

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLANT, VS. DOMINGO CALABON, DEFENDANT. VALERIANA RAYMUNDO AND TEODORA FALCONAN, SURETIES AND APPELLEES.

G.R. No. 29640, December 22, 1928

Ponente: OSTRAND, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-29640/>

OSTRAND, J.:

This is an appeal by the Attorney-General on behalf of the People of the Philippine Islands from an order of the Court of First Instance of Laguna relieving Valeriana Raymundo and Teodora Falconan from their liability as sureties on a bail bond.

It appears from the record that on September 5, 1925, one Domingo Calabon was convicted of homicide by the Court of First Instance of Laguna and sentenced to suffer twelve years and one day of reclusion temporal. Calabon appealed and gave a bail bond in the sum of P2,000 and in which Valeriana Raymundo and Teodora Falconan were sureties jointly and severally. The case was finally decided by this court on July 31, 1926,[1] and the judgment of the trial court affirmed. Upon the return of the record to the Court of First Instance, both Calabon and his sureties were notified of the sentence, but the accused failed to appear, and on September 21, 1926, the Court of First Instance issued an order for his arrest and declared his bail forfeited. On October 19, 1926, the surety Valeriana Raymundo filed a motion setting forth that the accused had not been found notwithstanding the efforts of the Constabulary and the municipal police of San Pablo and prayed that she be given an extension of thirty days for the apprehension of the accused. On December 13, 1926, the court extended the time until the 20th of the same month. Notwithstanding this extension, the sureties were unsuccessful in their search for the accused, and on January 7, 1927, the Court of First Instance rendered a judgment, ordering the sureties to jointly and severally pay the sum of P12,000 with the costs. From this judgment the sureties appealed to the Supreme Court, where the appeals were dismissed on the ground that the appellants had failed to file their briefs within the time prescribed by the rules (case G. R. No. 28635).[2]

Upon the return of the record to the Court of First Instance the surety Valeriana Raymundo presented a motion to the lower court asking that she be relieved from all responsibility on the bond on the ground that she had made all possible efforts to secure the arrest of Calabon; that she had offered a prize of P500 for his capture; and that she had expended considerable money in search for the convict; that due to these efforts he had been apprehended on October 10, 1927, and that he was already serving his sentence in Bilibid Prison. On January 17, 1928, the other surety Teodora Falconan filed a similar motion and asked for the same relief. The motions were opposed by the provincial fiscal of Laguna, but the court, nevertheless, granted the motions and cancelled the bond, whereupon the Attorney-General brought this appeal.

The appellant contends that considering the provisions of section 76 of General Order No. 58, the court below exceeded its jurisdiction in discharging the sureties from all liability upon a bail bond which had been declared forfeited more than thirty days before the issuance of the order of discharge.

There is some merit in this contention; section 76, *supra*, only authorizes the courts to discharge a forfeiture within the period of thirty days from the time of the declaration of such forfeiture, and it seems obvious that a complete discharge cannot be granted after the expiration of that period. But this court has held that that does not entirely deprive the court of its inherent discretionary powers in regard to the amount of the liability of the sureties and that where after forfeiture of bail, the purpose of the recognizance has been accomplished by placing the principal in prison to serve sentence, the bondsmen may be relieved from a part of the liability according to the merits of the particular case (*People vs. Reyes*, 48 Phil., 139). Following this rule and taking into consideration the efforts of one of the sureties to apprehend the convict and the fact that said convict finally was arrested and commenced to serve his sentence before the appeal of the sureties in case G. R. No. 28635 had been dismissed by this court, we are of the opinion that the liability of said sureties upon the bond may properly be reduced to P3,000.

The order appealed from is therefore modified, and it is hereby ordered that upon the payment to the Government of the sum of P3,000 by the aforesaid sureties, jointly and severally, within the period of sixty days from the return of the record to the court below, the said sureties will be relieved from further liability upon the bond. No costs will be allowed. So ordered.

Avanceña, C. J., Johnson, Street, Malcolm, Villamor, Johns, Romualdez, and Villa-Real, JJ., concur.

[1] G. R. No. 24890, not reported.

[2] Decided by resolution of November 22, 1927.

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.