



Republic of the Philippines  
Sandiganbayan  
Quezon City  
\*\*\*

**FIFTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**

*Plaintiff,*

-versus-

**JONATHAN A. BAYOGAN, et al.,**

*Accused.*

**SB-18-CRM-0002**

For: Violation of Sec. 3(e)  
R.A. No. 3019, as amended

**Present:**

**Lagos, J., Chairperson,  
Mendoza-Arcega and  
Corpus-Mañalac, JJ.**

Promulgated: October 18, 2018 *Jal*

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**RESOLUTION**

***CORPUS - MAÑALAC, J.:***

For resolution of the Court are the following incidents:

1. Airma Concha Ladera and Vivian Labasano's **Urgent Motion to Lift Hold Departure Order and Release Property Bonds** dated September 14, 2018 filed on September 21, 2018; and
2. Erlinda Bernal Patosa's **Omnibus Motion (1) to Release Property Bond; and (2) to Lift/Cancel the Hold Departure Order** dated September 27, 2018 filed on September 28, 2018;

Antecedently, this case was dismissed on the ground of inordinate delay in violation of accused's right to speedy case disposition in favor of Patosa on June 27, 2018 and of Ladera & Labasano on July 10, 2018. The prosecution filed its Motion for Reconsideration to the said dismissals which this Court denied for lack of merit in a Resolution dated August 28, 2018.

During the hearing on the instant motions on September 28, 2018, the prosecution submitted to the Court's discretion in resolving them and would no longer file any comment thereto. Thus, this resolution.

*Jal*

## Ruling

**Section 22, Rule 114 of the Rules of Court** provides for the automatic cancellation of bail upon acquittal of the accused, or the dismissal of the case, *viz*:

Xxxx

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

Xxx.

Considering that the dismissal of the case against Ladera, Labasano and Patosa was based on inordinate delay in violation of their right to a speedy case disposition, jurisprudence<sup>1</sup> dictates that same shall have the effect of an acquittal thus, negating the basis of the respective bail posted for their temporary liberty. Consequently, the release thereof is warranted.

On the other hand, **Supreme Court Circular No. 39-97** dated June 19, 1997, paragraph 4 therefore mandates the cancellation of any Hold Departure Order issued in case of dismissal, or acquittal of the accused. It reads:

4. Whenever (a) the accused has been acquitted; (b) the case has been dismissed, the judgment of acquittal or the order of dismissal shall include therein the cancellation of the Hold-Departure Order issued. The courts concerned shall furnish the Department of Foreign Affairs and the Bureau of Immigration with a copy each of the judgment of acquittal promulgated or the order of dismissal twenty-four (24) hours from the time of promulgation/issuance and through the fastest available means of transmittal.

Necessarily, the continued inclusion of Ladera, Labasano and Patosa in the Hold Departure List of the Bureau of Immigration after this case has been dismissed would have no basis.

**WHEREFORE**, in view of the foregoing, the Court hereby **GRANTS** the instant motions, and hereby resolves to:

1. **RELEASE** the property bonds posted by accused Ladera, Labasano and Patosa, *viz*:
  - a. Property covered by Transfer Certificate of Title No. T-42347 situated in Central, Mati, Davao Oriental, under the name of Arturo B. Ladera married to Airma C. Ladera containing an area of one thousand (1,000) square meters,

<sup>1</sup> People v. Tampal, G.R. No. 102485, May 22, 1995, 244 SCRA 202; Philippine Savings Bank v. Spouses Bermoy, G.R. No. 151912, September 26, 2005, 471 SCRA 94, 107, citing People v. Bans, G.R. No. 104147, December 8, 1994, 239 SCRA 48; People v. Declaro, G.R. No. 64362, February 9, 1989, 170 SCRA 142; People v. Quizada, L-61079-81, April 15, 1988, 160 SCRA 516.

more or less with a total market value of Six Hundred Fifty Thousand Pesos (Php650,000.00) for **accused Ladera's temporary liberty** under Judiciary Official Receipt Nos. 64801C and 1114666C both dated February 2, 2018;

b. Property covered by *Katibayan ng Orihinal na Titulo Blg. P-34438* located in Central, Mati, Davao Oriental under the absolute ownership Narcisa D. Reancho containing an area of five hundred (500) square meters, more or less and have a total market value of One Hundred Sixty Five Thousand Pesos (Php165,000.00) for **accused Labasano's temporary liberty** under Judiciary Official Receipt Nos. 64800C and 1114665C both dated February 2, 2018;

c. Property covered by Transfer Certificate of Title No. T-54823 situated in Barangay Dahican, Mati, Davao Oriental, under the name of Erlinda B. Patosa containing an area of three hundred (300) square meters, more or less with a total market value of Thirty Nine Thousand Pesos (Php39,000.00) for **accused Patosa's temporary liberty** under Judiciary Official Receipt Nos. 64802C and 1114667C both dated February 2, 2018;

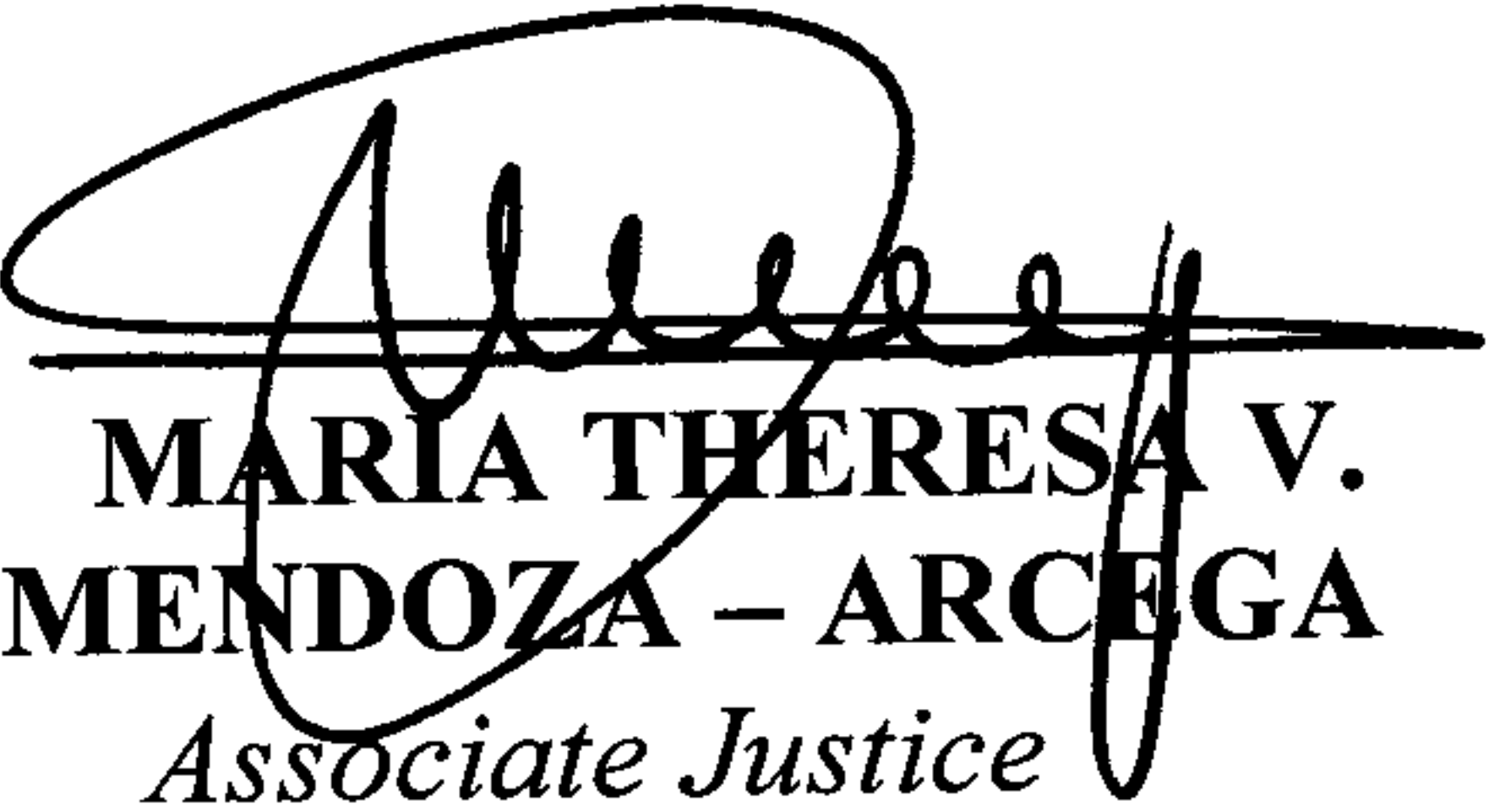
2. **LIFT** the *Hold Departure Order* dated January 22, 2018 issued against **accused Airma Ladera y Concha, Vivian Labasano y Dela Cerna and Erlinda Patosa y Bernal**. Accordingly, the Commissioner of Bureau of Immigration is directed to allow the departure of the said accused from the Philippines & remove their names in the *Hold Departure List* and to inform this Court, within five (5) days from receipt hereof, the action taken on this matter, unless their continued inclusion in the Hold Departure List is warranted by some other lawful causes.

**SO ORDERED.**

  
**MARYANN E. CORPUS – MAÑALAC**  
Associate Justice

**WE CONCUR:**

  
**RAFAEL R. LAGOS**  
Chairperson  
Associate Justice

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