

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. ANACLETO FOLLANTES AND EUGENIO JACINTO, DEFENDANTS. ANACLETO FOLLANTES, APPELLANT.

G. R. No. 45129. September 24, 1936

Ponente: DIAZ, J.

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DIAZ, J.:

It appears that after the lower court had rendered judgment sentencing the appellant Anacleto Follantes to the penalty of reclusion perpetua, for murder, said appellant asked that, pending final determination of his appeal, he be permitted to perfect the bail of P15,000 which said court had authorized him to give for his provisional liberty in the municipality of Jones of the Province of Isabela.

The crime of murder is punishable by reclusion temporal in its maximum period to death (art. 248, Revised Penal Code).

Persons convicted of a crime punishable by death, as murder, are not bailable, as the law recognizes such right in a person accused of said crime, before conviction, only when the evidence of his guilt is not strong (Art. III, sec. 1, No. 16, of the Constitution of the Philippines).

Under the law, persons convicted of non-capital crimes, who appeal from a judgment sentencing them to penalties other than death, have no absolute right to bail, except when said penalties are imposed upon them by the justice of the peace courts, as the right to bail after conviction is not authorized by the Constitution and is, as a general rule, not recognized (3 Ruling Case Law, par. 14, p. 15), it being clearly stated in section 64 of General Orders, No. 58, as amended by section 2 of Act No. 4178, that:

"After judgment by a justice of the peace, the defendant shall be admitted to bail as of right, and, in all non-capital cases after judgment by any other court, as a matter of judicial discretion. * * *"

Wherefore, this court being of the opinion that the appellant should not be admitted to bail, pending his appeal, his petition is hereby denied. So ordered.

Avanceña, C. J., Villa-Real, Imperial, Recto, and Laurel, JJ., concur.

Abad Santos, J.; I concur in the result.

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