

ROMULO BOLAÑOS, CONRADO BELLEN, ALEJANDRO COMETEL AND POMPEO DAJERO, PETITIONERS, VS. JUDGE RAFAEL DELA CRUZ, BRANCH III, COURT OF FIRST INSTANCE OF CAMARINES SUR AND PEOPLE OF ...*G.R. No. 58805. August 21, 1982*

Ponente: ABAD SANTOS, J.

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For the death of Romeo Belano, petitioner Romulo Bolaños, Conrado Bellen, Alejandro Cometel and Pompeo Dajero, along with July Espino, were charged with the crime of murder before the Court of First Instance of Camarines Sur on February 25, 1977. On March 23, 1977, the petitioners filed with said court a petition for bail but resolution of the same was deferred by the presiding judge until the presentation of the prosecution evidence. On February 7, 1978, July Espino was allowed to post bail in the sum of P20 ,000.00. On November 21, 1979, Bolaños, Bellen, Cometel and Dajero reiterated their petition for bail but the same was denied by respondent Judge Rafael dela Cruz in an order dated December 6, 1979, upon the ground that the evidence already presented by the prosecution indicate strongly that they are probably guilty of the capital offense alleged in the information. On September 9, 1980, the prosecution rested its case after formally offering evidence which included Exhs. E, F, G, and H - the alleged extra-judicial confessions of the accused-petitioners. The exhibits were admitted despite the claim of the petitioners that they were illegally obtained. It is said that there was lack of substantial compliance with the constitutional requirements on warning and waiver and that said exhibits were the fruits of the arbitrary detention of the petitioners. On December 17, 1980, the petitioners filed a motion for reconsideration of the order admitting in evidence the extra-judicial confessions. The motion was denied by the respondent judge in an order dated August 25, 1981. On September 22, 1981, Bolaños, et al. again reiterated their petition for bail but the same was again denied by the respondent judge in his order dated October 5, 1981. Hence, the present petition which seeks to set aside the respondent judge's orders dated August 25, 1981, and October 5, 1981, and that they be admitted to bail in the amount of P20 ,000.00.

Petitioners' contention that their extra-judicial confessions (Exhs. "E", "F", "G" and "H") should not have been admitted in evidence because of lack of substantial compliance with the constitutional requirements on warning and waiver and because the same are the fruits of their arbitrary detention by the police is a matter that is best considered when it is their turn to present evidence. At this stage, the extra-judicial confessions must be presumed voluntary and regular until the contrary is proved and this Court is not the proper forum to prove the contrary. The proper forum is the trial court.

Under the Constitution, all persons shall, before conviction, be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. It is the trial court which is tasked to determine whether or not the evidence of guilt is strong and it has determined the affirmative in this case after consideration of the evidence already presented by the prosecution. In the absence of manifest abuse of discretion, We are not prepared to substitute Our judgment for that of the trial court.

WHEREFORE, the petition is denied for lack of merit. No costs.

SO ORDERED.

Teehankee, Barredo, Makasiar, Aquino, Concepcion, Jr., Guerrero, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova, and Gutierrez, Jr., JJ., concur.

Fernando, C.J., would remand the case to the trial court to ascertain whether or not there was a violation of constitutional rights in obtaining the extra-judicial confessions.

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