

**PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
BENITO DE LA CRUZ Y REYES, ACCUSED. THE ASSOCIATED
INSURANCE & SURETY CO., INC., BONDSMAN AND APPELLANT.**

G.R. No. 15954. July 31, 1961

Ponente: PAREDES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-15954/>

PAREDES, J.:

This case was certified to this Court by the Court of Appeals on the ground that only questions of law are involved.

Benito de la Cruz y Reyes was charged before the CFI of Manila with theft (Criminal Case No. 28946). For his provisional liberty, the Associated Insurance & Surety Co., Inc., on December 8, 1957, posted a P4,000.00 bail bond. Upon failure of de la Cruz to appear in Court on December 10, 1957, after prior notice to the bonding company, the CFI, on December 12, 1957, entered an Order confiscating the bond. On January 8, 1958, the bonding company filed an 'Urgent Motion for Extension of Time to Produce Body of the accused and explanation'. The motion was denied and on January 16, 1958, the lower court issued the following:—

"Judgment is entered upon the bond of the bonding company for failure to present the accused within 30 days; let execution immediately issue upon the bond."

The writ of execution was issued on January 18, 1958. On January 28, 1958, an urgent motion for partial execution in the amount of 10 % of the bond, was presented by the bonding company, but was denied on January 30, 1958.

On May 7, 1958, the bonding company apprehended the accused and surrendered him to the Court. At the same time, it filed a motion for the setting aside of the writ of execution and the cancellation of the bond. The motion was denied on May 9, 1958, and on the following day the CFI ordered the issuance of another writ of execution.

The proceedings were solely based on pleadings presented by the bonding company, explaining its failure to produce the body of the accused on the dates required by the trial court.

The appeal impugns the propriety and correctness of the trial court's refusal to set aside its order of confiscation and/or Writ of Execution against the bail bond. Appellant bonding company contends that after it had surrendered the body of the principal (the accused) to the Court, it had fully complied with its undertaking, and its complete exoneration was in order.

The appellant bonding company in posting the bail bond, undertook that the accused will "appear and answer the charge * * * and will at all times hold himself answerable to the orders and processes of the Court * * *." The company guaranteed the presence of the accused in court at all times and bound itself to act, for purposes of the undertaking (bond), as a jailer of the accused (U.S. vs. Addison, et al., 27 Phil., 563). It was its inevitable obligation to place the accused under strict surveillance (People vs. Tusing and Luzon Surety Co., 61 Phil., 404).

Under the facts obtaining in the case, is the appellant bonding company entitled to a total exoneration? A bondsman is entitled to a total exoneration, after an order of confiscation has been promulgated, if within the period of 30 days granted by the court, the bondsman has (1) produced the body of the principal or given the reason for its non-production; and (2) explained satisfactorily why the principal did not appear before the Court, when first required to do so (Sec. 15, Rule 110). Appellant company failed to comply with these conditions. While an explanation for the non production of the accused was submitted, the same, however, did not satisfy the trial court. The court a quo did not believe the excuse of the bonding company that the accused was ill on the date of trial (December 10, 1957), and that his illness had prevented his appearance in Court. The record, according to the trial court, impressively showed that "accused has always managed to evade coming to court one way or the other". The Bondsman was negligent in not having placed the accused under strict surveillance.

Considering, however, that the accused was arrested and delivered by the appellant to the trial Court, six months after the judgment against the bond was rendered, after efforts exerted and expenses incurred by the bonding company to apprehend the elusive accused, and considering farther the recommendation of the Solicitor General for a partial remission of the judgment, we feel it fair to reduce the liability of the bonding company from P4,000.00 to P2,000.00 (People vs. Tan, 101 Phil., 324; People vs. Daisin, 101 Phil., 228, 54 Off. Gaz., [9] 1824).

Modified as indicated above, the decision appealed from is hereby affirmed in all other respects. Costs against the appellant bonding company.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Dizon, De Leon, and Natividad, JJ., concur.

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.