

NORBERTO MENDOZA, PETITIONER, VS. COURT OF FIRST INSTANCE OF QUEZON, NINTH JUDICIAL DISTRICT, GUMACA BRANCH, PRESIDED OVER BY THE HONORABLE JUAN MONTECILLO, AND THE PROVINCIAL W...

G.R. Nos. L-35612-14. June 27, 1973

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/facb3e332001/>

FERNANDO, J.:

Our resolution of January 26, 1973 dismissing these petitions for habeas corpus, certiorari and mandamus for lack of merit is sought to be reconsidered. It was our ruling that petitioner failed to sustain the burden of showing that his confinement was marked by illegality or that the order cancelling the bail previously issued was tainted with grave abuse of discretion. It is to the credit of his able counsel, former Senator Estanislao Fernandez, that his fight for provisional liberty is carried on with a further manifestation of skilled scholarly effort, but such valiant attempt to secure his release is doomed to fail. The law, as will hereafter be set forth, points to the contrary. Deference to its command precludes a reconsideration. This resolution will likewise briefly touch upon the question of why the issuance of a brief dismissal order does not in any wise offend against the constitutional provision requiring that no decision "shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based." [1]

1. Habeas corpus could properly be invoked by petitioner if he were able to show the illegality of his detention. There is aptness and accuracy in the characterization of the writ of habeas corpus as the writ of liberty. Rightfully it is latitudinarian in scope. It is wide-ranging and all – embracing in its reach. It can dig deep into the facts to assure that there be no toleration of illegal restraint. Detention must be for a cause recognized by law. The writ imposes on the judiciary the grave responsibility of ascertaining whether a deprivation of physical freedom is warranted. This it has to discharge without loss of time. The party who is keeping a person in custody has to produce him in court as soon as possible. What is more, he must justify the action taken. Only if it can be demonstrated that there has been no violation of one's right to liberty will he be absolved from responsibility. Unless there be such a showing, the confinement must thereby cease.

The above formulation of what is settled law finds no application to the present situation. Petitioner's deprivation of liberty is in accordance with a warrant of arrest properly issued after a determination by the judge in compliance with the constitutional provision requiring the examination under oath or affirmation of the complainant and the witnesses produced. [2] No allegation to the contrary may be entertained. It cannot be denied that petitioner's co-accused, Nelso Unal, Hermogenes Lumanglas and Leopoldo Trinidad, had previously come to this court to challenge the filing of one information where there were three victims. Accordingly, this Court, in *Unal vs. People*, [3] required three separate amended informations. There was no question, however, as to the legality of the warrants of arrest previously issued, not only in the case of the parties in such petition, but likewise of petitioner. Habeas corpus, under the circumstances, would not therefore lie. [4]

2. Even if it be granted that petitioner may not be released on a habeas corpus proceeding, is he, however, entitled to bail? Precisely that is the remedy by which, notwithstanding the absence of any flaw in one's confinement, provisional liberty may still be had. Such a remedy, as a matter of fact, was granted him in accordance with an order of the municipal court of Mulanay. Thereafter, however, the bail was revoked by the Court of First Instance in the order now challenged. Such actuation he would now condemn as a grave abuse of discretion. In the landmark decision of Chief Justice Concepcion, *People vs. Hernandez*,^[5] the right to bail was rightfully stressed as an aspect of the protection accorded individual freedom which, in his eloquent language, "is too basic, too transcendental and vital in a republican state, like ours, * * *."^[6] To be more matter of fact about it, there is this excerpt from *de la Camara vs. Enage*:^[7] "Before conviction, every person is bailable except if charged with capital offenses when the evidence of guilt is strong. Such a right flows from the presumption of innocence in favor of every accused who should not be subjected to the loss of freedom as thereafter he would be entitled to acquittal, unless his guilt be proved beyond reasonable doubt. Thereby a regime of liberty is honored in the observance and not in the breach. It is not beyond the realm of probability, however, that a person charged with a crime, especially so where his defense is weak, would just simply make himself scarce and thus frustrate the hearing of his case. A bail is intended as a guarantee that such an intent would be thwarted. It is, in the language of Cooley, a 'mode short of confinement which would, with reasonable certainty, insure the attendance of the accused' for the subsequent trial. Nor is there anything unreasonable in denying this right to one charged with a capital offense when evidence of guilt is strong, as the likelihood is, rather than await the outcome of the proceeding against him with a death sentence, an ever-present threat, temptation to flee the jurisdiction would be too great to be resisted."^[8]

The precise question, however, is whether once the provisional liberty has been thus obtained, it could be terminated by the cancellation of the bail. In the answer filed on behalf of respondent Court, Solicitor General Estelito Mendoza did stress the absence of authority on the part of special counselor Antonio R. Robles who was not authorized to intervene in this case on behalf of the state but did so, his failure to object being the basis of the bail granted by the municipal court of Mulanay, Quezon. Such an allegation was denied by petitioner. We are not called upon to rule definitely on this aspect as independently thereof, there are two other basic objections. One was that petitioner, when the bail was granted, was still at large. The municipal court, therefore, could not have granted bail in accordance with our ruling in *Feliciano vs. Pasicolan*.^[9] Thus: "The constitutional mandate that all persons shall before conviction be bailable except those charged with capital offenses when evidence of guilt is strong, is subject to the limitation that the person applying for bail should be in custody of the law, or otherwise deprived of his liberty. The purpose of bail is to secure one's release and it would be incongruous as to grant bail to one who is free."^[10] Secondly, and what is worse, the prosecution was never given a chance to present its evidence. The authoritative doctrine in *People vs. San Diego*^[11] is thus squarely in point: "Whether the motion for bail of a defendant who is in custody for a capital offense be resolved in summary proceeding or in the course of a regular trial, the prosecution must be given an opportunity to present, within a reasonable time, all the evidence that it may desire to introduce before the Court should resolve the motion for bail. If, as in the criminal case involved in the instant special civil action, the prosecution should be denied such an opportunity, there would be a violation of procedural due process, and order of the Court granting bail should be considered void."^[12]

Nor is the *San Diego* ruling novel. As far back as 1958, in *People vs. Raba*,^[13] it was held: "Considering that Talantor did not serve notice of his motion to reduce bail on the provincial fiscal at least three days before the hearing thereof and the court failed to require that a reasonable notice thereof be given to said fiscal, it is evident that the court acted improperly in reducing the bail without giving the fiscal an opportunity to be heard."^[14] Just after *San Diego*, this Court had occasion to stress anew such a principle in *People vs. Bocar*.^[15] As set forth in the opinion of Justice J.B.L. Reyes: "It cannot be denied that, under our regime of laws, and concomitant with the

legal presumption of innocence before conviction, an accused is entitled to provisional liberty on bail, the only exception being when he is charged with a capital offense and the evidence of his guilt is strong. But even in the latter instance, the high regard reserved by the law for personal freedom is underscored by the provision placing upon the prosecution, not on the defense, the burden of proving that the accused is not entitled to bail. This protective attitude towards the sanctity of the liberty of a person notwithstanding, due process also demands that in the matter of bail the prosecution should be afforded full opportunity to present proof of the guilt of the accused. Thus, if it were true that the prosecution in this case was deprived of the right to present its evidence against the bail petition, or that the order granting such petition was issued upon incomplete evidence, then the issuance of the order would really constitute grave abuse of discretion that would call for the remedy of certiorari."^[16]

The last sentence in the above excerpt finds application in the matter before us. No grave abuse of discretion to justify the grant of the writ of certiorari prayed for has been shown. That is why our resolution sought to be reconsidered should stand.

3. That brings us to the point raised in the motion for reconsideration objecting to our dismissing the petition through a minute resolution. It is his contention that there should be an extended decision. As noted at the outset, reliance is had on the constitutional provision requiring a decision by a court of record to contain "clearly and distinctly the facts and the law on which it is based." According to a recent decision, *Jose vs. Santos*,^[17] what is expected of the judiciary "is that the decision rendered makes clear why either party prevailed under the applicable law to the facts as established. Nor is there any rigid formula as to the language to be employed to satisfy the requirement of clarity and distinctness. The discretion of the particular judge in this respect, while not unlimited, is necessarily broad. There is no sacramental form of words which he must use upon pain of being considered as having failed to abide by what the Constitution directs."^[18] What must then be stressed is that under such a provision as held in the early case of *Soncuya vs. National Investment Board*,^[19] the decision spoken of is the judgment rendered after the previous presentation of the proof in an ordinary civil or criminal case upon a stipulation of facts upon which its disposition is to be based. In *Bacolod Murcia Milling Co., Inc. vs. Henares*,^[20] the above decision was cited with approval, with the opinion of Justice J.B.L. Reyes containing the following: "Plaintiff-appellant assigns as another error that the order appealed from does not contain any statement of the facts and the law on which it is based. Obviously, this is based on Section 1, Rule 35 of the Rules of Court, and Section 12, Article VIII of the Constitution. The contention is untenable, since these provisions have been held to refer only to decisions on the merits and not to orders of the trial court resolving incidental matters such as the one at bar."^[21]

It is thus not self-evident that petitioner could justly lay claim to a grievance. For if the situation is subjected to a searching analysis, it cannot be denied that what is really involved is just a mere incident in the prosecution of petitioner. Had he prevailed, he would have been entitled to provisional liberty. Under the circumstances, as the facts of the case clearly demonstrate, with the plea for habeas corpus being unavailing, we felt that a minute resolution which certainly would require less time than a full-blown decision, was not inappropriate. Precisely, the leniency shown the parties to dwell at length on their respective contentions should disprove any suspicion that the decision arrived at was reached without according the parties the fundamental fairness to which they are entitled under the Constitution. Since, at the most, the relief sought by petitioner will not, in any way, foreclose the ultimate outcome of the cases against him one way or the other, we deemed that the constitutional provision invoked did not strictly call for application. In that sense, a minute resolution certainly cannot be stigmatized as in any wise failing to abide by a constitutional command.

WHEREFORE, the motion for reconsideration is denied, our resolution of January 26, 1973 dismissing the

petitions for lack of merit reiterated and the temporary restraining order issued by us on October 16, 1973 lifted so that the case against petitioner can be duly heard forthwith. Without pronouncement as to costs.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Teehankee, Makasiar, Antonio, and Esguerra, JJ., concur.
Barredo, J., concurs in a separate opinion.

CONCURRING

BARREDO, J.:

I concur in this resolution of denial, and I am writing this separate concurring opinion only to further elucidate on why the minute resolution of January 26, 1973 dismissing the petition in this case cannot be faulted for lack of fealty to the constitutional requirement relied upon by petitioner-movant that "(e)very decision of a court of record shall clearly and distinctly state the facts and the law on which it is based," for the very simple reason that the same constitutional provision itself (Sec. 9 of Art. X) additionally provides that "(t)he Rules of Court shall govern the promulgation of minute resolutions," which in effect means that it is in the power of the Supreme Court to determine in every given case whether or not a minute resolution is sufficient to serve the best interests of justice, even if the same should amount to a final decision thereof.

I hold that it is a very short-sighted and impractical construction of this constitutional provision to maintain that the separate reference to a "decision" in its first sentence and to "minute resolutions" in the second sentence implies that the intention is to exclude the possibility of minute resolutions in rendering decisions. It is true that both aspects of the provision were conceived precisely to cure the anomaly of parties being left in the dark as to the real basis of the court in resolving their controversy, and, what is more important, to eliminate any possibility of abuse by judges whose decisions, if arbitrary, capricious or intentionally partial, would readily be exposed by the obvious salience of its inevitable lack of cogency and foundation, if a reasoned out decision were to be written by them. Besides, an unreasoned decision naturally makes it difficult for the aggrieved party to seek redress against it, since it would be like aiming at a moving or even invisible target. I am of the considered view, however, that it was never contemplated that cases involving purely procedural issues which do not directly affect the substantive rights of the parties should be subject to the laborious and time-consuming procedure consequent of such constitutional injunction. In other words, I refuse to believe that the constitutional fathers had in mind to apply it to matters which relate to mere technicalities of procedure or those that constitute nothing but incidents which do not directly affect the merits of the main substantive controversy or issue between the parties.

It must be borne in mind that what really delays very often the rendering of a decision by a court of record is the preparation thereof because of the time which generally has to be consumed not only in analyzing the evidence and marshalling the same in a written essay portraying the foundation, logic and precision of the ultimate conclusions of the court, but also in gathering and quoting or copying or, at least, paraphrasing therein the pertinent and relevant authorities, jurisprudence, statutes, rules, etc. Thus, it is easy to understand that to require that all these be done when the pivotal issue is purely procedural would only mean adding more to the delay in the final disposition of the merits of a case, rather than expediting the same. Actually, it is very rare that adjective matters call for the laying down of jurisprudence or jurisprudential rules or guidelines. Just imagine a case being the subject of reasoned out decisions not only of the trial court but also of the Court of Appeals and of this Court, only to be remanded to the lower court in order that the correct procedure may be followed, and this, not without the possibility of its bouncing back to the higher courts as regards other procedural points, leaving untouched in the meanwhile the real controversy. To allow that the cited constitutional mandate be in itself the possible cause of the unnecessary protraction of litigations is a plain absurdity. Indeed, it would be contrary to the obvious intent

of the framers of the Constitution to do so.

In the case at bar, it is true that the right of petitioner to bail is an important substantive right, but it just happens that, as it appears to us, the real bone of contention here is not whether or not the petitioner is entitled to the bail granted to him by the Municipal Court of Mulanay, Quezon, but whether or not the correct procedure for such a grant has been observed. There can be no question that such issue is purely procedural. The background circumstances extant in the record do not furnish adequate basis for determining justly at this stage whether or not the evidence of guilt of petitioner available to the prosecution and which it is willing to present for the proper scrutiny of the court is strong. In fact, the stage for such determination has not yet been reached, as the respondent court correctly ruled.[22]

The original criminal complaint charging petitioner and his co-accused with triple murder and under which the bail in question here was granted had been ordered by the Supreme Court to be amended in order to charge them with three separate murders, and as it is too evident for any serious doubt that at the very least there consequently arose two new additional cases, apart from the first one, the issue of bail has to be necessarily started from the beginning insofar as these two new cases are concerned. It was, therefore, a purely procedural matter for the respondent court to require that, since the fiscal has not recommended bail in any of said cases, the regular procedure be followed of allowing the prosecution to prove that the evidence of guilt is strong, and until such proceeding has been held and terminated, any claim of right to bail is manifestly premature. While it is true that the amendment of the complaint in order to change the charge against petitioner from triple murder in one single case to three separate murder indictments in three respective distinct cases did not, as aptly contended by able counsel, alter the factual basis for determining the strength or weakness of the evidence of the prosecution, on the other hand, there is nothing to preclude modification of the subjective position of the prosecutor, should he opt to now reveal his strong evidence and place the same before the court, in attention to subsequent relevant developments warranting such a move, instead of maintaining his former pose, assuming this to have been the case, of not objecting to the grant of bail. And since the prosecution in this case has already announced it is now in a position to oppose the grant of bail, it is but proper that the procedure fixed by law for the purpose be adhered to. Accordingly, I cannot see how it can be contended that the respondent court had abused its discretion, in denying petitioner's petition for bail based exclusively on the findings of the municipal court in the original case, without prejudice to resolving the same later after the prosecution has had the opportunity to properly substantiate its opposition, a chance to which, it is now settled, it is entitled as a matter of law. And considering that the point involved is purely procedural, it was in the better interest of justice for the Court to issue the briefest decision in the form it has done. In any event, the difference between the minute resolution petitioner complains of and a decision in the usual form but succinctly stating that the petition is without merit, with one or two inconsequential words added to indicate the fundamental basis of such a conclusion, can hardly be characterized as more than formal, since petitioner's alleged right to bail has not been altogether denied and may still be claimed by him, albeit, I feel it would not have occasioned any harm had the court been a little more explicit - a norm that commends itself henceforth for instances similar to the one at bar.

Esguerra, J., concurs in this opinion of Justice Barredo.

[1] Article VIII, Section 11 of the 1935 Constitution. As now worded in the present Constitution, it reads: "Every decision of a court of record shall clearly and distinctly state the facts and the law on which it is based. The Rules of Court shall govern the promulgation of minute resolutions." Article X, Section 9.

[2] According to Article III, Section 1, paragraph 3 of the 1935 Constitution: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and

no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized." The above provision has been substantially reproduced in the present Constitution, Article IV, Section 3, with the modification that a warrant of arrest is specifically mentioned and a "responsible officer, may, if provided for by law, cause it to be issued."

[3] L-33393, May 18, 1972, 45 SCRA 56.

[4] Cf. *Gumabon vs. Director of Prisons*, L-30026, January 30, 1971, 37 SCRA 420.

[5] 99 Phil. 515 (1956).

[6] *Ibid.*, 551.

[7] L-32951-2, September 17, 1971, 41 SCRA 1.

[8] *Ibid.*, 6-7.

[9] L-14657, July 31, 1961, 2 SCRA 888.

[10] Answer, par. 3 (cc), 6.

[11] L-29676, December 24, 1968, 26 SCRA 522.

[12] *Ibid.*, 522-523.

[13] 103 Phil. 384.

[14] *Ibid.*, 386.

[15] L-27120, March 28, 1969, 27 SCRA 512.

[16] *Ibid.*, 516.

[17] L-25510, October 30, 1970, 35 SCRA 538.

[18] *Ibid.*, 542.

[19] 69 Phil. 602 (1940).

[20] 107 Phil. 560 (1960).

[21] *Ibid.*, 570.

[22] We cannot fail but note the jurisdictional infirmity of the proceedings originally held by the Municipal Court arising from its having acted without first acquiring jurisdiction over the person of the accused who had not yet been placed in its custody whether by actual arrest or voluntary surrender.

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.