

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS.
ROMEO PACOMIO, ET AL., ACCUSED; ASSOCIATED INSURANCE
& SURETY CO., INC., RESPONDENT AND APPELLANT.**

G.R. No. 20077. September 30, 1964

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-20077/>

CONCEPCION, J.:

This is an appeal from an order of the Court of First Instance of Zambales, which was certified to us by the Court of Appeals, no question of fact being involved therein.

The record shows that, in Criminal Case No. 4100 of said court of first instance, Romeo Pacomio and Justiniano Pacomio, who were accused therein of illegal possession of dynamite, had been released on bail bonds of P1,200 each, posted by appellant Associated Insurance & Surety Co., Inc.; that the accused failed to appear before the said court at the hearing of the case, on February 26, 1959, despite the notice duly served upon appellant; that on the same date, the court, accordingly, issued an order requiring appellant to produce the accused within thirty (30) days from notice, and to show cause why judgment should not be rendered against appellant on the aforementioned bonds; that, although notice of this order was duly served on March 7, 1959, appellant did not comply with said order within the period therein given; that on motion of the prosecution, said court, consequently, issued on July 31, 1959, an order sentencing appellant to pay to the Republic of the Philippines the sum of P2,400, representing the aggregate value of the two (2) bonds; that on September 23, 1959, appellant surrendered the aforementioned accused to the lower court and moved to set aside its order of confiscation and cancellation of the aforementioned bonds; and that on November 25, 1959, the lower court amended its order of July 31, 1959, by reducing the sentence against appellant from P2,400 to P1,800.

Appellant seeks a reversal of this order of November 25, 1959 upon the ground that the body of the defendants had already been surrendered to the lower court. In support of its pretense, appellant quotes in its brief a motion, allegedly filed with the lower court by the accused in said criminal case, alleging that their failure to appear before said court on February 26, 1959 was due, not to a desire to disobey the orders of said court, or to jump their bail, but to the fact that they were then "at sea fishing for their livelihood" and that it was only upon their return that they learned, through appellant's agents, of the court order setting the case for hearing on February 26, 1959.

The appeal is devoid of merit. To begin with, said motion is not a part of the record of the present appeal. It was not introduced in evidence in connection therewith. Secondly, the motion does not appear to be verified and, hence, the allegations thereof cannot be taken on the face value thereof. Thirdly, appellant does not claim that it tried to notify the defendants of the scheduled hearing prior thereto. He had it done so, it would have probably found them in their residence, inasmuch as, according to said motion, they were at sea on the date of the hearing, not prior thereto. Appellant, did not even send a representative to the lower court on February 26, 1959, in order to explain why the accused could not be present then. What is more, despite the fact that, on March 7, 1959, they received copy of the order requiring them to produce the body of the accused within thirty (30) days and show

cause why their bonds should not be confiscated and judgment rendered thereon, appellant did nothing either to comply with said order or to explain why they could not surrender the accused within the aforementioned period. Thus, the record satisfactorily establishes that appellant was grossly remiss in the performance of its duty under the aforementioned bonds and that, accordingly, the lower court was fully justified in merely reducing the amount of the judgment against the appellant from P2,400.00 to P1,800.00.

WHEREFORE, the order appealed from is hereby affirmed, with costs against appellant herein.

IT IS SO ORDERED.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, 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.