



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case Nos.
**25596-25631; 25633-
25636**
*For: Violation of Section
3(e) of R.A. No. 3019, as
amended*

-versus-

ANTONIO BELICENA,
ET AL.,
Accused,

Present:
Cabotaje-Tang, A.M., PJ,
Chairperson
Fernandez, B.R., J. and
Moreno, R.B., J.

PROMULGATED:

October 9, 2023

X ----- X

RESOLUTION

Moreno, J.:

For resolution is the *Urgent Motion to Reduce Additional Bail Pending Appeal* filed by accused-movant Raul C. De Vera on August 14, 2023, to which the Prosecution (through the Office of the Special Prosecutor) filed its *Opposition x x x* on August 18, 2023.

In his *Urgent Motion*, De Vera prayed that the recommended bail pending appeal be reduced, and that he be allowed to post the reduced bail.

He recalled that upon his conviction for two (2) counts of violation of Section 3(e) of Republic Act No. 3019, as amended, he was directed to post an additional bail bond which is double the amount of his existing bond in order for him to continue enjoying his provisional liberty pending appeal and while exhausting all possible remedies available to him under the law. De Vera claimed that he no longer had the means and capability to post the required amount of bail considering that he has no more source of income; and that he is merely relying on his family for support. He also undertook to cooperate during the proceedings of the present cases up to their faithful conclusion and finality. Finally, De Vera attested that there is no slight probability of him escaping, and also assured that he will appear before this Court if required.

In its *Opposition*, the prosecution prayed for the denial of De Vera's motion for lack of merit. It countered that since the bail bond posted by De Vera in the five (5) other cases where he had been acquitted were ordered released, he (De Vera) may simply use these bail bond in Criminal Case Nos. 25619 and 25623 without any need to raise sufficient funds to be posted as additional bail bond.

THE COURT'S RULING:

After due consideration, we **deny** accused De Vera's urgent motion. We will nonetheless allow him to apply the bail bonds in Criminal Case Nos. 25624, 25625, 25626, 25627 and 25628 in Criminal Case Nos. 25619 and 25623, and to pay the deficiency, if any.

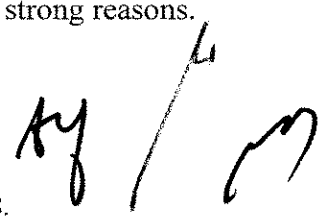
Bail may be a matter of right or judicial discretion. Before conviction by the trial court, the accused has the right to bail if the offense charged is not punishable by death, *reclusion perpetua* or life imprisonment. However, if the accused is charged with an offense the penalty of which is death, *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.¹

After conviction of the accused, granting of bail is discretionary on the part of the Court. At that time, **the presumption of innocence, and with it, the constitutional right to bail, ends**. As the Supreme Court held in *Leviste v. Court of Appeals*:²

After conviction by the trial court, the presumption of innocence terminates and, accordingly, the constitutional right to bail ends. From then on, the grant of bail is subject to judicial discretion. At the risk of being repetitious, such discretion must be exercised with grave caution and only for strong reasons.

¹ See *Padua v. People*, G.R. No. 220913, February 4, 2019.

² G.R. No. 189122, March 17, 2010, 615 SCRA 619, 637-638.

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In the present case, De Vera's constitutional right to bail ended with his conviction, since the right to bail emanates from the accused's right to be presumed innocent. It is settled that after a person has been tried and convicted, the presumption of innocence which may be relied upon in prior applications is rebutted, and the burden is upon the accused to show error in the conviction.³

At any rate, the Court still has the discretion to grant bail after conviction pursuant to Section 5 of Rule 114 of the Rules of Court.⁴ Nonetheless, the Court's discretion in allowing bail after conviction should be exercised not with laxity but with grave caution and only for strong reasons. Accordingly, the Court directed De Vera to post an additional bond twice the amount of the original bond.

We point out that accused De Vera failed to substantiate in his motion his alleged present financial standing vis-à-vis his inability post the required additional bail. He thus failed to convince us why we should reduce the bail bond.

At any rate, the records bear out that the Court has already ordered the release of the bail bond posted by De Vera in the five (5) other cases where he had been acquitted. We do not find any reason why these amounts could not be applied as additional bail bond in Criminal Case Nos. 25619 and 25623, respectively. It bears pointing out that the purpose of bail pending appeal is for the accused to avoid the potential hardships of prison, while at the same

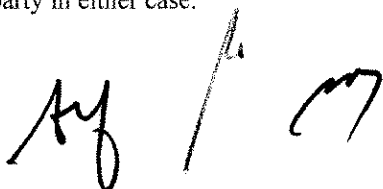
³ Supra, note 2.

⁴ 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.

Should the court grant the application, the accused may be allowed to continue on provisional liberty during the pendency of the appeal under the same bail subject to the consent of the bondsman.

If the penalty imposed by the trial court is imprisonment exceeding six (6) years, the accused shall be denied bail, or his bail shall be cancelled upon a showing by the prosecution, with notice to the accused, of the following or other similar circumstances:

- (a) That he is a recidivist, quasi-recidivist, or habitual delinquent, or has committed the crime aggravated by the circumstance of reiteration;
- (b) That he has previously escaped from legal confinement, evaded sentence, or violated the conditions of his bail without valid justification;
- (c) That he committed the offense while under probation, parole, or conditional pardon;
- (d) That the circumstances of his case indicate the probability of flight if released on bail; or
- (e) That there is undue risk that he may commit another crime during the pendency of the appeal. The appellate court may, *motu proprio* or on motion of any party, review the resolution of the Regional Trial Court after notice to the adverse party in either case.

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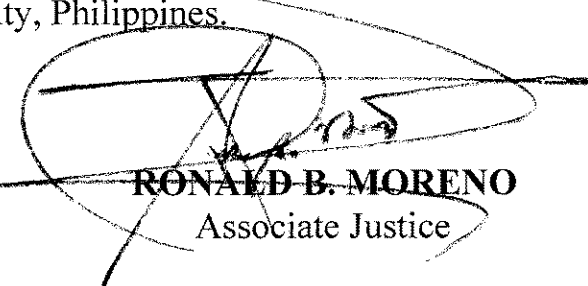
time prevent his flight from custody and to ensure the protection of the community from potential danger. There is nothing in the records to show that De Vera showed disrespect for criminal processes and proceedings or a desire on his part to flee or a propensity to evade.

WHEREFORE, premises considered, the Court – in the exercise of its discretion – resolved to:

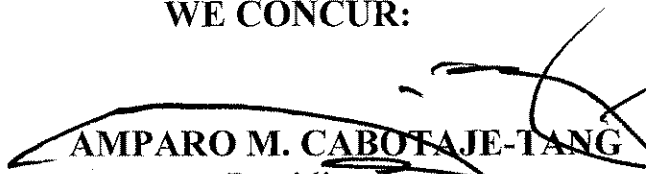
- (1) **deny** the prayer of the accused Raul C. De Vera for the reduction of the additional bail pending appeal; *and*
- (2) **allow** De Vera, if he desires, to apply the bail bond which were ordered released in Criminal Case Nos. 25624, 25625, 25626, 25627 and 25628, as additional bail bond in Criminal Case Nos. 25619 and 25623, respectively, and pay the deficiency, if any.

SO ORDERED.

Quezon City, Philippines.


RONALD B. MORENO
Associate Justice

WE CONCUR:


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson


BERNELITO R. FERNANDEZ
Associate Justice