

REY ANGELO HILARIO Y BARLAAN, PETITIONER, VS. REGIONAL TRIAL COURT, BRANCH 172, VALENZUELA CITY & PEOPLE OF THE PHILIPPINES, RESPONDENTS.

Ponente: SALAZAR-FERNANDO, J.

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SALAZAR-FERNANDO, J.:

For resolution is petitioner's Motion for Reconsideration[2] of this Court's Decision[3] dated August 14, 2014 which denied the petition and affirmed the Orders dated June 17, 2013 and July 18, 2013 of public respondent.

A scrutiny of the instant Motion for Reconsideration shows that the grounds relied upon by petitioner were already thoroughly considered, weighed, and passed upon[4] in the assailed Decision. In fact, the arguments advanced by petitioner in the instant motion are identical to and mere rehash of the arguments contained in the petition and which had already been exhaustively considered by this Court in the assailed Decision. A motion for reconsideration which contains a repetition of arguments or grounds already sufficiently discussed in prior incidents may properly be categorized as pro forma and as being made merely for purposes of delay.[5] On this ground alone, the instant motion should be dismissed.

Nonetheless, at the risk of being repetitious, this Court will address the arguments proffered by petitioner in the instant motion.

Essentially, petitioner argues in his motion that under P.D. No. 603, all offenses against a juvenile would seem to be bailable before conviction, consistent with the State policy of protecting the youth.[6] Petitioner argues that since he was a minor at the time of the alleged commission of the crime, even conceding there are aggravating circumstances that may be proved in case of his conviction, the penalty that may be imposed upon him for the crime of Robbery with Homicide is not reclusion perpetua but a period within a degree lower because of the privileged mitigating circumstance of minority.[7] Hence, he is entitled to bail as a matter of right.[8]

Petitioner's arguments are misplaced.

Petitioner Hilario is charged with the crime of Robbery with Homicide which carries with it the penalty of reclusion perpetua to death pursuant to paragraph (1) of Article 294 of the Revised Penal Code.

While paragraph 2 of Article 13 of the Revised Penal Code considers minority as a mitigating circumstance, this must be read in conjunction with Article 68 of the same code which provides that the imposable penalty when the accused is a minor is that next lower in degree than what is prescribed by law, or reclusion perpetua in case of petitioner's conviction. The key here, aside from the imposable penalty under the law, is the word conviction—it is the reckoning point upon which bail is granted either as a matter of right or based on sound judicial discretion. It is undeniable that at the stage of the proceedings in the lower court, there is as yet no conviction. Hence, applying Section 4 of Rule 114 of the Rules of Court, bail cannot be granted to petitioner as a matter of right because if the applicant for bail is accused before the Regional Trial Court, bail is only a matter of right if the offense charged is not punishable by death, reclusion perpetua, or life imprisonment. Such is not the case here.

In fact, no less than the Constitution[9] itself provides that if the offense is punishable by reclusion perpetua, the accused shall be entitled to bail only when the evidence of his guilt is not strong. This is supported by Section 4 of Rule 114 which contains the carry-over provision on bail from the Constitution.

Moreover, to construe the Rule on Juveniles in Conflict with the Law,[10] as granting absolute immunity to a child in conflict with the law (CICL) from jail time by allowing the CICL to be released on bail and recognizance pursuant to Section 5(f) of the same rule would lead to an absurd and inequitable situation where our youth will become emboldened to break the law without fear or remorse because they, for all intents and purposes, cannot be imprisoned prior to conviction on the sole basis of their minority, regardless of the crime charged. Such a ludicrous interpretation of the rule and the law cannot be countenanced by this Court. In any event, Sections 27 and 28 of the Rule on Juveniles in Conflict with the Law categorically states that if the offense carries the penalty of reclusion perpetua, bail will be granted only when evidence of guilt is not strong, making it discretionary. Pertinent portions of the rule state, thus:

Section 27. Bail as a Matter of Right. - All children in conflict with the law shall be admitted to bail as a matter of right before final conviction of an offense not punishable by reclusion perpetua or life imprisonment.

Section 28. When Bail Not a Matter of Right. - No child charged with an offense punishable by reclusion perpetua or life imprisonment shall be admitted to bail when evidence of guilt is strong. In this case, the court shall commit the child to a youth detention home or youth rehabilitation center, or in the absence thereof, to the care of a provincial, city, or municipal jail as provided for in Section 27 of this Rule, which shall be responsible for the appearance of the child in court whenever required. (Emphasis supplied.)

In other words, the import of the rule is that the imposable penalty upon which a judge is to determine whether bail is a matter of right or discretion should be that provided under the law, irrespective of modifying circumstances allegedly attendant as the case may be. Had the intention been otherwise, a specific provision worded to that effect would have been specifically stated especially since A.M. No. 02-1-18-SC deals specifically with minors. Expressum facit cessare tacitum.[11] What is expressed puts an end to what is implied.[12] Casus omissus pro omissio habendus est.[13] A person, object or thing omitted must have been omitted intentionally.[14]

All told, petitioner failed to advance any cogent reason for this Court to reconsider its findings. There being no substantial argument which would warrant the modification much less the reversal of this Court's August 14, 2014 Decision, petitioner's Motion for Reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Garcia, R.R., and Bueser, D.Q., JJ., concur.

[1] Rollo, pp. 39-51. In compliance with the Resolution dated September 11, 2013, petitioner impleaded the People of the Philippines as an indispensable party-respondent in his Amended Petition for Certiorari.

[2] Rollo, pp. 138-147.

[3] Rollo, pp. 120-131.

[4] Rollo, pp. 123-130.

[5] BA Finance Corporation v. Hon. Pineda, et al., G.R. No. L-61628, December 29, 1982.

[6] Rollo, p. 143.

[7] Rollo, p. 144.

[8] Id.

[9] Section 13, Article III of the 1987 Philippine Constitution.

[10] Administrative Matter No. 02-1-18-SC.

[11] San Miguel Corp. Employees Union-PTGWO v. San Miguel Packaging products Employees Union-PDMP, G.R. No. 171153, September 12, 2007, citing Abakada Guro Party List v. Ermita, G.R. No. 168056, 1 September 2005, 469 SCRA 1, Espiritu v. Cipriano, G.R. No. 32743, February 15, 1974, 55 SCRA 533, 538.

[12] Id.

[13] Id.

[14] Id.

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