



Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City  
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**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

**CRIM. CASES NOS.**  
**26445-26447; 26448-**  
**26456 & 26487;**  
**26457-26461; 26462-**  
**26469**

**REYNALDO R. TAGANAS and**  
**BAMBINO SAMSON**

*Accused.*

X-----X

Present:

**CABOTAJE-TANG, A.M.,**  
*P.J./Chairperson*  
**FERNANDEZ, B.R., J.**  
**MORENO, R.B., J.**

Promulgated on:

October 26, 2020 *J*

X-----X

**RESOLUTION**

**FERNANDEZ, B. R., J.**

This resolves the Motion dated November 29, 2019 of accused-movant Reynaldo R. Taganas, principally praying for the reconsideration of the Order of this Court dated November 28, 2019.

Accused-movant Taganas seeks to allow him to enjoy his provisional liberty during the pendency of his appeal on the same bail bond he already posted before conviction in the said cases; to reduce the additional bail bond to enable him to comply as he still has to solicit the financial help/assistance of his relatives and friends; and, to allow him to post surety

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instead of cash for the additional bond to be required by this Court.

Admitting to be at fault, Atty. Manuel R. Castro, the counsel of accused-movant Taganas, explains that he failed to attend the hearing on the Omnibus Motion of accused-movant Taganas on November 28, 2019 because his (counsel) secretary mistakenly indicated the said date instead of November 29, 2019, knowing that motions are heard on a Friday. Believing that the same Omnibus Motion would be heard on November 29, 2019, Atty. Castro appeared and was informed of the denial of the Omnibus Motion due to his absence the day before. Atty. Castro also concedes being guilty of excusable negligence or mistake because he had no deliberate intention of not appearing.

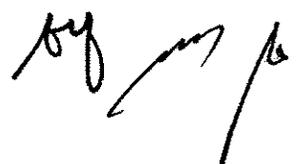
During the December 6, 2019 hearing, the prosecution confirmed receipt of the subject Motion and submitted the same for resolution. It, however, requested that, should the subject Motion be granted, the period to post the additional bail bond be reduced (Order, December 6, 2019).

We rule.

Section 13, Article III of the Philippine Constitution provides - -

Section 13. All persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

Bail is the security given for the temporary release of a person who has been arrested and detained but "whose guilt has *not* yet been proven" in court beyond reasonable doubt. The right to bail emanates from the [accused's constitutional] right to be presumed innocent. It is accorded to a person in the custody of the law who may, by reason of the presumption of innocence he [or she] enjoys, be allowed provisional liberty upon filing of a security to guarantee his [or her] appearance before any court, as required under specified conditions (People vs. Escobar, G.R. No. 209047, January 7, 2019).



Furthermore, bail may be a matter of right or judicial discretion. The accused has the right to bail if the offense charged is “not punishable by death, *reclusion perpetua* or life imprisonment” before conviction by the Regional Trial Court. However, if the accused is charged with an offense the penalty of which is death, *reclusion perpetua*, or life imprisonment- “regardless of the stage of the criminal prosecution”- and when evidence of one's guilt is not strong, then the accused’s prayer for bail is subject to the discretion of the trial court (*ibid.*).

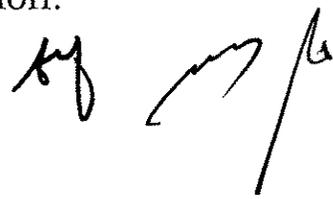
Guidance is taken on the discretion of the courts in granting bail after conviction from Section 5, Rule 114 of the Revised Rules of Criminal Procedure. It states - -

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.

In the exercise of this discretion, the proper courts are to be guided by the fundamental principle that the allowance of bail pending appeal should be exercised not with laxity but with grave caution and only for strong reasons, considering that the accused has been in fact convicted by the trial court (*Leviste vs. Court of Appeals, G.R. No. 189122, March 17, 2010*).

Herein, this Court already exercised its discretion in allowing accused-movant Taganas to remain on provisional liberty provided that he shall double the bail bonds he originally posted and that the same be paid in cash within fifteen (15) days (Order, November 15, 2019).

It must be noted that accused-movant Taganas should not be faulted for the carelessness of his counsel in failing to appear during the hearing on the Omnibus Motion.



We should nevertheless emphasize that the negligence of counsel binds the client, even mistakes in the application of procedural rules. The exception to the rule is “when the reckless or gross negligence of the counsel deprives the client of due process of law (Henry Ong Lay Hin vs. Court of Appeals, G.R. No. 191972, January 26, 2015).

Atty. Manuel R. Castro should be more circumspect in ensuring that the cause of his client must always be protected, clerical matters included.

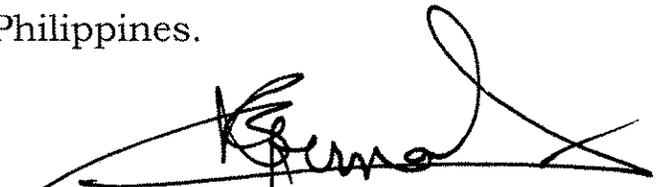
**WHEREFORE**, premises considered, the Motion of accused-movant Taganas dated November 29, 2019 is hereby **PARTIALLY GRANTED**.

Accordingly, accused-movant Taganas is hereby allowed to post the additional bail bond of double the amount originally posted by way of surety.

He is further given an unextendible period of ten (10) days from receipt of this Resolution to file the said additional bail bond, otherwise, the appropriate warrant for his arrest will be issued.

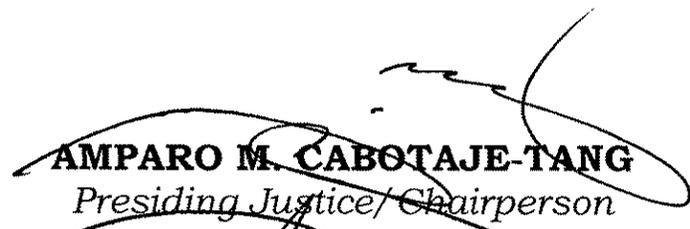
**SO ORDERED.**

Quezon City, Philippines.

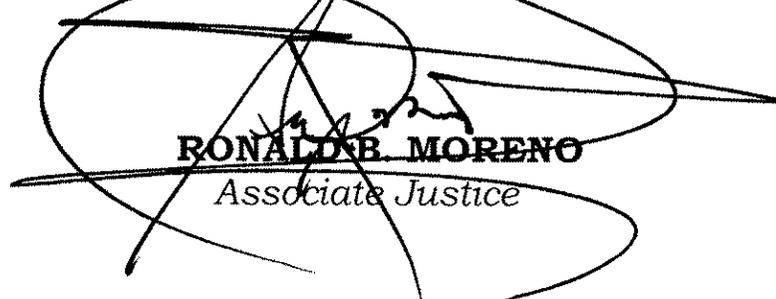


**BERNELITO R. FERNANDEZ**  
*Associate Justice*

*We concur:*



**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice/ Chairperson*



**RONALD B. MORENO**  
*Associate Justice*