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SECOND DIVISION

[G.R. No. L-31298. May 12, 1978]

PEOPLE OF THE PHILIPPINES, *petitioner*, *vs.* **HON. RAMON BLANCO, as Judge of the Court of First Instance of Iloilo and GERVASIO DEQUIÑA, *alias* NONOY**, *respondents*.

SYLLABUS

1. **CONSTITUTIONAL LAW; BILL OF RIGHTS; RIGHT OF THE ACCUSED TO BAIL; LIBERALITY ACCORDED TO THIS RIGHT; JURISPRUDENCE.** — Even before the 1935 Constitution in the case of *United States v. Babasa*, 19 Phil. 198 (1911) and *Montalbo v. Santamaria*, 54 Phil. 955 (1930) this Tribunal has shown liberality in the appraisal of challenged actuations involving the constitutional right to bail. Such an approach had a greater justification under the Bill of Rights provision, Article III, Sec. 1 par. 16 of the 1935 Constitution. In *Payao v. Lesaca*, 63 Phil. 210 (1936), the first case decided after it became operative, made it quite clear. Later decisions of this Court made even more evident the scope and amplitude accorded this right.

2. **REMEDIAL LAW; SPECIAL CIVIL ACTIONS; *CERTIORARI*; DISMISSAL; PETITION MOOT AND ACADEMIC.** — An academic character is imparted to a petition assailing an order for the grant of bail when pending its consideration, the Court receives a certified true copy of a decision in the criminal case acquitting all the accused therein.

APPEARANCES OF COUNSEL

Solicitor General Felix V. Makasair and *Solicitor Vicente A. Torres* and *Adolfo S. Azcuna* for petitioner.

Hon. Ramon Blanco for and in his own behalf.

Ramon L. Muzones for private respondent.

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DECISION

FERNANDO, *J.*:

An order of the then respondent Judge Ramon Blanco granting bail to private respondent Gervasio Dequiña, a co-accused in an information for an attempted robbery with homicide,[1] was assailed in this *certiorari* proceeding by petitioner as a grave abuse of discretion, at the instance of the private prosecution. Respondent Judge explained the rationale for such order thus: "Evaluating the evidence of the prosecution in connection with the petition for bail of Dequiña and the opposition thereto, the Court believes that the crime charged may be capital offense but the evidence of guilt of Dequiña is not strong. Homicide as used in Art. 297 of the Revised Penal Code is generic and includes murder if there are attendant qualifying circumstances. * * * The purpose of bail is to secure and assure the presence of the accused when needed by the Court. The accused is detained and there is no report that he ever attempted to escape."[2]

In the light of the above finding, it was to be expected that respondents would stress the lack of plausibility in the assertion that there was a grave abuse of discretion in the granting of bail. There was mention likewise of the liberatility shown by this Tribunal in the appraisal of challenged actuations involving the constitutional right to bail. So it was even prior to the 1935 Constitution.[3] Such an approach had a greater justification under its Bill of Rights provision.[4] Justice Laurel, who wrote the opinion

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[1] *People v. Jerome Betita, Gervasio Dequiña, Nestor Valenzuela, and Enrico Duran*, Crim. Case No. 11170, Court of First Instance of Iloilo.

[2] Order of Judge Ramon Blanco dated June 26, 1969, Annex A to Amended Petition. 10.

[3] Cf. *United States v. Babasa*, 19 Phil. 198 (1911) and *Montalbo v. Santamaria*, 54 Phil. 955 (1930).

[4] According to Article III. Section 1, par. 16, of the 1935 Constitution: "All persons shall before conviction be bailable by sufficient sureties except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required."

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in *Payao v. Lesaca*, [5] the first case decided after it had become operative, made it quite clear. It bears repeating that later decisions of this Court made even more evident the scope and amplitude accorded this right.[6]

While the case was pending consideration, this Court, through its Executive Officer, Attorney Arturo B. Buena, received a certified true copy of a decision in Criminal Case No. 11170 where private respondent Gervasio Dequiña was one of the accused. It was penned by the then Judge Valerio B. Rovira and acquitted all the accused, including private respondent Gervasio Dequiña. An academic character was therefore imparted to this *certiorari* petition.

WHEREFORE, this petition for *certiorari* is dismissed for being moot and academic. No costs.

Barredo, Antonio, Concepcion Jr., and *Santos, JJ.*, concur.

Aquino, J., took no part.

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[5] 63 Phil. 210 (1936).

[6] Cf. *Teehankee vs. Rovira*, 76 Phil. 756 (1946); *Ocampo v. Bernabe*, 77 Phil. 55 (1946); *De la Rama v. People's Court*, 77 Phil. 461 (1946); *Sy Guan v. Amparo*, 79 Phil. 670 (1947); *People v. Alano*, 81 Phil. 19 (1948); *People v. Berg*, 79 Phil. 842 (1947); *People v. Hernandez*, 99 Phil. 515 (1956); *Bernardez v. Valera*, 114 Phil. 851 (1962); *Villaseñor v. Abaño*, L-23599, Sept. 29, 1967, 21 SCRA 312; *People v. Bocar*, L-27120, March 28, 1969, 27 SCRA 512.