



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

RENE MONDEJAR,
Municipal Mayor
ARNALDO PARTISALA,
Vice Mayor
FRANCISCO TOLENTINO,
SB Secretary
ILDEFONSO ESPEJO,
MARGARITA GUMAPAS,
MANUEL PIOLO
ROBERTO B. VELASCO
SB Members
All of Maasin, Iloilo
HELEN EDITH LEE TAN
Private Individual
President/Proprietor of Int'l.
Builders Corporation (IBC)
Iloilo City

Accused.

Crim. Case No. 25674

FOR: Violation of Section 3(e) of R.A. 3019

Crim Case No. 25675

*FOR: Falsification of Public Document
(Art. 171 of the RPC)*

Present:

Lagos, J. Chairperson
Mendoza-Arcega, J.
Corpus-Mañalac, J.

Promulgated:

February 13, 2019 *led*

X-----X

RESOLUTION

MENDOZA-ARCEGA, J.:

Before the court for resolution is accused Arnaldo Partisala's *Urgent Motion for Clarification with Motion to Allow to Post Bail Upon Clarification* dated January 24, 2019.

DECISION

People vs. Partisala

Crim. Case No. 25674-25675

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In his motion, Partisala pleads for clarification of the amount of his bail since the Executive Judge of the Regional Trial Court of Iloilo would not accept the bond in the amount of Thirty Thousand Pesos and Twenty Four Thousand Pesos for the two cases. Contending that the bond that should be posted should be Sixty Thousand and Forty Eight Thousand Pesos as would represent the double amount of the bond previously posted or a total of One Hundred Eight Thousand Pesos. Contending further that, the previous bond has been already been cancelled due to the conviction of the accused.

By way of its Comment, the prosecution adopted the position of the Executive Judge of the Regional Trial Court of Iloilo, Region 6 and manifested in open court that accused should post double the amount of the original bond which is ₱60,000.00 and ₱48,000.00, respectively. The original bond posted by the accused is considered cancelled upon conviction and termination of trial.

We hereby clarify the amount of the bail to be posted by reiterating the issued *Order* dated November 23, 2018, thus:

“At today’s promulgation of judgment, only the counsel for accused Arnaldo Partisala appeared with the manifestation that accused Partisala is presently indisposed and his condition will not allow him to travel from Maasin, Iloilo to Quezon City. Finding the said reason to be justifiable excuse for the accused’s absence at today’s promulgation, the dispositive portion of the Decision has been read in the presence of his counsel.

As moved by the counsel for the defense, accused Partisala is allowed his provisional liberty, provided that a bond double the amount of his original bond will be posted. Accused Partisala is given a period of ten (10) days from today to post the additional bond.

Wherefore, the defense is given a period of fifteen (15) days to file his intended pleading.”

This Court is guided by the provision under Section 6, Rule 120 of the Rules of Court, specifically:

Section 6. Promulgation of judgment. — The judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or outside of the province or city, the judgment may be promulgated by the clerk of court.



DECISION

People vs. Partisala

Crim. Case No. 25674-25675

X ----- X

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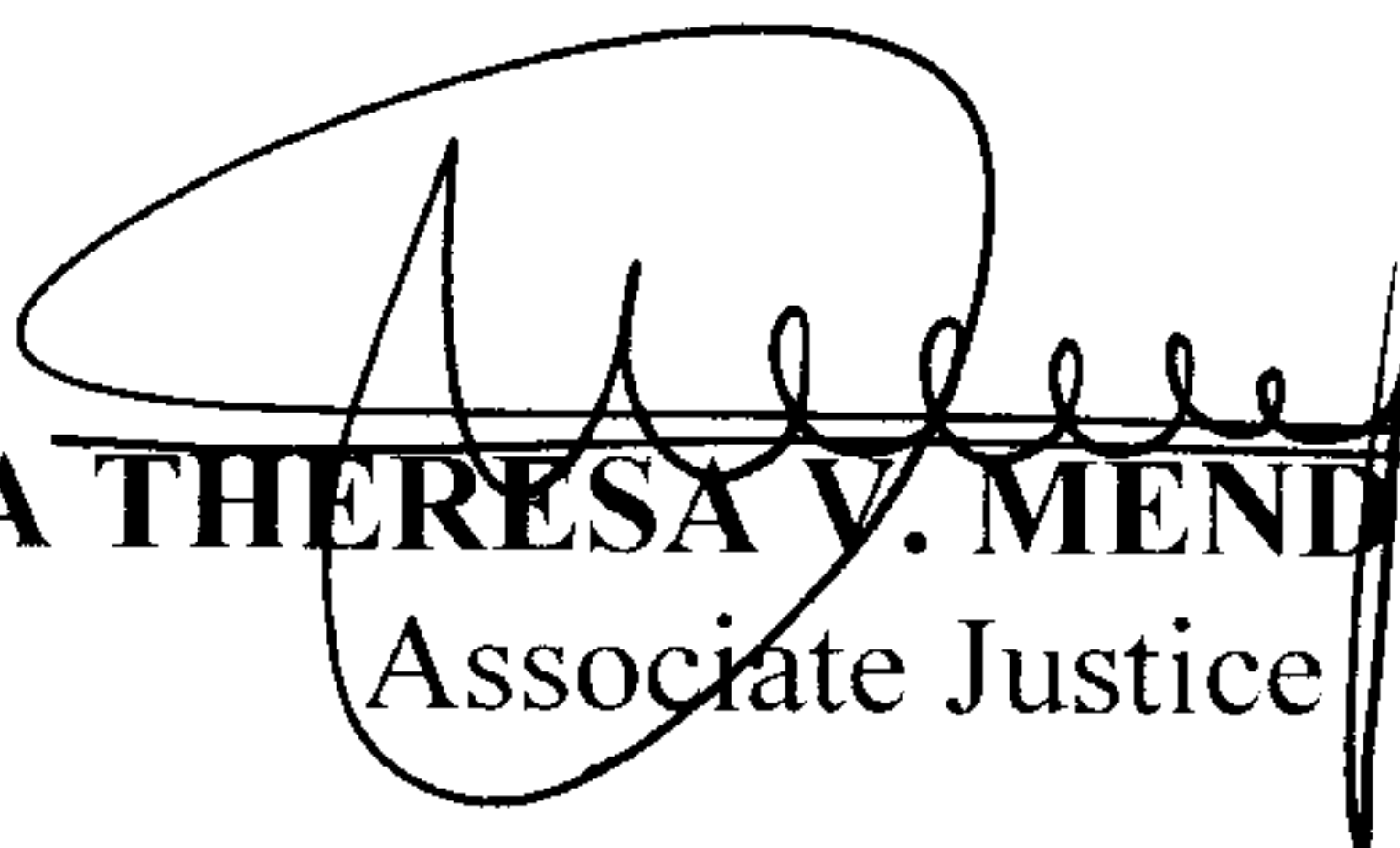
In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or thru his counsel.

If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these rules against the judgment and the court shall order his arrest. Within fifteen (15) days from promulgation of judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of said remedies within fifteen (15) days from notice.

Thus, it is only proper to uphold the foregoing order and to retain the previous bond. There is nowhere in the order that the original bond posted by the accused has been cancelled nor forfeited. Upon recognition that the reason for his absence during the promulgation of judgment was justifiable, We hereby direct accused Partisala to post additional bond in the amount equivalent to the original bond of Thirty Thousand (₱30,000.00) in Criminal Case No. 25674 and Twenty Four Thousand (₱24,000.00) in Criminal Case No. 25675.

WHEREFORE, the Court retains the previous bond posted by the accused and he is directed to post *additional bond* in the amount of **Thirty Thousand Pesos (₱30,000.00)** and **Twenty Four Thousand Pesos (₱24,000.00)** for Criminal Case Nos. 25674-25675, respectively.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Chairperson
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice