



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, Crim. Case No. 12015

Plaintiff,

– versus –

JOSE TUBOLA, JR.,
Accused.

For: Malversation of Public
Funds

Present:

LAGOS, J., Chairperson,
CRUZ*, and
MENDOZA-ARCEGA, JJ.

Promulgated:

May 15, 2017 *Jcb*

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RESOLUTION

LAGOS, J.:

For the Court's consideration is a letter dated 8 February 2017 from one Ruben M. Maca, counsel for Sps. Ishmael Jabile and Rafaela Jabile.¹

In the letter, it is claimed that sometime on 19 September 1989, the Sps. Jabile purchased from Ana T. Tubola a parcel of land covered by Transfer Certificate of Title No. T-63150. That parcel of land was used earlier as property bond in this case, in favor of accused Jose Tubola, Jr.

Citing the death of accused Jose Tubola, Jr., the Sps. Jabile are requesting for the release of the owner's copy of the land's title so that they may transfer the title to said land in their name.

*Designated as Special Member, per Administrative Order No. 025-2017 dated 1 February 2017.

¹ Records, Vol. 2, p. 560.

The prosecution opposes the request of the Sps. Jabile. It says that the sale occurred after the pendency of the case and that no substitution was made during the course of the proceedings. It claims that the property bond must remain unless the heirs of the accused offer another property to satisfy the judgment against accused Tubola Jr. It also attached an authenticated death certificate of accused Tubola Jr.

The request of the Sps. Jabile must be denied.

The request for the return of the owner's copy of the subject land's TCT is in effect a request for the cancellation of the bail for which the property stands. Rule 114, section 22 provides:

Section 22. Cancellation of bail. — Upon application of the bondsmen, with due notice to the prosecutor, the bail may be cancelled upon surrender of the accused or proof of his death.

The bail shall be deemed automatically cancelled upon acquittal of the accused, dismissal of the case, or execution of the judgment of conviction.

In all instances, the cancellation shall be without prejudice to any liability on the bond.


Although there is already an authenticated proof of death of the accused, the Sps. Jabile are not the bondsmen in this case. Thus, they have no standing to request for the cancellation of the property bond.

WHEREFORE, the request of the Sps. Jabile in the letter dated 8 February 2017 is hereby **DENIED**.

SO ORDERED.


RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


REYNALDO P. CRUZ
Associate Justice


**MARIA THERESA V.
MENDOZA-ARCEGA**
Associate Justice