responsibility. Needless to say, the respondents cannot perform the role of judge and prosecutor at the same time.

I reiterate the opinion that the People's Court's discretion to grant or deny bail lies in the appreciation of the evidence submitted to it by the parties. Since according to the express provision of section 7 of Rule 110, "on the hearing of an application for admission to ball made by any person who is in custody for the commission of a capital offense, the burden of showing that evidence of guilt is strong is on the prosecution," it is clear to me that if the special prosecutor does not submit any evidence there is no alternative for the court but to grant the application, unless it has reason to believe, and so states, that the parties are in collusion.

There is no intimation of collusion in this case. There is only misapprehension by the respondent Judge Quirino of his duties, powers, and prerogatives under section 19 of Commonwealth Act No. 68S. But in this he is not entirely

to blame because the opinion of this Court in its first decision, as pointed out in our dissenting opinion, was not entirely free from ambiguity.[1]

I fear that by denying the motion and giving further instructions, instead of applying the applicable Rules of Court and the Constitution, the Court does not cut the Gordian knot, with the result that the football of which this ease has unwittingly been made will probably bounce back to it. How many more bounces it will make before this bail incident is definitely terminated, it is difficult to foretell.

I join the majority in condemning the use by the parties of intemperate and offensive language in their pleadings. The court is not the forum in which to vent one's spleen.

[1] In our dissenting opinion we said: ". . . In the body of the decision, from which we have quoted above, it is stated that the Solicitor General may prefer not to oppose the application for bail either because no further evidence has come into his possession or because in his judgment the public interest would be better served by withholding the evidence he has until the trial on the merits. Why order a hearing when the Solicitor General desires to withhold his evidence and prefers not to oppose the bail?

"We fear that such apparent inconsistency and ambiguity will be productive of unnecessary disputes and delays in the final disposition of the application for bail, which will probably necessitate another recourse to this Court. ..."

DISSENTING OPINION

PERFECTO, J.:

In a motion dated January 1, 1946, petitioner prays (a) that an order be issued for her release on a P50,000 bail, or (b) that a writ of mandamus be issued directing the People's Court to release her within the peremptory time of twenty-four (24) hours upon filing a bail of P50,000.00.

Considering the facts alleged in the motion, supported "by the affidavits of Attorney Ocampo and petitioner's husband and the papers attached to said motion, besides the antecedents and circumstances of this case, and consistent with the stand we have taken on the great question of human freedom, first in the leading case of Raquiza vs. Bradford, G.R. No. L-44, and later in the cases of Reyes vs. Crisologo, G.R. No. L-54; Duran vs. Diaz, G.R. No. L-99; and in the dissenting opinion that we signed in this case jointly with Mr. Justice Ozaeta and Mr. Justice Paras, we registered a lone vote for the immediate granting of prayer (a) of the motion.

The majority deemed it wiser to order respondents to answer the motion within 24 hours.

The motion is, in effect, one for reconsideration filed before the decision in this case became final, based on fact3 which happened after the decision was rendered, related to those discussed before this case was decided.

The resolution of this Court requiring respondents to answer the motion had the legal effect of reconsidering the decision. Section 2, Rule 54, of the Rules of Court, provides:

"Sec. 2. oral argument when motion granted?-If the motion for rehearing or reconsideration is granted, the adverse party shall be given time to answer, after which the court, in its discretion, may set the case for oral reargument."

In pursuance of the resolution, respondent Judge Quirino filed his answer to the motion. The answer does not

object to or oppose the motion nor either one of the two alternative prayers contained therein.

In view of this unequivocal situation, we do not see any reason why the motion or either of its two alternative prayers should not be granted without further delay, as we originally proposed with respect to prayer (a) as soon as the motion was submitted to our consideration.

That the motion is meritorious is unquestionable. Of the ten members of this Supreme Court who took and are taking cognizance of the motion, not one voted for its outright denial for lack of merit. All of them voted unanimously to give it due course, although we were the only one who entertained the opinion that prayer (a) of the motion should be granted without further dilatory proceedings.

When a motion is, on its face, meritorious and is not opposed, and neither one of its prayers is objected to, it seems that the proper step is to grant it as a matter of course.

Everybody expects such action would be taken in similar cases; but in this extraordinary case, where everything seems to transgress the normal bounds of law and justice, the expectation has not materialized as the question must have to be met in an unusual way, like the emergency created by a river which has unexpectedly abandoned its age-long bed to meander without restraint along ways where it will cause great harm to life and property.

Not only does respondent not oppose the motion, but, going even further than petitioner, takes advantage of the situation, to propose several questions for decision or resolution of this Court and, to that effect, prays that a day be set for hearing the motion, in the very words of respondent, "that we might better be able to present our views" in order "that the questions involved in this case may be insured of the full and mature deliberation that they properly deserve."

In respondents order dated January 3, 1946, copy of which is attached to his answer, in a despairing gesture of frustration, the following confession of judicial futility is made: "considering that due to counsel's attitude and the special prosecutor's backing, every attempt of the court to conduct a hearing such as would enable it to exercise its discretion in the present petition, with intelligence and dignity which it deserves, has become absolutely impossible, the court, conscious of its own limitations, is agreeable to counsel's request, and hereby suspends further proceedings to enable him and the special prosecutor to find support in higher tribunals."

Regarding the hearing, the proceedings of which are the object of petitioner's complaint in her motion, respondent says: "at most, what took place on the scheduled hearing was a verbal joust over the procedure to be followed, the court having been rendered powerless to proceed with such a hearing."

Among the questions raised in respondents answer and upon which he is seeking a decision or resolution of this Supreme Court, are the following:

(1) "Who shall determine whether the evidence is weak or strong against one who is under detention for the commission of a capital offense and who will, according to the special prosecutor, be eventually charged with reason?"

(2) "In order to be able to determine the character of such evidence, does not the one called upon to do so have inherent power to make some inquiry regarding the evidence if he so chooses?"

(3) "Does the one called upon to make the determination of the character of the evidence only have the power

to do so if and when the recommendation for bail is negative, and not otherwise?"

The evident purpose of respondent in raising in his answer these and other questions is to seek from this Supreme Court an additional directive to guide him in dealing with the matter of bailing or not bailing petitioner.

We failed in our endeavors to agree to the wisdom of the directives issued in the decision. Under the facts of this case, we were of opinion that, as we said in our dissenting opinion, petitioner was entitled to be released on bail and that there was no necessity to remand the case for further proceedings. The majority preferred instead to issue directives to guide respondent.

From the very beginning we were afraid that the procedure was leading to disaster. As soon as the decision was rendered, petitioner filed a motion for clarification of the directive. Petitioner was entertaining since then serious doubts as to the effectiveness of the directive because it was not specific enough, but the majority deemed it better not to be more specific, may be, to avoid being casuistic. The majority entertained a beatifical trust in the maturity of respondent's discretion to understand fully what was in the Supreme Court's mind when the directives were issued and to follow it accordingly.

Unfortunately the fears entertained by petitioner were confirmed. Respondent's inability to grasp the meanings and effects of the directives is conclusively shown by the fact that in his answer respondent seeks additional directives.

Whether respondent's inability is due to mental limitations or to a stubborn attitude in tacit protest against a decision where respondent is declared guilty of "grave abuse of discretion" in issuing the orders of October 9 and October 13, 1945, the result is the same: that directives in this unusual case are bound to fail.

Shall we not profit by the said experience of the past and insist on following the unsatisfactory procedure of issuing directives? If the first directives proved a failure, although the majority never doubted their preciseness and perspicuity, what will warrant us in hoping that supplemental or additional directives will be "better understood and will result in an early disposal by the people's Court of the bail question pending in this case, that no further grave abuse of discretion nor violations of the Constitution and the laws of the*land will be committed, and that the ends of justice will be properly served?

The petition by which this case was initiated alleged facts which, from the legal standpoint, are substantially the same as the facts alleged in the case of *Duran vs. Diaz*, supra, in both cases the same legal questions were raised, the same fundamental human freedom was involved, the same constitutional and procedural problems were placed before the Supreme Court's consideration, petitioners are both political prisoners, the same provisions of Commonwealth Act No. 682 were discussed, interpreted, and applied, and the same remedies are prayed for by petitioners.

In the *Duran* case, with our lone dissenting opinion, the Supreme Court denied and dismissed the petition, by recognizing in the People's Court an absolute, unlimited, and untrammelled discretion to deny *Duran's* petition to be released on bail. The discretion recognized is so dictatorial in character that it carries with it enough powers, not only to ignore the doctrines laid down by the Supreme Court many years before, including the leading case of *Marcos*, but even to the extent of nullifying the cardinal guarantees of human liberty in the Bill of Rights of our Constitution.

When this case was decided, the legal doctrines established in the *Duran* case were revised and reversed. While it is true that the reversal did not reach the point of coinciding with our legal stand in the *Duran* case, for which reason we were constrained to dissent again, it is nevertheless incontrovertible that between the decision in the *Duran* case and that in the present case, there exist irretrievable incompatibilities the same as those which exist

between two diametrically opposing points of view.

In our dissenting opinion in this case we said: "We concur in the opinion prepared by Mr. Justice Hilado insofar as it holds that subsections (16)[1] and (17)[2], Section 1, Art. III of the Constitution (a) are applicable to the instant case; and that the Rules of Court, particularly sections 3 to 8 of Rule 110, govern the procedure in the People's Court as to the applications for bail under the first proviso of section 19 of Commonwealth Act No. 682."

We also agreed with the majority declaration in the dispositive part of the decision that the orders of the People's Court dated October 9 and October 13, 1945, had been entered with grave abuse of discretion, and in setting them aside; but we had to dissent from that part of the decision remanding the case to the People's Court for further proceedings under directives issued by the majority.

The decision is based on the following majority's surmise: "While it is true that the Solicitor General on October 5, 1945, recommended P50,000.00 as a reasonable bail on the strength of the evidence he holds, it may happen that thereafter his office may have secured additional evidence which in addition to or in connection with that he already possessed, in his opinion is sufficiently strong to prove petitioner's guilt for a capital offense, in which case, he may yet decide to oppose the application for bail heretofore filed by the petitioner at the hearing thereof hereinafter ordered."

And the majority adds: "Of course, it may also happen that, either because no such further evidence has come into his possession or because, in his judgment, the public interest would be better served by his withholding the evidence that he has until the trial in the merits, he would prefer not to oppose the application for bail. At the hearing of the application the Solicitor General will be free to adopt one course or the other. If he opposes, the burden of proof will be on him to show that petitioner is not entitled to bail." Then the majority delineated the procedure that should be followed in case the Solicitor General preferred to adopt the course of opposing the application for bail, but leaves sub silentio what should be done in case the Solicitor General chooses not to oppose the application.

This silence can not be interpreted otherwise than that, there being no opposition to the application for bail, it is obvious that it should be granted. There being no opposition, there is no issue which would require the proceeding proper in a controversial matter. The only alternative is to obey the constitutional mandate that the accused should be bailed.

As we see it, without the above mentioned majority's conjecture, it is evident that the signers of the majority opinion would have granted the petition without remanding the case for further proceedings to the People's Court.

It is not superfluous to mention the fact that the concurring opinion penned by Mr. Justice De Joya goes even a little further than the decision when, besides agreeing fully with said decision and maintaining the full application of the Constitution to the present case, it specifically invokes the doctrine laid down in the Marcos case which was not touched upon therein.

It appearing from the record that, in the proceedings had by the People's Court after the decision in this case was rendered, the Solicitor General maintained his stand of not opposing but, on the contrary, of agreeing to petitioner's application for bail, and that petitioner has manifested her willingness to file the bail in the amount of 150,000.00, as recommended by the prosecution, we do not see any reason why prayer (a) of the petitioner's motion should not be granted without further delay.

The second remanding of this case to the People's Court for further proceedings under supplemental or additional directives will have the effect of turning this case into a football game, with human freedom and the administration of justice assuming the tragic role of the pigskin.

We are of opinion that this Supreme Court should cease washing its hands and dispose of finally this case with direct action. So much shifting of responsibility will not satisfy the taste nor contribute to the peace of mind of protagonists and onlookers.

The present case deals with a mere incident in a criminal proceeding — that of bailing or not bailing a person under official custody — an incident which, ordinarily, will take just a few minutes to dispose of. More than three months had elapsed since the incident was raised in the People's Court, while petitioner is suffering in prison the excruciating agony of uncertainty: whether she will be released or not. The case is certainly not one which our tribunals should be proud of, neither for efficiency nor for serious concern about individual rights, about the Constitution, or about the law of the land; neither for the time-worn verity that justice delayed is justice denied, nor for the proper regards for the essential purposes of the administration of justice.

This dilly-dallying will not help much to keep the people's faith in the effectiveness of our system of administration of justice. No amount of lectures or explanations will erase from the public mind the impression that in the present case things are not as they should be.

Not only because, from the very beginning, when for the first time we took petitioner's motion under advisement, and even since the original petition was submitted for decision, we were of opinion that petitioner is entitled to be released on bail, we have, as a matter of general attitude, to dissent from any action which does not conform to said stand. As regards the majority's resolution, disposing of the petitioner's motion, we have to add several specific grounds, viz.:

1. We cannot agree to the pronouncement that petitioner's motion is premature.

For a proper consideration of this question, we must bear in mind:

(a) That petitioner is being deprived of her liberty without due process of law, in utter violation of the Constitution of the Philippines, since February 25, 1945;

(b) That several months after her illegal detention she filed, jointly with two other detainees, a petition for a writ of habeas corpus before the Supreme Court, a petition, which, unfortunately, was denied over the objections of three justices who had to write strong dissenting opinions (Raquiza vs. Bradford, G. R. No. L-44);

(c) That on October 2, 1945, that is, more than three months ago, availing herself of Executive Order No. 65 and of Commonwealth Act No. 682, petitioner filed before the People's Court a petition (1) for her immediate unconditional release, or (2) to be set at liberty on bail;

(d) That the petition for bail was neither opposed nor objected to but, on the contrary, was accepted with a favorable recommendation from the Solicitor-General's office, which suggested the amount of P50,000.00 as bail;

(e) That on October 9, 1945, through an order signed by Associate Judge Pompeyo Diaz, the People's Court denied the petition for provisional release on bail, said order having been declared by this Supreme Court as entered with grave abuse of discretion, we maintaining that it is completely arbitrary and unconstitutional;

(f) That petitioner moved for reconsideration of said order, but the People's Court, through an order issued by Judge Diaz on October 13, 1945, denied the motion, this second, order having been declared also by this Supreme Court as issued with grave abuse of discretion;

(g) That on December 20, 1945, the decision of this Court was promulgated, and on December 21 petitioner filed before the People's Court a petition to set the hearing ordered in the Supreme Court's decision, which set aside the orders of the People's Court of October 9 and October 13, 1945;

(h) That although said petition was filed on December 21, 1945, all efforts exerted by petitioner's counsel to have the hearing set as soon as possible, at least, not "later than December 24, failed, the petitions and entreaties to said effect having been received by respondent judge with deaf .

(i) That, at last, on December 26 an order was issued by the People's Court setting the hearing for December 27;

(j) That at said hearing the special prosecutor, who appeared in representation of the Solicitor-General, reiterated the favorable recommendation that petitioner be released on a bail of p50,000.00;

(k) That petitioner withdrew her objections to said amount, as she was praying before for a lesser amount, and expressly manifested her willingness to file the P50,000-bail;

(l) That instead of ordering the immediate release of petitioner on a P50,000-bail, in accordance with the very decision of this Supreme Court, no opposition thereto having been filed by the Solicitor-General, the People's Court engaged in a futile, time-wasting, and highly arbitrary proceeding in what is aptly described, in Judge Quirino's words, as "verbal joust over the procedure to be followed";

(m) That after said "verbal joust", which lasted exactly one hour, Judge Quirino adjourned the session at 10:30 a.m., with the statement: "the Court reserves its decision";

(n) That, notwithstanding the fact that the question to be decided was easy and simple — Judge Quirino had it under his consideration since early in October, 1945, and had engaged on the question in a hotly contested case before this Supreme Court, where he personally appeared to argue—and that he could have handed his decision in a few minutes' time as he should, taking into account that human freedom is at stake in the case, he failed to render the announced decision; and

(o) That on January 2, 1946, unable to stand anymore such a disgraceful and scandalous judicial delay, petitioner had to file her motion dated the day before, which motion is now under our consideration.

Under the circumstances above adverted to, is there any reason to declare the motion premature?

When the Constitution provides that no person shall be deprived of his liberty without due process of law, it should not be understood to mean that a person should be allowed to remain under confinement without any process of law, due or undue, for more than ten consecutive months, without hope for an early ending of such shocking and infamous situation under a so-called government of laws in a so called democratic country.

When the Constitution provides that all persons shall, before conviction, be bailable, it does not mean that that provision should remain ignored and scorned, as written on a mere scrap of paper, for more than three months.

At least, when as one of the members of the Constitutional Convention we took part in the drafting up to its final form of our constitution and voted for its approval, we clearly had in mind that said Constitution would not countenance any wanton violation of any of its provisions.

We cannot now, without our most vehement opposition, let any action or situation which would place us in a position of belying that conviction. In our present position in the highest tribunal of the land, we cannot betray the trust of the people who have the absolute right to expect from us a firm and uncompromising stand consistent with the one we had taken as one of the representatives of the people in the processes which led to the final adoption and approval of the Constitution and its ratification by the Filipino electorate. Our conscience would not permit us to waver for any moment on what to do when the loyalty to our legal, political and constitutional convictions is at stake. We must keep faith with the fundamental principles which we have tested in the crucible of our most unforgettable personal experiences in the national life.

We are, therefore, of opinion that, contrary to what the majority maintain, petitioner's motion is not only not premature, but is too late, because it could have been filed even immediately after Judge Quirino adjourned the session on December 27, 1945, without granting then and there petitioner's motion to be released on bail.

2. We cannot agree with the majority's action in issuing additional or supplemental directives for the guidance of the People's Court.

This action is based on premises which are incompatible with said court's dignity. Although we firmly disagree with the provisions of Section 68(e) of Judicial Rule 123 to the effect that "every one is conclusively presumed to know the law", which is absolutely unrealistic and tries by legislation to elevate to the category of truth an unquestionable falsehood, we must recognize as a *juris tantum* presumption that the judges of the People's Court know the law, and that in the present stage of their professional and official career it is hardly in keeping with judicial decorum that they should assume the role of law students, needing enlightenment from lectures delivered by members of this Supreme Court, in the character of university professors.

If the members of the People's Court are competent, they do not require any instructions from this Supreme Court to guide them in the performance of their official duties* If they cannot perform said duties without said instructions, their place should not be the People's Court.

The uselessness and complete futility of issuing new directives are emphasized by the fact that there is absolutely no issue in the matter of bailing the petitioner. She prays to be bailed. The Solicitor-General does not oppose the petition. On the contrary, he recommends that bail be granted in the amount of P50,000.00. No other one entitled to oppose or object to the petition has appeared to obstruct it. Why waste too much time, why exert too much effort, why engage in too much discussions on a matter of course? It is crystal clear that there is nothing that could and should, be done in this case but to allow petitioner to bail in the amount mentioned.

Under the Constitution, as a general rule, it is mandatory that all accused are granted bail. The only one exception is when the defendant is charged with capital offense and the evidence of guilt is strong, in which case, the competent court may deny the petition for bail. That is, when a case is within the exception, the court can exercise its sound discretion to grant or not to grant bail. We do not agree with those who maintain that, in the excepted case, the competent court is deprived of authority to grant bail. This stand is based on the general attitude of the members of the Constitutional Convention—we being one of them—when they drafted and approved the Constitution.

The onus probandi of showing that the case is within the exception rests on the prosecution, and on no other. If the prosecution fails to prove that the accused is charged with a capital offense and the evidence of guilt is strong, that is, if it fails to show either or both of the two essential elements of the exception, the competent court lacks absolutely any discretion, and it is its imperative duty to grant bail to the accused.

The onus probandi cannot be shifted from the prosecution's shoulders. It is absurd to suppose that the defense will assume it. It is unfair for the court to assume it. The court must be neutral to be impartial, must be disinterested to be just, must be impersonal to be fair. The Court should not undertake the defense of the accused nor supplant the prosecution's functions.

When the prosecution fails to show that the case falls within the exception or simply does not oppose a petition for bail, or even recommends favorably the granting of the petition by fixing the amount of the bail, the prosecution's functions regarding bailing are completed, and no one is supposed to usurp them or to wrest their exercise from the fiscal, nor to assume the character of a *de officio* accuser.

Under such circumstances, the court has no other alternative but to grant bail. Any action on its part tending to

deny bail of even to delay it should be considered as a usurpation of the official duties of the prosecution and a showing of unfairness, partiality, and arbitrariness to the prejudice of the constitutional rights of the accused.

3. The majority's position in maintaining that when the prosecution in capital offenses does not oppose the petition for release on bail, the court should, "as a general rule in the proper exercise of its discretion, grant the release after approval of the bail which should be fixed for the purpose", calls also for our dissent.

Viewed under the light of the Constitution, the position appears irremissibly wrong. Since the petition is not opposed by the prosecution, the one who has the onus probandi of showing that there exists the second element of the exception, that is, that the evidence of guilt is strong, the court cannot make any pronouncement as to the strength of an evidence which is lacking, because the prosecution, in not opposing the petition for bail, does not offer any. In such case the court cannot refuse bailing the defendant without violating the Constitution and without incurring in an unpardonable prevarication in office.

No explanation is given at all in the resolution why the constitutional duty of the court to grant bail under the situation mentioned should be limited and curtailed by the proviso "as a general rule in the proper exercise of its discretion." In fact, no reason can be given to justify the action in ignoring and violating the Constitution under the circumstances.

4. The majority, in the instructions given to the People's Court, makes the pronouncement that "if the court has reasons to believe that the special prosecutor's attitude (in not opposing the petition for release on bail in capital cases) is not justified, it may ask him questions to ascertain the strength of the state's evidence."

We disagree with this ruling for two reasons:

First, because it rules on a hypothesis. The situation fancied by the majority is not existing in the present case. Neither party has raised any issue as to whether the prosecution's attitude in not opposing the petition for bail "is not justified." In fact, the hypothetical situation was not even insinuated in any of the pleadings submitted to us, it being a simple conjecture which unexpectedly appeared as an intellectual intruder to obtain control of the whole situation, by overshadowing and obscuring, even altogether obliterating, the real issues.

The Supreme Court has heretofore adhered to the practice of refusing to rule on moot questions. The present ruling on a fanciful situation deviates from that practice.

Secondly, because the fact that the court might have reasons to believe that the prosecution's attitude in not opposing the petition for bail "is not justified" is irrelevant to the constitutional question as to whether an accused should be granted bail or not.

In a petition for bail, the issue devolves on as to whether to grant or to deny it. Any opinion that the court might entertain as to whether the prosecution is justified or not in not opposing the petition cannot and should not affect defendant's right to be bailed.

The court's opinion as to the prosecution's attitude might serve as a basis for a disciplinary action in a proper administrative case, but should not be engrafted into the judicial question of bailing, it being an extraneous matter.

The real issue in a petition for bail, which is of judicial character and controlled by constitutional provisions, must not be superseded by an accessory administrative question in which the defendant has no direct interest and has no bearing at all with defendant's rights in the case.

5. The danger of traveling on a boundless ocean of conjectures, hypotheses and surmises, where no ports or shores can be seen even with the help of the most wishful and sanguine imagination, can readily be seen in the resolution, where the majority appears to be hopping from one probable situation to a mere possibility, bouncing

from one hypothetical group of circumstances to another group of fancied facts, suggesting a line of pronouncements unhesitatingly pointing to ad infinitum.

The next suspected situation is when, after propounding questions to the prosecution, on the court's surmise that its attitude "is not justified", the special prosecutor "refuses to answer any particular question on the ground that the answer might involve a disclosure imperiling the success of the prosecution or jeopardizing the public interest."

Then, according to the majority the court may not compel him to do so, "if and when he exhibits a statement to that effect of the Solicitor-General, who, as head of the office of special prosecutors, is vested with the direction and control of the prosecution."

This last pronouncement is highly objectionable: (a) it disauthorizes, without any apparent ground thereof, the special prosecutor; (b) it denies faith and credit to the special prosecutor in the hypothetical situation, without giving any reason there existing none, why in such special cases the special prosecutor's personality as the Solicitor General's representative must not be recognized as in all other cases; (c) because it gives to the Solicitor-General's statement greater and controlling weight over and above the court's own opinion, which would not necessarily coincide always with the Solicitor-General's statement.

As the special prosecutor refuses to answer any particular question on the ground that it may involve a disclosure "imperiling the success of the prosecution or jeopardizing the public interest", it is presumed that the court might ask the special prosecutor to explain why. The explanation may convince the court that the special prosecutor's fears are unfounded, in which case, it may overrule the special prosecutor's refusal.

But the court's ruling, overruling the special prosecutor's refusal, according to the resolution, maybe in its turn overruled by the special prosecutor through the simple expedient of exhibiting a "statement" of the Solicitor-General.

This overruling of an overruling will place the People's Court in a very ludicrous position.

6. If armed with said "statement" of the Solicitor General, the special prosecutor "may not, even at the trial, be ordered by the court to present evidence which he does not want to introduce", then here the majority incurs the inconsistency of enlarging the special prosecutor's powers by permitting him not to present any evidence, not only when it may imperil the success of the prosecution or jeopardize the public interest, but when simply "he does not want to introduce" it, not only at the hearing on the petition for bail, but "even at the trial."

The inconsistency is further enhanced by another inconsistency, because, while on bailing, if the special prosecutor is armed with the Solicitor General's "statement", he cannot be compelled to make a disclosure "imperiling the success of the prosecution or jeopardizing the public interest", at the trial, "such refusal shall not prejudice the rights of the defendant or detainee" thus placing said rights above "public interest", which may be jeopardized by the disclosure of a secret of state.

7. We do not agree with the majority's procedure of giving instructions to the People's Court, because they are not necessary and places it in a very humiliating position. Giving lessons to the judges of the People's Court certainly cannot serve to maintain their official dignity nor keep the people's faith and trust in them.

But if any instruction at all should be given to the People's Court under the circumstances, it should be one ordering it to fulfil without delay its constitutional duty of granting petitioner's prayer for bail, with the warning that if it fails to obey said order within the peremptory period of one hour after notification, contempt proceedings will be instituted by the Supreme Court.

One of the most objectionable features of the resolution is the omission therein, among the instructions given to the People's Court, if they are necessary, and it is the instruction, fully justified by the circumstances in this case, of a requirement that the People's Court should cease delaying the disposal of the matter, and that a short period be set for the prompt compliance of the resolution's directives, to avoid that the same should remain, as the decision in this case, a dead letter.

It is necessary that a way should be found to end definitely the highly disgusting judicial procedure which this case shows. The detainee, harassed between two courts, sitting as if she were between two insurmountable herissons, without hope of relief, without seeing light, doomed to suffer for an indefinite period of time, and seeing her fundamental rights, expressly guaranteed by the Constitution, but a deceitful mirage of a tantalizing nightmare, is surely in a position not to be much envied.

The waste of more than three months on a bailing incident which could and should be disposed of in a few minutes is certainly shocking. Surely this is reason for alarm for those who have pinned their faith in a reign of law and justice, in a regime where the personal worth and the fundamental rights of the individual are held sacred.

One of the most unusual approaches to the subject of the preservation of world peace, which is a burning issue in England, comes from a distinguished British scientist who holds that peace depends primarily on the solution of two problems, one economic and the other judicial. The judicial problem is of discovering a method "that of selecting from among all the nations a panel of men and or to men of the greatest wisdom, courage, clarity and impartiality, to form a world supreme court to which all nations would be willing to submit their gravest differences and accept without question the decision of the court."

By analogy, this Supreme Court and other Commonwealth tribunals, through the promptness and effectiveness of their action In fairly terminating litigations, must endeavor to keep always secure the implicit confidence of the people, so they may accept and abide by judicial decisions without question and the least hesitation, promoting thereby internal peace in our country.

From all the foregoing, we dissent from the resolution and reiterate our vote for the immediate granting of prayer (a) of petitioner's motion.

[1](a) (16) All persons"shall before conviction beailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is 3trong. Excessive bail shall not be required.

[2](17) in all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved., and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the 'attendance of witnesses in his behalf.

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.