

MIGUEL P. PADERANGA, PETITIONER, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.*G.R. No. 115407. August 28, 1995*

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-115407/>**REGALADO, J.:**

The adverse decision in this case promulgated by respondent Court of Appeals in CA-G.R. SP No. 32233 on November 24, 1993, as well as its resolution of April 26, 1994 denying the motion for reconsideration thereof, are challenged by petitioner Miguel P. Paderanga in this appeal by certiorari through a petition which raises issues centering mainly on said petitioner's right to be admitted to bail.

On January 28, 1990, petitioner was belatedly charged in an amended information as a co-conspirator in the crime of multiple murder in Criminal Case No. 86-39 of the Regional Trial Court, Branch 18, of Cagayan de Oro City for the killing of members of the Bucag family sometime in 1984 in Gingoog City of which petitioner was the mayor at the time. The original information, filed on October 6, 1986 with the Regional Trial Court of Gingoog City,[1] had initially indicted for multiple murder eight accused suspects, namely, Felipe Galarion, Manuel Sabit, Cesar Sabit, Julito Ampo, Eddie Torion, John Doe, Peter Doe and Richard Doe, as the alleged conspirators in the indiscriminate slaying of the spouses Romeo and Juliet Bucag and their son, Romeo, Jr. However, only one of the accused, Felipe Galarion, was apprehended, tried and eventually convicted. Galarion later escaped from prison. The others have remained at large up to the present.[2]

In a bizarre twist of events, one Felizardo ("Ely") Roxas was implicated in the crime. In an amended information dated October 6, 1988, he was charged as a co-accused therein. As herein petitioner was his former employer and thus knew him well, Roxas engaged the former's services as counsel in said case. Ironically, in the course of the preliminary investigation therein, said accused, in a signed affidavit dated March 30, 1989 but which he later retracted on June 20, 1990, implicated petitioner as the supposed mastermind behind the massacre of the Bucag family.[3]

Then, upon the inhibition of the City Prosecutor of Cagayan de Oro City from the case per his resolution of July 7, 1989, the Department of Justice, at the instance of said prosecutor, designated a replacement, State Prosecutor Henrick F. Gingoyon, for purposes of both the preliminary investigation and prosecution of Criminal Case No. 86-39. Pursuant to a resolution of the new prosecutor dated September 6, 1989, petitioner was finally charged as a co-conspirator in said criminal case in a second amended information dated October 6, 1992. Petitioner assailed his inclusion therein as a co-accused all the way to this Court in G.R. No. 96080, entitled "Atty. Miguel P. Paderanga vs. Hon. Franklin M. Drilon, Hon. Silvestre H. Bello III, Atty. Henrick F. Gingoyon, Helen B. Canoy and Rebecca B. Tan." In an en banc decision promulgated on April 19, 1991, the Court sustained the filing of the second amended information against him.[4]

Under this backdrop, the trial of the case was all set to start with the issuance of an arrest warrant for petitioner's apprehension but, before it could be served on him, petitioner, through counsel, filed on October 28, 1992 a

motion for admission to bail with the trial court which set the same for hearing on November 5, 1992. Petitioner duly furnished copies of the motion to State Prosecutor Henrick F. Gingoyon, the Regional State Prosecutor's Office, and the private prosecutor, Atty. Benjamin Guimong. On November 5, 1992, the trial court proceeded to hear the application for bail. Four of petitioner's counsel appeared in court but only Assistant Prosecutor Erlindo Abejo of the Regional State Prosecutor's Office appeared for the prosecution.[5]

As petitioner was then confined at the Cagayan Capitol College General Hospital due to "acute costochondritis," his counsel manifested that they were submitting custody over the person of their client to the local chapter president of the Integrated Bar of the Philippines and that, for purposes of said hearing on his bail application, he be considered as being in the custody of the law. Prosecutor Abejo, on the other hand, informed the trial court that in accordance with the directive of the chief of their office, Regional State Prosecutor Jesus Zozobrado, the prosecution was neither supporting nor opposing the application for bail and that they were submitting the same to the sound discretion of the trial judge.[6]

Upon further inquiries from the trial court, Prosecutor Abejo announced that he was waiving any further presentation of evidence. On that note and in a resolution dated November 5, 1992, the trial court admitted petitioner to bail in the amount of P200,000.00. The following day, November 6, 1992, petitioner, apparently still weak but well enough to travel by then, managed to personally appear before the clerk of court of the trial court and posted bail in the amount thus fixed. He was thereafter arraigned and, in the trial that ensued, he also personally appeared and attended all the scheduled court hearings of the case.[7]

The subsequent motion for reconsideration of said resolution filed twenty (20) days later on November 26, 1992 by Prosecutor Gingoyon, who allegedly received his copy of the petition for admission to bail on the day after the hearing, was denied by the trial court in its omnibus order dated March 29, 1993. On October 1, 1993, or more than six (6) months later, Prosecutor Gingoyon elevated the matter to respondent Court of Appeals through a special civil action for certiorari. Thus were the resolution and the order of the trial court granting bail to petitioner annulled on November 24, 1993, in the decision now under review, on the ground that they were tainted with grave abuse of discretion.[8]

Respondent court observed in its decision that at the time of petitioner's application for bail, he was not yet "in the custody of the law," apparently because he filed his motion for admission to bail before he was actually arrested or had voluntarily surrendered. It further noted that apart from the circumstance that petitioner was charged with a crime punishable by reclusion perpetua, the evidence of guilt was strong as borne out by the fact that no bail was recommended by the prosecution, for which reasons it held that the grant of bail was doubly improvident. Lastly, the prosecution, according to respondent court, was not afforded an opportunity to oppose petitioner's application for bail contrary to the requirements of due process. Hence, this appeal.

Petitioner argues that in accordance with the ruling of this Court in *Santiago vs. Vasquez, etc., et al.*,[9] his filing of the aforesaid application for bail with the trial court effectively conferred on the latter jurisdiction over his person. In short, for all intents and purposes, he was in the custody of the law. In petitioner's words, the "invocation by the accused of the court's jurisdiction by filing a pleading in court is sufficient to vest the court with jurisdiction over the person of the accused and bring him within the custody of the law."

Petitioner goes on to contend that the evidence on record negates the existence of such strong evidence as would bar his provisional release on bail. Furthermore, the prosecution, by reason of the waiver by Prosecutor Abejo of any further presentation of evidence to oppose the application for bail and whose representation in court in behalf of the prosecution bound the latter, cannot legally assert any claim to a denial of procedural due process. Finally, petitioner points out that the special civil action for certiorari was filed in respondent court after an unjustifiable

delay over an unreasonable length of time.

On the undisputed facts, the legal principles applicable and the equities involved in this case, the Court finds for petitioner.

1. Section 1 of Rule 114, as amended, defines bail as the security given for the release of a person in custody of the law, furnished by him or a bondsman, conditioned upon his appearing before any court as required under the conditions specified in said Rule. Its main purpose, then, is to relieve an accused from the rigors of imprisonment until his conviction and yet secure his appearance at the trial.[10] As bail is intended to obtain or secure one's provisional liberty, the same cannot be posted before custody over him has been acquired by the judicial authorities, either by his lawful arrest or voluntary surrender.[11] As this Court has put it in a case, "it would be incongruous to grant bail to one who is free." [12]

The rationale behind the rule is that it discourages and prevents resort to the former pernicious practice whereby an accused could just send another in his stead to post his bail, without recognizing the jurisdiction of the court by his personal appearance therein and compliance with the requirements therefore.[13] Thus, in *Feliciano vs. Pasicolan, etc., et al.*, [14] where the petitioner who had been charged with kidnapping with murder went into hiding without surrendering himself, and shortly thereafter filed a motion asking the court to fix the amount of the bail bond for his release pending trial, the Supreme Court categorically pronounced that said petitioner was not eligible for admission to bail.

As a paramount requisite then, only those persons who have either been arrested, detained, or otherwise deprived of their freedom will ever have occasion to seek the protective mantle extended by the right to bail. The person seeking his provisional release under the auspices of bail need not even wait for a formal complaint or information to be filed against him as it is available to "all persons" [15] where the offense is bailable. This rule is, of course, subject to the condition or limitation that the applicant is in the custody of the law. [16]

On the other hand, a person is considered to be in the custody of the law (a) when he is arrested either by virtue of a warrant of arrest issued pursuant to Section 6, Rule 112, or by warrantless arrest under Section 5, Rule 113 in relation to Section 7, Rule 112 of the revised Rules on Criminal Procedure, or (b) when he has voluntarily submitted himself to the jurisdiction of the court by surrendering to the proper authorities. [17] In this light, the ruling vis-a-vis the facts in *Santiago vs. Vasquez, etc., et al.*, [18] should be explained.

In said case, the petitioner, who was charged before the Sandiganbayan for violation of the Anti-Graft and Corrupt Practices Act, filed through counsel what purported to be an "Urgent Ex-parte Motion for Acceptance of Cash Bail Bond." Said petitioner was at the time confined in a hospital recuperating from serious physical injuries which she sustained in a major vehicular mishap. Consequently, she expressly sought leave "that she be considered as having placed herself under the jurisdiction of (the Sandiganbayan) for purposes of the required trial and other proceedings." On the basis of said ex parte motion and the peculiar circumstances obtaining in that incident, the Sandiganbayan authorized petitioner to post a cash bail bond for her provisional liberty without need of her personal appearance in view of her physical incapacity and as a matter of humane consideration.

When the Sandiganbayan later issued a hold departure order against her, she questioned the jurisdiction of that court over her person in a recourse before this Court, on the ground that "she has neither been arrested nor has she voluntarily surrendered, aside from the fact that she has not validly posted bail since she never personally appeared before said court." In rejecting her arguments, the Court held that she was clearly estopped from assailing the jurisdiction of the Sandiganbayan for by her own representations in the urgent ex parte motion for bail, she had earlier recognized such jurisdiction. Furthermore, by actually posting a cash bail bond which was accepted by the court, she had effectively submitted to its jurisdiction over her person. Nonetheless, on the matter

of bail, the Court took pains to reiterate that the basic rule is that the same cannot be posted before custody of the accused has been acquired by the judicial authorities either by his arrest or voluntary surrender.

In the case of herein petitioner, it may be conceded that he had indeed filed his motion for admission to bail before he was actually and physically placed under arrest. He may, however, at that point and in the factual ambience thereof, be considered as being constructively and legally under custody. Thus, in the likewise peculiar circumstances which attended the filing of his bail application with the trial court, for purposes of the hearing thereof he should be deemed to have voluntarily submitted his person to the custody of the law and, necessarily, to the jurisdiction of the trial court which thereafter granted bail as prayed for. In fact, an arrest is made either by an actual restraint of the arrestee or merely by his submission to the custody of the person making the arrest.[19] The latter mode may be exemplified by the so-called "house arrest" or, in the case of military offenders, by being "confined to quarters" or restricted to the military camp area.

It should be stressed herein that petitioner, through his counsel, emphatically made it known to the prosecution and to the trial court during the hearing for bail that he could not personally appear as he was then confined at the nearby Cagayan Capitol College General Hospital for acute costochondritis, and could not then obtain medical clearance to leave the hospital. The prosecution and the trial court, notwithstanding their explicit knowledge of the specific whereabouts of petitioner, never lifted a finger to have the arrest warrant duly served upon him. Certainly, it would have taken but the slightest effort to place petitioner in the physical custody of the authorities, since he was then incapacitated and under medication in a hospital bed just over a kilometer away, by simply ordering his confinement or placing him under guard.

The undeniable fact is that petitioner was by then in the constructive custody of the law. Apparently, both the trial court and the prosecutors agreed on that point since they never attempted to have him physically restrained. Through his lawyers, he expressly submitted to physical and legal control over his person, firstly, by filing the application for bail with the trial court; secondly, by furnishing true information of his actual whereabouts; and, more importantly, by unequivocally recognizing the jurisdiction of the said court. Moreover, when it came to his knowledge that a warrant for his arrest had been issued, petitioner never made any attempt or evinced any intent to evade the clutches of the law or concealed his whereabouts from the authorities since the day he was charged in court, up to the submission of his application for bail, and until the day of the hearing thereof.

At the hearing, his counsel offered proof of his actual confinement at the hospital on account of an acute ailment, which facts were not at all contested as they were easily verifiable. And, as a manifestation of his good faith and of his actual recognition of the authority of the trial court, petitioner's counsel readily informed the court that they were surrendering custody of petitioner to the president of the Integrated Bar of the Philippines, Misamis Oriental Chapter.[20] In other words, the motion for admission to bail was filed not for the purpose or in the manner of the former practice which the law proscribes for being derogatory of the authority and jurisdiction of the courts, as what had happened in Feliciano. There was here no intent or strategy employed to obtain bail in absentia and thereby be able to avoid arrest should the application therefor be denied.

2. Section 13, Article III of the Constitution lays down the rule that before conviction, all indictees shall be allowed bail, except only those charged with offenses punishable by reclusion perpetua when the evidence of guilt is strong. In pursuance thereof, Section 4 of Rule 114, as amended, now provides that all persons in custody shall, before conviction by a regional trial court of an offense not punishable by death, reclusion perpetua or life imprisonment, be admitted to bail as a matter of right. The right to bail, which may be waived considering its personal nature[21] and which, to repeat, arises from the time one is placed in the custody of the law, springs from the presumption of innocence accorded every accused upon whom should not be inflicted incarceration at the outset since after trial he would be entitled to acquittal, unless his guilt be established beyond reasonable

doubt.[22]

Thus, the general rule is that prior to conviction by the regional trial court of a criminal offense, an accused is entitled to be released on bail as a matter of right, the present exceptions thereto being the instances where the accused is charged with a capital offense or an offense punishable by reclusion perpetua or life imprisonment[23] and the evidence of guilt is strong. Under said general rule, upon proper application for admission to bail, the court having custody of the accused should, as a matter of course, grant the same after a hearing conducted to specifically determine the conditions of the bail in accordance with Section 6 (now, Section 2) of Rule 114. On the other hand, as the grant of bail becomes a matter of judicial discretion on the part of the court under the exceptions to the rule, a hearing, mandatory in nature and which should be summary or otherwise in the discretion of the court,[24] is required with the participation of both the defense and a duly notified representative of the prosecution, this time to ascertain whether or not the evidence of guilt is strong for the provisional liberty of the applicant.[25] Of course, the burden of proof is on the prosecution to show that the evidence meets the required quantum.[26]

Where such a hearing is set upon proper motion or petition, the prosecution must be given an opportunity to present, within a reasonable time, all the evidence that it may want to introduce before the court may resolve the application, since it is equally entitled as the accused to due process.[27] If the prosecution is denied this opportunity, there would be a denial of procedural due process, as a consequence of which the court's order in respect of the motion or petition is void.[28] At the hearing, the petitioner can rightfully cross-examine the witnesses presented by the prosecution and introduce his own evidence in rebuttal.[29] When, eventually, the court issues an order either granting or refusing bail, the same should contain a summary of the evidence for the prosecution, followed by its conclusion as to whether or not the evidence of guilt is strong.[30] The court, though cannot rely on mere affidavits or recitals of their contents, if timely objected to, for these represent only hearsay evidence, and thus are insufficient to establish the quantum of evidence that the law requires.[31]

In this appeal, the prosecution assails what it considers to be a violation of procedural due process when the court below allowed Assistant Prosecutor Erlindo Abejo of the Regional State Prosecutor's Office to appear in behalf of the prosecution, instead of State Prosecutor Henrick F. Gingoyon who is claimed to be the sole government prosecutor expressly authorized to handle the case and who received his copy of the motion only on the day after the hearing had been conducted. Accordingly, the prosecution now insists that Prosecutor Abejo had no authority at all to waive the presentation of any further evidence in opposition to the application for bail and to submit the matter to the sound discretion of the trial court. In addition, they argue that the prosecution was not afforded "reasonable time" to oppose that application for bail.

We disagree. Firstly, it is undisputed that the Office of the Regional State Prosecutor acted as the collaborating counsel, with State Prosecutor Henrick Gingoyon, in Criminal Case No. 86-39 on the basis of an authority from then Chief State Prosecutor Fernando de Leon which was sent through radio message on July 10, 1992 and duly received by the Office of the Regional State Prosecutor on the same date. This authorization, which was to be continuing until and unless it was expressly withdrawn, was later confirmed and then withdrawn only on July 12, 1993 by then Secretary of Justice Franklin M. Drilon. This was done after one Rebecca Bucag-Tan questioned the authority of Regional State Prosecutor Jesus Zozobrado and State Prosecutor II Erlindo Abejo to enter their appearance as collaborating government prosecutors in said criminal case.[32] It was in fact by virtue of this arrangement that the same Prosecutor Zozobrado and Prosecutor Perseverando Arana entered their appearance as collaborating prosecutors in the previous hearings in said case.[33] Hence, on the strength of said authority and of its receipt of the notice of the hearing for bail, the Regional State Prosecutor's Office, through Prosecutor Abejo, could validly represent the prosecution in the hearing held on November 5, 1992.

Secondly, although it is now claimed that Prosecutor Abejo was allegedly not familiar with the case, he nonetheless was explicitly instructed about the position of the Regional State Prosecutor's Office on the matter. Prosecutor Zozobrado, whose office received its copy of the motion on the very day when it was sent, that is, October 28, 1992, duly instructed Prosecutor Abejo to manifest to the court that the prosecution was neither supporting nor opposing the application for bail and that they were submitting the matter to its sound discretion. Obviously, what this meant was that the prosecution, at that particular posture of the case, was waiving the presentation of any countervailing evidence. When the court a quo sought to ascertain whether or not that was the real import of the submission by Prosecutor Abejo, the latter readily answered in the affirmative.

The following exchanges bear this out:

"PROSECUTOR ERLINDO ABEJO:

I was informed to appear in this case just now, Your Honor.

COURT:

Where is your Chief of Office? Your office received a copy of the motion as early as October 28. There is an element of urgency here.

PROSECUTOR ABEJO:

I am not aware of that, Your Honor. I was only informed just now. The one assigned here is State Prosecutor Perseverando Arana, Jr. who unfortunately is in the hospital attending to his sick son. I do not know about this but before I came I received an instruction from our Chief to relay to this court the stand of the office regarding the motion to admit bail. That office is neither supporting nor opposing it and we are submitting to the sound discretion of the Honorable Court.

COURT:

Place that manifestation on record. For the record, Fiscal Abejo, would you like to formally enter your appearance in this matter?

PROSECUTOR ABEJO:

Yes, Your Honor. For the government, the Regional State Prosecutor's Office represented by State Prosecutor Erlindo Abejo.

COURT:

By that manifestation do you want the Court to understand that in effect, at least, the prosecution is dispensing with the presentation of evidence to show that the guilt of the accused is strong, the denial ...

PROSECUTOR ABEJO:

I am amenable to that manifestation, Your Honor.

COURT:

Final inquiry. Is the prosecution willing to submit the incident covered by this particular motion for resolution by this court?

PROSECUTOR ABEJO:

Yes, Your Honor.

COURT:

Without presenting any further evidence?

PROSECUTOR ABEJO:

Yes, Your Honor."^[34]

It is further evident from the foregoing that the prosecution, on the instructions of Regional State Prosecutor Zozobrado, had no intention at all to oppose the motion for bail and this should be so notwithstanding the statement that they were "neither supporting nor opposing" the motion. What is of significance is the manifestation that the prosecution was "submitting (the motion) to the sound discretion of the Honorable Court." By that, it could not be any clearer. The prosecution was dispensing with the introduction of evidence *en contra* and this it did at the proper forum and stage of the proceedings, that is, during the mandatory hearing for bail and after the trial court had fully satisfied itself that such was the position of the prosecution.

3. In *Herras Teehankee vs. Director of Prisons*,^[35] it was stressed that where the trial court has reasons to believe that the prosecutor's attitude of not opposing the application for bail is not justified, as when he is evidently committing a gross error or a dereliction of duty, the court, in the interest of justice, must inquire from the prosecutor concerned as to the nature of his evidence to determine whether or not it is strong. And, in the very recent administrative matter *Re: First Indorsement Dated July 21, 1992 of Hon. Fernando de Leon, Chief State Prosecutor, Department of Justice; Alicia A. Baylon, City Prosecutor of Dagupan City vs. Judge Deodoro Sison*,^[36] the Court, citing *Tucay vs. Domagas, etc.*,^[37] held that where the prosecutor interposes no objection to the motion of the accused, the trial court should nevertheless set the application for hearing and from there diligently ascertain from the prosecution whether the latter is really not contesting the bail application.

No irregularity, in the context of procedural due process, could therefore be attributed to the trial court here as regards its order granting bail to petitioner. A review of the transcript of the stenographic notes pertinent to its resolution of November 5, 1992 and the omnibus order of March 29, 1993 abundantly reveals scrupulous adherence to procedural rules. As summarized in its aforementioned order, the lower court exhausted all means to convince itself of the propriety of the waiver of evidence on the part of the prosecution. Moreover, the omnibus order contained the requisite summary of the evidence of both the prosecution and the defense, and only after sifting through them did the court conclude that petitioner could be provisionally released on bail. Parenthetically, there is no showing that, since then and up to the present, petitioner has ever committed any violation of the conditions of his bail.

As to the contention that the prosecution was not given the opportunity to present its evidence within a reasonable period of time, we hold otherwise. The records indicate that the Regional State Prosecutor's Office duly received its copy of the application for bail on the very same day that it was filed with the trial court on October 28, 1992. Counted from said date up to the day of the hearing on November 5, 1992, the prosecution had more than one (1) week to muster such evidence as it would have wanted to adduce in that hearing in opposition to the motion. Certainly, under the circumstances, that period was more than reasonable. The fact that Prosecutor Gingoyon received his copy of the application only on November 6, 1992 is beside the point for, as already established, the Office of the Regional State Prosecutor was authorized to appear for the People.

4. What finally militates against the cause of the prosecution is the indubitably unreasonable period of time that elapsed before it questioned before the respondent court the resolution and the omnibus order of the trial court through a special civil action for certiorari. The Solicitor General submits that the delay of more than six (6) months, or one hundred eighty-four (184) days to be exact, was reasonable due to the attendant difficulties which characterized the prosecution of the criminal case against petitioner. But then, the certiorari proceeding was initiated before the respondent court long after trial on the merits of the case had ensued in the court below with

the active participation of prosecution lawyers, including Prosecutor Gingoyon. At any rate, the definitive rule now is that the special civil action for certiorari should not be instituted beyond a period of three months,[38] the same to be reckoned by taking into account the duration of time that had expired from the commission of the acts complained of up to the institution of the proceeding to annul the same.[39]

ACCORDINGLY, the judgment of respondent Court of Appeals in CA-G.R. SP No. 32233, promulgated on November 24, 1993, annulling the resolution dated November 5, 1992 and the omnibus order dated March 29, 1993 of the Regional Trial Court of Cagayan de Oro City, as well as said respondent court's resolution of April 26, 1994 denying the motion for reconsideration of said judgment, are hereby REVERSED and SET ASIDE. The aforesaid resolution and omnibus order of the Regional Trial Court granting bail to petitioner Miguel P. Paderanga are hereby REINSTATED.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, Mendoza, and Francisco, JJ., concur.

[1] Venue was later transferred to the Regional Trial Court of Cagayan de Oro City, per Administrative Matter No. 87-2-244; Rollo, CA-G.R. SP No. 32233, 5.

[2] Rollo, CA-G.R. SP No. 32233, 5-6.

[3] Ibid., id., 6.

[4] Ibid., id., 7.

[5] Ibid., id., 22.

[6] Ibid., id., 23.

[7] Ibid., id., 23-25; Rollo, 9-11.

[8] Ibid., id., 26-30; Rollo, 7-8, 56-58.

[9] G.R. Nos. 99289-90, January 27, 1993, 217 SCRA 633.

[10] Almeda vs. Villaluz, etc., et al., L-31665, August 6, 1975, 66 SCRA 38.

[11] Santiago vs. Vasquez, etc., et al., supra, Fn. 9.

[12] Mendoza vs. Court of First Instance of Quezon, etc., et al., L-35612-14, June 27, 1973, 51 SCRA 369, citing Feliciano vs. Pasicolan, etc., et al., L-14657, July 31, 1961, 2 SCRA 888.

[13] Aguirre, et al. vs. Belmonte, etc., A.M. No. RTJ-93-1052, October 27, 1994, 237 SCRA 778.

[14] Supra, Fn. 12.

[15] De la Camara vs. Enage, etc., L-32951-2, September 17, 1971, 41 SCRA 1.

[16] Herras Teehankee vs. Rovira, et al., 75 Phil. 634 (1945); Manigbas, et al. vs. Luna, etc. et al., 98 Phil. 466 (1956) Feliciano vs. Pasicolan, etc., et al., supra.

[17] Dinapol vs. Baldado, etc., A.M. No. RTJ-92-898, August 5, 1993, 225 SCRA 110.

[18] Supra, Fn. 9.

[19] Section 2, Rule 113, Rules of Court.

[20] Rollo, 101-102.

[21] People vs. Donato, etc., et al., G.R. No. 79269, June 5, 1991, 198 SCRA 130.

[22] De la Camara vs. Enage, etc., supra, Fn. 15.

[23] Sec. 7, Rule 114, as amended; see also Borinaga vs. Tamin, etc., A.M. No. RTJ-93-936, September 10, 1993, 226 SCRA 206.

[24] Go vs. Court of Appeals, et al., G.R. No. 106087, April 7, 1993, 221 SCRA 397; Aurillo, Jr. vs. Francisco, etc., et al., A. M. No. RTJ-93-1097, August 12, 1994, 235 SCRA 283.

[25] Borinaga vs. Tamin, etc., supra, Fn. 23.

[26] Section 8, Rule 114, as amended.

[27] People vs. Dacudao, etc., et al., G.R. No. 81389, February 21, 1989, 170 SCRA 489; Lardizabal vs. Reyes, A.M. No. MTJ-94-897, December 5, 1994, 238 SCRA 640.

[28] People vs. San Diego, etc., et al., L-29676, December 24, 1968, 26 SCRA 523; Carpio, etc., et al. vs. Maglalang, etc., et al., G.R. No. 78162, April 19, 1991, 196 SCRA 41.

[29] Ocampo vs. Bernabe, 77 Phil. 55 (1946); Beltran vs. Diaz et al., 77 Phil. 484 (1946).

[30] People vs. Casingal, et al., G. R. No. 87173, March 29, 1995.

[31] Baylon, etc. vs. Sison, A.M. No. 92-7-360-0, April 6, 1995.

[32] Rollo, 69, 106, 115-116; Annex "A," Petitioners Reply.

[33] Ibid., 105.

[34] Ibid., 75-77.

[35] Supra, Fn. 16.

[36] Supra, Fn. 31.

[37] A.M. No. RTJ-95-1286, March 2, 1995.

[38] Caramol vs. National Labor Relations Commission, et al., G.R. No. 102973, August 24, 1993, 225 SCRA 582, citing Philec Worker's Union vs. Young, G.R. No. 101734, January 22, 1992, Minute Resolution, First Division; Catalina Bermejo vs. National Labor Relations Commission, et al., G.R. No. 102713, January 20, 1992, Minute Resolution, First Division.

[39] Fernandez vs. National Labor Relations Commission, et al., G.R. No. 106090, February 28, 1994, 230 SCRA 460.

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.