

**ERLANA G. INOCENCIO, PETITIONER, VS. HON. AMANTE ALCONCEL,
AS CIRCUIT CRIMINAL COURT JUDGE, SIXTH JUDICIAL DISTRICT,
MANILA, AND JOSE FLAMINIANO, CITY FISCAL OF MANILA,
RESPOND...**

G.R. No. 55658. February 05, 1981

Ponente: FERNANDO, C.J.

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FERNANDO, C.J.:

There is before this Court an urgent petition in the nature of a mandamus proceeding without it being so expressly denominated praying that an order issue from this Tribunal granting the provisional liberty of petitioner Erlana G. Inocencio. She is accused of parricide in a case pending before respondent Judge Amante Alconcel^[1] of the Circuit Criminal Court of Manila. The nine-page petition is rather meager in its invocation of legal doctrines, but certainly infused with the spirit of compassion and sympathy – excessively so it would seem – for the sad plight in which petitioner finds herself. She has been languishing in jail and thus unable to take care of her fatherless children, now apparently sunk deep in poverty. The emotional tone is carried to excess at all times.

The Solicitor General was asked to comment and, as was to be expected, stress was laid in its pleading on the legal aspect, pointing out that the prosecution should be given the opportunity to prove that the evidence of guilt is strong, parricide being a capital offense, and that there should be a hearing before the sale of respondent Judge. The plea is for the petition to be remanded to the Circuit Criminal Court of Manila for appropriate action. There was a rejoinder, counsel apparently laboring under the belief that appeal to the humanitarian spirit of this Court would not be in vain and even specifically mentioning the amount of P30,000.00 as the limit of the bail to be imposed.

The Court, while not insensible to what was characterized as "the trials and travails of life and its vicissitudes" of petitioner because of "overly prolonged detention" is of the opinion and so holds that the application of well-settled doctrines would suffice for disposing of this petition.^[2] The lower court can be directed to conduct forthwith a hearing to determine whether or not the right to bail should be enjoyed by petitioner, save only on a showing that the evidence of guilt is strong. Lacking such element, bail must be granted her – one moreover that is not excessive.^[3] So the Constitution mandates.

WHEREFORE, respondent Judge Amante Alconcel is ordered to conduct forthwith a hearing on the application for bail of petitioner Erlana G. Inocencio. This resolution is immediately executory.

Teehankee, Barredo, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Makasiar, J., no part.

[1] Jose Flaminiano, City Fiscal of Manila, was likewise named as co-respondent.

[2] Cf. Teehankee v. Rovira, 75 Phil. 634 (1945); Ocampo v. Bernabe, 77 Phil. 55 (1946); De la Rama v. People's Court, 77 Phil. 461 (1946); Ching Juat v. Ysip, 77 Phil. 849 (1947); Sy Guan v. Amparo, 79 Phil. 670 (1947); People v. Berg, 79 Phil. 842 (1947); People v. Alano, 81 Phil. 19 (1948); Munoz v. Rillaroza, 83 Phil. 609 (1949); Villasenor v. Abano, L-23599, September 29, 1967, 21 SCRA 312; People v. San Diego, L-29676, December 24, 1968, 26 SCRA 522.

[3] In addition to the Villasenor decision, De la Camara v. Enage is likewise in point.

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