Bail – Rule 114

Section 1. *Bail defined*. — Bail is the security given for the release of a person in custody of the law, furnished by him or a bondsman, to guarantee his appearance before any court as required under the conditions hereinafter specified. Bail may be given in the form of corporate surety, property bond, cash deposit, or recognizance. (1a)

1. When a Matter of Right; Exceptions;

Section 4. *Bail, a matter of right*; *exception*. — All persons in custody shall be admitted to bail as a matter of right, with sufficient sureties, or released on recognize as prescribed by law or this Rule (a) before or after conviction by the Metropolitan Trial Court, Municipal Trial Court, Municipal Trial Court in Cities, or Municipal Circuit Trial Court, and (b) before conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment. (4a)

2. When a Matter of Discretion

Section 5. *Bail*, *when discretionary*. — Upon conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment, admission to bail is discretionary. The application for bail may be filed and acted upon by the trial court despite the filing of a notice of appeal, provided it has not transmitted the original record to the appellate court. However, if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed with and resolved by the appellate court.

Should the court grant the application, the accused may be allowed to continue on provisional liberty during the pendency of the appeal under the same bail subject to the consent of the bondsman.

3. Where filed

Section 17. *Bail*, *where filed*. — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any regional trial court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.

4. Application for Bail in Capital Offenses

Section 6. *Capital offense defined*. — A capital offense is an offense which, under the law existing at the time of its commission and of the application for admission to bail, may be punished with death. (6a)

Section 7. *Capital offense of an offense punishable by reclusion perpetua or life imprisonment, not bailable*. — No person charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment, shall be admitted to bail when evidence of guilt is strong, regardless of the stage of the criminal prosecution. (7a)

5. Guidelines in Fixing Amount

Section 9. *Amount of bail*; *guidelines*. — The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to, the following factors:

(a) Financial ability of the accused to give bail;

(b) Nature and circumstances of the offense;

(c) Penalty for the offense charged;

(d) Character and reputation of the accused;

(e) Age and health of the accused;

(f) Weight of the evidence against the accused;

(g) Probability of the accused appearing at the trial;

(h) Forfeiture of other bail;

(i) The fact that accused was a fugitive from justice when arrested; and

(j) Pendency of other cases where the accused is on bail.

Excessive bail shall not be required. (9a)

6. Bail-negating circumstances

If the penalty imposed by the trial court is imprisonment exceeding six (6) years, the accused shall be denied bail, or his bail shall be cancelled upon a showing by the prosecution, with notice to the accused, of the following or other similar circumstances:

(a) That he is a recidivist, quasi-recidivist, or habitual delinquent, or has committed the crime aggravated by the circumstance of reiteration;

(b) That he has previously escaped from legal confinement, evaded sentence, or violated the conditions of his bail without valid justification;

(c) That he committed the offense while under probation, parole, or conditional pardon;

(d) That the circumstances of his case indicate the probability of flight if released on bail; or

(e) That there is undue risk that he may commit another crime during the pendency of the appeal.

The appellate court may, *motu proprio* or on motion of any party, review the resolution of the Regional Trial Court after notice to the adverse party in either case. (5a)

6 YEARS + R-E-V-P-F-C

R — Recidivist / quasi-recidivist / habitual delinquent / reiteration

E — Escape / evade sentence

V — Violation of bail conditions

P — Probation, parole, conditional pardon

F — Flight risk

C — Commission of another crime

7. Remedy when denied

The remedy from the denial of bail is to file a motion for reconsideration and, if the denial is attended by grave abuse of discretion, to file a petition for certiorari.

8. Forfeiture

Section 21. *Forfeiture of bond*. — When the presence of the accused is required by the court or these Rules, his bondsmen shall be notified to produce him before the court on a given date and time. If the accused fails to appear in person as required, his bail shall be declared forfeited and the bondsmen given thirty (30) days within which to produce their principal and to show cause why no judgment should be rendered against them for the amount of their bail. Within the said period, the bondsmen must:

(a) produce the body of their principal or give the reason for his non-production; and

(b) explain why the accused did not appear before the court when first required to do so.

Failing in these two requisites, a judgment shall be rendered against the bondsmen, jointly and severally, for the amount of the bail. The court shall not reduce or otherwise mitigate the liability of the bondsmen, unless the accused has been surrendered or is acquitted. (21a)

9. Recognizance – R.A. 10389 Recognizance Act of 2012

Section 15. *Recognizance*. — Whenever allowed by law or these Rules, the court may release a person in custody to his own recognizance or that of a responsible person. (15a)

RA- 10389 Section 3. *Recognizance Defined.* – Recognizance is a mode of securing the release of any person in custody or detention for the commission of an offense who is unable to post bail due to abject poverty. The court where the case of such person has been filed shall allow the release of the accused on recognizance as provided herein, to the custody of a qualified member of the barangay, city or municipality where the accused resides.

a. Who are disqualified Cases:

RA- 10389 Section 7. *Disqualifications for Release on Recognizance.* – Any of the following circumstances shall be a valid ground for the court to disqualify an accused from availing of the benefits provided herein:

(a) The accused bad made untruthful statements in his/her sworn affidavit prescribed under Section 5(a);

(b) The accused is a recidivist, quasi-recidivist, habitual delinquent, or has committed a crime aggravated by the circumstance of reiteration;

(c) The accused had been found to have previously escaped from legal confinement, evaded sentence or has violated the conditions of bail or release on recognizance without valid justification;

(d) The accused had previously committed a crime while on probation, parole or under conditional pardon;

(e) The personal circumstances of the accused or nature of the facts surrounding his/her case indicate the probability of flight if released on recognizance;

(f) There is a great risk that the accused may commit another crime during the pendency of the case; and

(g) The accused has a pending criminal case which has the same or higher penalty to the new crime he/she is being accused of.

Lavides vs. CA, 324 SCRA 321

FACTS

Rogelio Lavides was arrested without a warrant through an entrapment operation after he was allegedly caught with a 16-year-old girl. Several informations were subsequently filed against him involving the alleged exploitation of minors.

Lavides applied for bail. The trial court allowed bail but imposed several conditions, including that he **could not waive his appearance at trial** and that he had to be present at the hearings. More importantly, the trial court ordered that the **approval of his bail bonds would be made only after his arraignment**.

The reason given by the trial court was that if Lavides were released on bail before arraignment, he could deliberately absent himself and thereby prevent his arraignment and delay the proceedings.

ISSUE

Whether the accused may be granted bail before arraignment.

RULING

YES.

The Supreme Court held that **arraignment is not a prerequisite to the grant of bail**.

The trial court's condition requiring Lavides to be **arraigned first before his bail could be approved was invalid**.

The Court explained that when bail is authorized, it should be granted **before arraignment**. Otherwise, the accused could be prevented from exercising important rights, including the right to file a **motion to quash** and the constitutional right to bail.

IMPORTANT DOCTRINE

Bail may be granted before arraignment. Arraignment is not a prerequisite to the grant of bail.

This is the key doctrine you should remember for **Rule 114**.

BUT — WHAT CONDITIONS WERE VALID?

The Supreme Court distinguished between the conditions imposed by the trial court.

VALID:

- The accused could be required to **appear at the hearings/trial**.
- Failure to appear without justification despite due notice may result in the consequences provided by Rule 114, including proceeding with the trial in absentia after the constitutional requirements are met.

INVALID:

- Requiring the accused to be **arraigned first before his bail bonds could be approved**.

The Court held that the invalid condition did **not** make the subsequent arraignment itself invalid

Rule 114 Topic	Lavides doctrine
When bail is a matter of right	Bail may be available before conviction when the accused is entitled to it
Where/when bail may be applied for	Bail may be applied for even **before arraignment**
Conditions of bail	Court may impose valid conditions to ensure appearance
Remedy/limitations	Court cannot impose an invalid condition that effectively defeats the right to bail
Trial in absentia	Failure to appear, despite due notice and without justification, may allow trial to proceed in absentia

In Lavides v. Court of Appeals, G.R. No. 129670, February 1, 2000, 324 SCRA 321, the Supreme Court held that arraignment is not a prerequisite to the grant of bail. The trial court cannot condition the approval of bail upon prior arraignment because doing so may impair the accused's constitutional right to bail and his right to file a motion to quash. However, reasonable conditions requiring the accused to appear at trial may validly be imposed.

Enrile vs. Sandiganbayan, GR No. 213847

FACTS

Juan Ponce Enrile was charged before the Sandiganbayan with plunder, an offense punishable by reclusion perpetua. He was detained after the filing of the information.

Enrile filed an urgent motion to fix bail, arguing that he should be allowed provisional liberty. The Sandiganbayan denied his motion and later denied his motion for reconsideration. Enrile then filed a petition for certiorari before the Supreme Court, alleging that the Sandiganbayan acted with grave abuse of discretion in denying his bail.

The Supreme Court ultimately granted the petition for certiorari, annulled the Sandiganbayan resolutions, and ordered Enrile's provisional release upon posting a ₱1,000,000 cash bond.

ISSUE

Whether Enrile may be granted bail despite being charged with plunder, an offense punishable by reclusion perpetua.

RULING

YES.

The Supreme Court held that although Enrile was charged with an offense punishable by reclusion perpetua, the right to bail depends on whether the evidence of guilt is strong. The Court also emphasized that the primary purpose of bail is to ensure the appearance of the accused at trial, rather than to punish the accused before conviction.

The Court considered Enrile's circumstances, including his advanced age, poor health, and the absence of a showing that he was a flight risk. These circumstances supported his provisional release.

IMPORTANT DOCTRINE

The Court stated that:

The primary purpose of bail is to ensure the appearance of the accused at trial.

The strength of the prosecution's case is relevant, particularly in determining whether bail may be denied for an offense punishable by reclusion perpetua, but bail is fundamentally intended to secure the accused's appearance in court.

REMEDY WHEN BAIL IS DENIED

This is very important for your Rule 114 topic.

Enrile challenged the denial of bail through a:

PETITION FOR CERTIORARI UNDER RULE 65

He alleged grave abuse of discretion by the Sandiganbayan. The Supreme Court granted the writ and annulled the resolutions denying bail.

In Enrile v. Sandiganbayan, G.R. No. 213847, August 18, 2015, the Supreme Court held that Enrile could be granted bail despite being charged with plunder, an offense punishable by reclusion perpetua. The Court considered that the primary purpose of bail is to ensure the accused's appearance at trial and took into account his advanced age, poor health, and the absence of a showing that he was a flight risk. Enrile challenged the denial of bail through a petition for certiorari, and the Supreme Court granted the petition and ordered his provisional release upon posting a ₱1,000,000 cash bond.

People vs. Antona, etc., et al., GR No. 137681, January 31, 2002

The Facts

On January 19, 1998, Assistant City Prosecutor Leona Castor Castillo of Batangas filed with the Regional Trial Court, Batangas City, an information charging Dante Fajardo, Sr., Paterno de Castro, Filipina Fajardo Arce, and John Doe, as principals, and Pio Arce, as accomplice, with the murder of Numeriano Comia, Barangay Chairman, Batangas City. Subsequently, the case was assigned to respondent judge's *sala*. On January 27, 1998, the trial court issued warrants of arrest for accused Fajardo Sr., de Castro, Arce, and John Doe. On March 10, 1998, the trial court granted an urgent motion of accused to suspend the efficacy of the warrants of arrest until further orders. On March 23, 1998, the prosecution filed a motion for reconsideration of the suspension order. On March 31, 1998, the trial court denied the motion for reconsideration. On December 3, 1998, the prosecution filed another motion to lift the suspension of the efficacy of the warrants of arrest. On December 4, 1998, the trial court granted the motion and issued warrants of arrest for all the accused without bail except for Pio Arce, whose bail was fixed at P200,000.00. On December 15, 1998, accused Dante Fajardo and Filipina Fajardo Arce, while still at large, filed with the trial court an urgent petition for bail with supplemental motion for reduction of bail for accused Pio Arce, Jr. On December 16, 1998, the trial court did not act on the petition because all the accused were still at large. On January 4, 1999, the accused filed with the trial court a motion for the resetting of the hearing of the urgent petition for bail to January 6, 1999. On the same day, the trial court ordered the setting of the urgent petition for bail "subject to the condition that the accused in this case will be voluntarily surrendering to the jurisdiction of the Court per their letter dated December 29, 1998." On January 6, 1999, the trial court issued an order allowing the accused pending the petition for bail to be in the custody of the PNP Criminal Detection Group, Camp Crame, Quezon City, instead of custody at the Batangas City Jail. On January 12, 1999, the prosecution filed with the trial court an omnibus motion to reconsider the order of custody of accused, to declare the proceedings on the bail hearing null and void, and to ask respondent judge to inhibit from hearing the petition for bail. On February 1, 1999, the trial court denied the prosecution's omnibus motion for lack of merit. On February 15, 1999, the trial court granted the accused's petition for bail and fixed their bail at P200,000.00 each. On February 25, 1999, respondent judge inhibited himself from further acting on the criminal case.

The Issue

Whether the trial judge acted with grave abuse of discretion in granting bail to the accused.

The Court's Ruling

Yes. The Court grant the petition.

The Revised Rules of Court provides "No person charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment when the evidence of guilt is strong, shall be admitted to bail regardless of the stage of the criminal action."In such case, a hearing, whether summary or otherwise in the discretion of the court, must actually be conducted to determine whether or not the evidence of guilt against the accused is strong. At the hearing, the prosecution has the burden of showing that the evidence of guilt is strong. In this case, the trial court scheduled several hearing dates for the petition for bail. The prosecution asked for a reasonable opportunity to present evidence. However, the trial court denied postponement ostensibly to give the accused a speedy trial. Instead, the trial court proceeded to hear the evidence for the defense, despite vigorous objection from the prosecution. From the evidence presented by the defense, respondent judge observed that the crime charged occurred in broad daylight in a place with many stores where people usually converged. Also, accused was a well-known personality in the area. However, respondent judge failed to give the prosecution reasonable time to adduce evidence, and instead, denied postponement but allowed the accused to present witnesses, resulting in a denial to the prosecution of due process of law. A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. "To appreciate the strength or weakness of the evidence of guilt, the prosecution must be consulted or heard. It is equally entitled as the accused to due process." The prosecution must be given ample opportunity to show that the evidence of guilt is strong. The prosecution must be accorded an opportunity to present evidence because by the very nature of deciding applications for bail, it is on the basis of such evidence that judicial discretion is exercised in determining whether the evidence of guilt of the accused is strong. Indeed, the determination of whether the evidence of guilt is strong is a matter of judicial discretion. Though not absolute nor beyond control, the discretion of the trial court must be sound, and exercised within reasonable bounds. Discretion must be exercised regularly, legally and within the confines of procedural due process, that is, after the evaluation of the evidence submitted by the prosecution and the accused.

Jorda vs. Bitas, AM RTJ-14-23776, March 5, 2014

Ma. Liza M. Jorda, City Prosecutor's Office, Tacloban City vs. Judge Crisologo S. Bitas, Regional Trial Court, Branch 7, Tacloban City A.M. No. RTJ-14-2376 March 5, 2014

FACTS: Prosecutor Leo C. Tabao and Associate City Prosecutor Ma. Liza M. Jorda filed the consolidated complaints against respondent Judge Crisologo S. Bitas for Grave Abuse of Authority, Irregularity in the Performance of Official Duties, Bias and Partiality. The complaints stemmed from cases for Qualified Trafficking and Violation of Section 10 of Republic Act No. 7610 filed against Danilo Miralles, et al.. Complainant alleged that respondent judge disregarded his duties and violated mandatory provisions of the Rules of Court when he did not issue a warrant of arrest against the accused Miralles, who was charged with two non-bailable criminal offenses, despite the accused's presence during court hearings. Moreover, respondent judge granted a reduced bail of ₱40,000.00 for accused Miralles even without any petition for the fixing of bail and in the absence of a motion to fix bail, denying the prosecution the opportunity to interpose its objections. In his Answer, respondent judge reasoned that it was wrong to arrest Miralles because the court was still in the process of determining whether there is sufficient evidence to hold the accused for trial and claimed there was no more need for a petition for bail because the court found the evidence against the accused was weak. The Court of Appeals found respondent judge guilty of grave abuse of authority and gross ignorance of the law, noting that Qualified Trafficking is punishable by life imprisonment, making the grant of bail a matter of discretion that can be exercised only after evidence is submitted in a hearing. The Supreme Court adopted the findings of the Investigating Justice, holding that respondent judge's act of fixing bail and reducing the same motu proprio was a patent disregard of well-known rules.

ISSUES: WHETHER the respondent judge committed gross ignorance of the law and violated the provisions of Rule 114 by granting bail to an accused charged with a capital offense without a formal petition for bail and without conducting the mandatory bail hearing.

RULINGS: No. The respondent judge's actions were not in accordance with the law. With life imprisonment as one of the penalties prescribed for the offense charged against the accused, he cannot be admitted to bail when evidence of guilt is strong, in accordance with Section 7, Rule 114. The hearing of the application for bail in capital offenses is absolutely indispensable before a judge can properly determine whether the prosecution's evidence is weak or strong. Respondent judge's justification that he granted bail because he found the evidence weak during a hearing to determine the existence of probable cause cannot be sustained because a hearing for bail is separate and distinct from the determination of the existence of probable cause. By granting bail motu proprio without allowing the prosecution to present its evidence, the respondent judge denied the prosecution of due process and committed an error so gross and patent that it produces an inference of bad faith.

Doctrine: The hearing for bail is different from the determination of the existence of probable cause; the former is absolutely indispensable in capital offenses to determine if the evidence of guilt is strong, and a judge who grants bail motu proprio without such a hearing abdicates their judicial duty.

Rule 114 Section Category: This case falls under Section 7 (Capital offense or an offense punishable by reclusion perpetua or life imprisonment, not bailable) and Section 8 (Burden of proof in bail application).