

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOSELITO AGBULOS ALIAS LITO, ACCUSED-APPELLANT.

G.R. No. 73875. May 18, 1993

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-73875/>

CRUZ, J.:

Upon complaint filed by Angelita P. Bangit, accused-appellant Joselito Agbulos was charged with the offense of forcible abduction with rape. On January 23, 1981, Agbulos was arraigned and pleaded not guilty.[1]

On April 25, 1984, the prosecution rested its case. On August 13, 1984, a warrant for the arrest of Agbulos was issued for his failure to appear at the scheduled hearing. On September 24, 1984, the order of arrest was recalled and set aside because notice had been sent to the wrong bonding company. Hearing was reset on November 5, 1984, and the accused was notified at his home address.[2]

On November 5, 1984, the accused failed to appear and his arrest was again ordered.[3] The bonding company was given 30 days to produce the person of the accused and show cause why judgment should not be rendered against its undertaking.

On December 18, 1984, the trial court issued an order reading as follows:

Upon motion of the Fiscal, it appearing that the bonding company of the herein accused failed to produce the person of the latter within the specified period, let judgment issue against the full amount of his bond.

Upon motion of the defense counsel, over the vigorous objection of the Fiscal, the continuation of the trial of this case today for presentation of evidence for the defense is hereby cancelled and reset to January 30, 1985, at 8:30 o'clock in the morning.

It is understood that should the accused still fail to appear and present evidence at the next setting, it shall be deemed that he has waived his right to present evidence and the case shall be considered submitted for decision based on the evidence on record.

As requested by the defense counsel, let an Order of Arrest issue against the herein accused at his address at 119 Dionisio Street, Doña Adela Subdivision, Cabanatuan City, to be coursed through the INP Station at Cabanatuan City.

SO ORDERED.

On January 30, 1985, the accused still failed to appear.[4] His counsel manifested in court that he was adopting the testimony of prosecution witness Ernesto Tamayo as evidence for the accused. Thereafter, the defense rested its case.

On July 11, 1985, judgment was rendered against the bonding company for failure to produce the accused and to explain why the amount of its undertaking should not be forfeited.

On June 15, 1985, the trial court rendered its decision finding accused Joselito Agbulos guilty of forcible

abduction with rape and sentencing him to suffer the penalty of reclusion perpetua. He was also ordered to indemnify the victim Angelita Bangit in the amount of P20,000.00 and to pay the costs.[5]

On August 16, 1985, counsel for the accused filed a notice of appeal.

The trial in absentia was perfectly valid, having been held in accordance with Article IV, Section 19, of the 1973 Constitution, then in force, which has been reproduced verbatim in Article III, Section 14(2) of the 1987 Constitution, providing in part as follows:

However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

The purpose of this rule is to speed up the disposition of criminal cases, trial of which could in the past be indefinitely deferred, and many times completely abandoned, because of the defendant's escape. The old case of *People v. Avanceña*[6] required his presence at certain stages of the trial which as a result, had to be discontinued as long as the defendant had not reappeared or remained at large. As his right to be present at these stages was then held not waivable even by his escape, such escape thus operated to the fugitive's advantage, and in mockery of the authorities, insofar as the trial could not proceed as long as he had not been recaptured.

The doctrine laid down in that case has been modified by the Bill of Rights, which now allows trial in absentia. Now the prisoner cannot by simply escaping thwart his continued prosecution and possibly eventual conviction provided only that: a) he has been arraigned; b) he has been duly notified of the trial; and c) his failure to appear is unjustified.

Under the old doctrine, trial in absentia of the escapee could not be held because he could not be duly notified thereof. Under the present rule, the fugitive is deemed to have waived such notice precisely because he has escaped, and it is also this escape that makes his failure to appear at his trial unjustified. Escape can never be a legal justification.

In the past, his escape "rewarded" him by postponing all further proceedings against him and in effect ultimately absolving him of the charge he was facing. Under the present rule, his escape will, legally speaking, operate to his disadvantage as he will be unable to attend his trial, which will continue even in his absence and most likely result in his conviction.

The right to be present at one's trial may now be waived except only at that stage where the prosecution intends to present witnesses who will identify the accused.[7] The defendant's escape will be considered a waiver of this right and the inability of the court to notify him of the subsequent hearings will not prevent it from continuing with his trial. He will be deemed to have received due notice. The same fact of his escape will make his failure to appear unjustified because he has, by escaping, placed himself beyond the pale, and protection, of the law.

By the same token, the accused has forfeited the right to appeal. The record shows that after arraignment and during the trial, Agbulos jumped bail and has not been apprehended to date. The last time he appeared in court was on April 25, 1984, when the prosecution rested its case. The rest of the trial was held in absentia, resulting in the judgment of conviction.

Rule 124, Section 8, of the 1985 Rules of Criminal Procedure provides that the court may, "upon motion of the appellee or on its own motion, dismiss the appeal if the appellant escapes from prison or confinement or jumps bail or flees to a foreign country during the pendency of the appeal." We have held that once an accused escapes from prison or confinement or jumps bail or flees to a foreign country, he loses his standing in court and unless he surrenders or submits to its jurisdiction is deemed to have waived any right to seek relief from the court.[8]

In the case at bar, the appellant has remained at large even as he hopes that his appeal will succeed and he can then appear before the Court to claim his victory. He hopes in vain.

WHEREFORE, the appeal is DISMISSED. Let the records of this case be remanded to the trial court for issuance of the mittimus. SO ORDERED.

Griño-Aquino, Bellosillo, and Quiason, JJ., concur.

[1] Records, p. 62.

[2] Ibid., pp. 366, 389, 387.

[3] id., p. 397.

[4] id., p. 408.

[5] Decision rendered by Judge Pablo S. Villanueva of the Regional Trial Court of Bulacan.

[6] 32 O.G. 713.

[7] Aquino v. Mil. Commission No. 2; 63 SCRA 546; People v. The Presiding Judge, 125 SCRA 269.

[8] People v. Mapalao, 197 SCRA 79.

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.