



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on April 4, 2023.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA -----Chairperson
GEORGINA D. HIDALGO -----Associate Justice
BAYANI H. JACINTO* -----Associate Justice

The following resolution was adopted:

CRIMINAL CASE NOS. SB-13-CRM-0333, 0336, 0337, 0339, 0340, 0353, 0357, 0385, 0387, 0398, 0399, 0409, 0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 0527, 0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 0527

PEOPLE v. FLORENDO B. ARIAS, ET AL.

Before the Court are the following:

1. Accused Edgar V. Agbunag's "**MOTION TO REDUCE BAIL**" dated March 29, 2023; and
2. Email comment of Prosecutor Alexie Jane Tadeo dated March 29, 2023.

GOMEZ-ESTOESTA, J.:

This resolves accused Agbunag's *Motion to Reduce Bail*. Accused Agbunag has remained at large until his recent arrest.

Accused Agbunag alleges that he is currently detained and seeks to post bail for his provisional remedy; however, he cannot afford to post a cash bond in the recommended amount. He is already 66 years old, unemployed, and is reliant on the financial assistance given to him by siblings and relatives.

*Per Administrative Order No. 080-2023 dated April 4, 2023 in lieu of Justice Zaldy V. Trespeses who is on vacation leave.

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He further alleges that other accused against whom more cases have been filed have been allowed to post bail in the amount of ₱90,000.00. He asks that he be allowed to post bail for the cases that are still pending against him in the amount of ₱40,000.00 from the total consolidated amount of ₱648,000.00.¹

In her comment sent to this court by electronic mail, Pros. Alexie Jane Tadeo noted that the motion is infirm for lack of notice of hearing. The objection, however, loses significance if the supplementary application of Rule 15 of the 2019 amendments to the Rules of Civil Procedure be made. Hearing of a motion has since been deleted, and a motion, if litigious, shall only prompt the opposing party to comment thereto within 5 calendar days from notice. No significant objection was otherwise raised by the prosecution.

We grant the motion.

It appears from the records that accused Agbunag has been detained *since January 27, 2023* at the Gen. Trias City Police Station of the Cavite Police Provincial Office. His relatives has since been inquiring from the Office of the Division Clerk of Court on the recommended amount of bail to obtain his provisional liberty. However, the apparent lack of financial ability on the part of the accused to raise such amount is now a bitter reality. Detained for almost 3 months, accused Agbunag can only offer the amount of ₱40,000.00 as bail. This matter certainly extenuates the standards to be made in fixing the amount of bail, now rooted from the dire financial straits of the accused.

Judges are sworn advocates of justice and visible representations of the law. This is the time to exercise such fealty and be sensitive to the needs of the accused.

Rule 114 of the Rules of Criminal Procedure provides:

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;

¹ CRIMINAL CASE NOS. SB-13-CRM-0333, 0336, 0337, 0339, 0340, 0353, 0357, 0385, 0387, 0398, 0399, 0409, 0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 0527 have a recommended bail of ₱30,000.00 each while CRIMINAL CASE NOS. SB-13-CRM-0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 0527 have a recommended bail of ₱24,000.00 each. The total is ₱648,000.00, not ₱600,000.00.

- (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.

True, accused Agbunag has evaded this court's jurisdiction and remained at large the entire time that these cases have been pending until his recent arrest. It is his short financial ability and advanced age, however, that this court finds to be weighty and compelling of consideration. More, some of the cases to which accused stands charged have actually been dismissed on the basis of the demurrer filed by the other accused. Besides, accused Agbunag is represented by the Public Attorney's Office, which is the principal law office of the Government in extending free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.² There is no necessity, therefore, to even inquire into the financial standing of accused Agbanag.

Having considered the limited scenario to which accused Agbunag is cast in, this court finds it reasonable, if not justifiable, to grant the requested amount of bail for the 24 cases filed against him in the total amount of **₱40,000.00**, since this is the only amount accused's relatives have thus far raised for his provisional liberty.

WHEREFORE, the *Motion to Reduce Bail* filed by accused Edgar V. Agbunag is **GRANTED**.

For Crim. Case Nos. 0399, 0409, 0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 052, 0451, 0454, 0455, 0457, 0458, 0471, 0475, 0503, 0505, 0516, 0517 & 0527, accused Edgar V. Agbunag is allowed to post the total amount of **₱40,000.00** for his provisional liberty, provided it be paid in cash.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

WE CONCUR:


GEORGINA D. HIDALGO
Associate Justice


BAYANI H. JACINTO*
Associate Justice

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