PEOPLE OF THE PHILIPPINES, PETITIONER, VS. LUIS PLAZA Y BUCALON, RESPONDENT.

G.R. No. 176933. October 02, 2009

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-176933/

CARPIO MORALES, J.:

Raising only questions of law, the People's petition for review on certiorari assails the January 31, 2007 Decision[1] of the Court of Appeals which affirmed the November 12, 2002 Order of the Regional Trial Court (RTC) of Surigao City, Br. 29 in Criminal Case No. 5144 (the case) fixing bail for the temporary liberty of Luis Bucalon Plaza alias Loloy Plaza (respondent) who was indicted for Murder.

The case was originally raffled to Branch 30 of the Surigao RTC presided by Judge Floripinas Buyser (Judge Buyser).

After the prosecution rested its case, respondent, with leave of court, filed a Demurrer to Evidence.[2] The Demurrer was denied by Judge Buyser by Order[3] of March 14, 2002, the pertinent portion of which reads:

> x x x x
>
> The evidence thus presented by the prosecution is sufficient to prove the guilt of the accused beyond reasonable doubt, but only for the crime of homicide and not for murder, as charged. This is because the qualifying circumstance of treachery alleged in the information cannot be appreciated in this case.
>
> x x x x (Emphasis and underscoring supplied)

The defense thereupon presented evidence[4] in the course of which respondent filed a Motion to Fix Amount of Bail Bond,[5] contending that in view of Judge Buyser's ruling that the prosecution evidence is sufficient to prove only Homicide, he could be released on bail. He thus prayed that the bail bond for his temporary liberty be fixed at P40,000.00 which he claimed was the usual bond for Homicide in the RTC of Surigao City and Surigao del Norte.

In its Opposition to Motion to Fix Amount of Bail Bond,[6] the prosecution contended, in the main, that the case being for Murder, it is non-bailable as the imposable penalty is reclusion temporal to death; that it is the public prosecutor who has exclusive jurisdiction to determine what crime the accused should be charged with; that the accused should have filed a motion/application to bail and not just a motion to fix the amount of the bail bond; that the accused had already waived his right to apply for bail at that stage of the proceedings; that Judge Buyser's March 14, 2002 Order, being a mere opinion and not a ruling or a dispositive part thereof, produced no legal effect inasmuch as it had no jurisdiction to rule on a matter outside the Demurrer; and that under the Rules, the prosecution could still prove the existence of treachery on rebuttal after the defense has rested its case.

During the hearing of the Motion to Fix Amount of Bail Bond, Senior State Prosecutor Rogelio Bagabuyo questioned Judge Buyser's impartiality, prompting the judge to inhibit himself and to order the case transferred to Branch 29 of the RTC for further proceedings.

Branch 29 Presiding Judge Jose Manuel Tan (Judge Tan) heard the Motion to Fix Amount of Bail Bond.

By Order[7] of November 12, 2002, Judge Tan, concurring with the finding of Judge Buyser that since the prosecution evidence proved only Homicide which is punishable by reclusion temporal and, therefore, bailable, ruled that respondent could no longer be denied bail. He accordingly granted respondent's Motion and fixed the amount of his bond at P40,000.

Petitioner's motion for reconsideration cum prayer for inhibition of Judge Tan was denied for lack of merit.[8]

Respondent was subsequently released[9] after he posted a P40,000 bond.

Roberto Murcia (Roberto), the victim's brother, impleading the People as co-petitioner, assailed the trial court's orders via petition for certiorari[10] with the Court of Appeals.

Roberto faulted Judge Tan for granting bail without an application for bail having been filed by respondent and without conducting the mandatory hearing to determine whether or not the prosecution's evidence is strong.

The Office of the Solicitor General (OSG) adopted Roberto's argument that the grant of bail to respondent without any separate hearing is contrary to prevailing jurisprudence.

By Decision of January 31, 2007, the appellate court, observing that the allegations in respondent's Motion to Fix Amount of Bail Bond constituted an application for bail, dismissed Roberto's petition and affirmed Judge Tan's orders.[11]

In its present petition, the People contends that

> THE COURT OF APPEALS DECIDED A QUESTION OF SUBSTANCE CONTRARY TO LAW AND SETTLED JURISPRUDENCE WHEN IT RULED THAT THE HEARING CONDUCTED SATISFIES THE REQUIREMENT OF DUE PROCESS AND THAT RESPONDENT IS ENTITLED TO BAIL[12] (Underscoring supplied)

Section 13, Article III of the Constitution provides that "All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law."

Section 4 of Rule 114 of the Revised Rules of Court, as amended, thus 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 exercise by the trial court of its discretionary power to grant bail to an accused charged with a capital offense thus depends on whether the evidence of guilt is strong. Stressing this point, this Court held:

> . . . [W]hen bail is discretionary, a hearing, whether summary or otherwise in the discretion of the court, should first be conducted to determine the existence of strong evidence or lack of it, against the accused to enable the judge to make an intelligent assessment of the evidence presented by the parties. A summary hearing is defined as "such brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of hearing which is merely to determine the weight of evidence for the purposes of bail." On such hearing, the court does not sit to try the merits or to enter into any nice inquiry as to the weight that ought to be allowed to the evidence for or against the accused, nor will it speculate on the outcome of the trial or on what further evidence may be therein offered and admitted. The course of inquiry may be left to the discretion of the court which may confine itself to receiving such evidence as has reference to substantial matters, avoiding unnecessary examination and cross examination."[13] (Emphasis and underscoring supplied)

Since Judge Tan concurred with the assessment by Judge Buyser of the prosecution evidence when he denied the

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Demurrer and the latter's statement that the evidence was sufficient to convict respondent of Homicide, holding a summary hearing merely to determine whether respondent was entitled to bail would have been unnecessary as the evidence in chief was already presented by the prosecution.

The People's recourse to Section 5,[14] Rule 114 of the Revised Rules of Criminal Procedure to support its contention that respondent should be denied bail is unavailing, for said Section clearly speaks of an application for bail filed by the accused after a judgment of conviction has already been handed down by the trial court.

WHEREFORE, the petition is DENIED.

SO ORDERED.

Ynares-Santiago[*], Peralta[***], Del Castillo, and Abad, JJ., concur.

---

[*] Additional member per Special Order No. 691.

[**] Per Special Order No. 690 in lieu of the sabbatical leave of Senior Associate Justice Leonardo A. Quisumbing.

[***] Additional member per Special Order No. 711.

[1] Penned by (CA Mindanao Station) Associate Justice Teresita Dy-Liacco Flores, with the concurrence of Associate Justices Rodrigo F. Lim, Jr. and Michael P. Elbinias; CA rollo, pp. 188-197.

[2] Id. at 121-134.

[3] Id. at 162-174.

[4] The defense commenced presentation of its evidence on May 15, 2002 and rested on August 12, 2003, id. at 178 and 248, respectively.

[5] Id. at 186-189.

[6] Id. at 192-208.

[7] Id. at 211-216.

[8] Vide Order dated February 10, 2003; id. at 244-246.

[9] Id. at 247.

[10] Rule 65, Revised Rules of Court in CA-G.R. SP No. 79794 entitled Roberto Murcia and People of the Philippines v. Luis Plaza y Bucalon alias Loloy Plaza and Judge Jose Manuel R. Tan; CA Rollo, pp. 2-20.

[11] Vide note 1 at 197.

[12] Rollo, p. 17.

[13] People v. ako, Jr., supra note 23, citing Basco v. Rapatalo, 269 SCRA 220, 233 (1997).

[14] Sec. 5. Bail, when discretionary. - Upon conviction by the Regional Trial Court of an offense not punishable by death, reclusion perpetua, or life imprisonment, admission to bail is discretionary. The application for bail may be filed and acted upon by the trial court despite the filing of a notice of appeal, provided it has not transmitted the original record to the appellate court. However, if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed with and resolved

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

by the appellate court.

x x x x

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.