

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. CONRADO R. ANTONA, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 4, BATANGAS CITY, DANTE FAJARDO, SR., PATERNO...

G.R. No. 137681. January 31, 2002

Ponente: PARDO, J.

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PARDO, J.:

The Case

The case is a special civil action of certiorari with temporary restraining order and change of venue assailing the orders of respondent Judge Conrado R. Antona, granting bail to accused Dante Fajardo Sr., Paterno de Castro, Filipina Fajardo Arce, and John Doe as principals and Pio Arce as complice for murder filed with the Regional Trial Court, Batangas City, Branch 04.

The Facts

On January 19, 1998, Assistant City Prosecutor Leona Castor Castillo of Batangas filed with the Regional Trial Court, Batangas City, an information charging Dante Fajardo, Sr., Paterno de Castro, Filipina Fajardo Arce, and John Doe, as principals, and Pio Arce, as accomplice, with the murder of Numeriano Comia, Barangay Chairman, Batangas City.[1] Subsequently, the case was assigned to respondent judge's sala.[2]

On January 27, 1998, the trial court issued warrants of arrest for accused Fajardo Sr., de Castro, Arce, and John Doe.[3]

On March 10, 1998, the trial court granted an urgent motion of accused to suspend the efficacy of the warrants of arrest until further orders.[4]

On March 23, 1998, the prosecution filed a motion for reconsideration of the suspension order. On March 31, 1998, the trial court denied the motion for reconsideration.[5]

On December 3, 1998, the prosecution filed another motion to lift the suspension of the efficacy of the warrants of arrest.[6] On December 4, 1998, the trial court granted the motion and issued warrants of arrest for all the accused without bail except for Pio Arce, whose bail was fixed at P200,000.00.[7]

On December 15, 1998, accused Dante Fajardo and Filipina Fajardo Arce, while still at large, filed with the trial court an urgent petition for bail with supplemental motion for reduction of bail for accused Pio Arce, Jr.[8] On December 16, 1998, the trial court did not act on the petition because all the accused were still at large.[9]

On January 4, 1999, the accused filed with the trial court a motion for the resetting of the hearing of the urgent petition for bail to January 6, 1999.[10] On the same day, the trial court ordered the setting of the urgent petition for bail "subject to the condition that the accused in this case will be voluntarily surrendering to the jurisdiction of

the Court per their letter dated December 29, 1998.”[11]

On January 6, 1999, the trial court issued an order allowing the accused pending the petition for bail to be in the custody of the PNP Criminal Detection Group, Camp Crame, Quezon City, instead of custody at the Batangas City Jail.[12]

On January 12, 1999, the prosecution filed with the trial court an omnibus motion to reconsider the order of custody of accused, to declare the proceedings on the bail hearing null and void, and to ask respondent judge to inhibit from hearing the petition for bail.[13]

On February 1, 1999, the trial court denied the prosecution’s omnibus motion for lack of merit.[14]

On February 15, 1999, the trial court granted the accused’s petition for bail and fixed their bail at P200,000.00 each.[15]

On February 25, 1999, respondent judge inhibited himself from further acting on the criminal case.[16]

Hence, this petition.[17]

The Issue

The issue raised is whether the trial judge acted with grave abuse of discretion in granting bail to the accused.

The Court’s Ruling

We grant the petition.

The Revised Rules of Court provides "No person charged with a capital offense, or an offense punishable by reclusion perpetua or life imprisonment when the evidence of guilt is strong, shall be admitted to bail regardless of the stage of the criminal action." [18] In such case, a hearing, whether summary or otherwise in the discretion of the court, must actually be conducted to determine whether or not the evidence of guilt against the accused is strong. [19] At the hearing, the prosecution has the burden of showing that the evidence of guilt is strong. [20]

In this case, the trial court scheduled several hearing dates for the petition for bail. The prosecution asked for a reasonable opportunity to present evidence. However, the trial court denied postponement ostensibly to give the accused a speedy trial. Instead, the trial court proceeded to hear the evidence for the defense, despite vigorous objection from the prosecution.

From the evidence presented by the defense, respondent judge observed that the crime charged occurred in broad daylight in a place with many stores where people usually converged. Also, accused was a well-known personality in the area. However, respondent judge failed to give the prosecution reasonable time to adduce evidence, and instead, denied postponement but allowed the accused to present witnesses, resulting in a denial to the prosecution of due process of law.

A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. [21] “To appreciate the strength or weakness of the evidence of guilt, the prosecution must be consulted or heard. It is equally entitled as the accused to due process.” [22] The prosecution must be given ample opportunity to show that the evidence of guilt is strong. [23]

The prosecution must be accorded an opportunity to present evidence because by the very nature of deciding applications for bail, it is on the basis of such evidence that judicial discretion is exercised in determining whether the evidence of guilt of the accused is strong. [24]

Indeed, the determination of whether the evidence of guilt is strong is a matter of judicial discretion.[25] Though not absolute nor beyond control, the discretion of the trial court must be sound, and exercised within reasonable bounds.[26] Discretion must be exercised regularly, legally and within the confines of procedural due process, that is, after the evaluation of the evidence submitted by the prosecution and the accused.

Any order issued in the absence thereof is not a product of sound judicial discretion but of whim and caprice and outright arbitrariness.[27]

“...[W]hether the motion for bail of a defendant who is in custody for a capital offense be resolved in a 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 the order of the court granting bail should be considered void on that ground.”[28]

Hence, in granting the petition for bail without giving the prosecution adequate opportunity to adduce evidence, the trial court acted with grave abuse of discretion.

The Fallo

WHEREFORE, the Court GRANTS the petition. The Court SETS ASIDE the orders granting bail to accused Dante Fajardo Sr., Paterno de Castro, Filipina Fajardo Arce, and Pio Arce in Criminal Case No. 9309, Regional Trial Court, Batangas City, Branch 04.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Information, Regional Trial Court Record, pp. 1-3.

[2] Docketed as Criminal Case No. 9309, entitled People of the Philippines v. Dante Fajardo, Sr. et al.

[3] Regional Trial Court Record, pp. 21-22.

[4] Petition, Annex “I”, Rollo, pp. 67-69.

[5] Petition, Annex “J”, Rollo, pp. 70-71.

[6] Regional Trial Court Record, pp. 151-152.

[7] Petition, Annex “L”, Rollo, p. 76.

[8] Petition, Annex “O”, Rollo, pp. 80-83.

[9] Petition, Annex “M”, Rollo, p. 77.

[10] Petition, Annex “P”, Rollo, pp. 84-85.

[11] Petition, Annex “A”, Rollo, p. 27.

[12] Petition, Annex “B”, Rollo, p. 28.

[13] Petition, Annex “D-1”, Rollo, pp. 36-48.

- [14] Petition, Annex “C”, Rollo, pp. 29-33.
- [15] Petition, Annex “E”, Rollo, pp. 54-56.
- [16] Petition, Annex “N”, Rollo, pp. 78-79.
- [17] Filed on March 17, 1999. On November 13, 2000, we gave due course to the petition (Rollo, pp. 320-321).
- [18] Rule 114, Section 7.
- [19] *Basco v. Rapatalo*, 336 Phil. 214, 220[1997].
- [20] Rule 114, Section 8, Revised Rules of Court.
- [21] *Go v. Bongolan*, 370 Phil. 105, 115-116 [1999].
- [22] *People v. Dacudao*, 170 SCRA 489, 494 [1989].
- [23] *People v. Singh*, G. R. No. 129782, June 29, 2001.
- [24] *Layola v. Gabo, Jr.*, 323 SCRA 348, 356[2000].
- [25] *People v. Cabral*, 362 Phil. 697, 709 [1999].
- [26] *Aleria v. Velez*, 359 Phil. 141, 147 [1998].
- [27] *Antonio v. Penaco-Sitaca*, A. M. No. RTJ-01-1633, June 19, 2001.
- [28] *People v. Sola*, 103 SCRA 393, 399-400 [1981], citing *People v. San Diego*, 26 SCRA 522, 524 [1968].

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