Supreme Court E-Library



required to submit such order. On April 23, 1975, there was a compliance with the aforesaid resolution enclosing the aforesaid order. There is no question then as to the criminal case having been dismissed.

**WHEREFORE**, the petition is dismissed for being moot and academic.

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

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**SECOND DIVISION**

[G.R. Nos. L-35377-78. July 31, 1975]

**THE PEOPLE OF THE PHILIPPINES,** *plaintiff-appellee, vs.* **CAMILO PILOTIN, VINCENT CRISOLOGO, ISIDRO PUGAL and ERNING ABAÑO,** *defendants-appellants.*

**SYLLABUS**

**REMEDIAL LAW; CRIMINAL PROCEDURE; TRIAL; TRANSFER OF VENUE; PRESENT HOSTILE SENTIMENT AGAINST THE ACCUSED AT THE PLACE OF TRIAL IS A JUSTIFICATION FOR TRANSFER OF VENUE.**— Section 5(4), Article X of the Constitution expressly empowers this Court to "order a change of venue or place of trial to avoid a miscarriage of justice". Here, what is involved is not merely a miscarriage of justice but the personal safety of movant Crisologo, the accused. It would be absurd to compel him to undergo trial in a place where his life would be imperilled. Present hostile sentiment against the accused at the place of trial is a justification for transfer of venue (*State vs. Siers*, 136 S. E. 503, 103, W. Va. 30; 22 C.J.S. 310). We find Crisologo's motion to be meritorious. The change of venue involves not merely the charge of the place of hearing but also the transfer of the *expediente* of Criminal Case No. 3949 to another court. According to Crisologo's motion, the

Supreme Court E-Library



alleged evidence against him is in the custody of the authorities at Camp Crame, Quezon City. The transfer of Criminal Case N. 3949 to the City Court of Quezon City and the holding of the trial at Camp Crame appear to be the most convenient arrangement.

## RESOLUTION

**AQUINO, *J.*:**

Vincent Crisologo through counsel filed a verified motion praying for the transfer to the New Bilibid Prisons or, alternatively, to Camps Crame, Aguinaldo or Olivas, of the place of trial of Criminal Case No. 3949 of the municipal court of Vigan, Ilocos Sur, wherein he, as sole defendant, is charged with illegal possession of firearms and ammunitions.

As justificatory ground, he alleged that his life would be in jeopardy if he were to be confined in the Vigan municipal jail during the trial because there are many political enemies of the Crisologo family in that vicinity; some of the adherents of the Crisologos had in fact been murdered in Ilocos Sur, and his father, Congressman Floro Crisologo, was shot to death while hearing mass at the Vigan cathedral.

Bluntly, he affirmed that inside that jail he would be a sitting duck for a gunwielder or grenade-thrower who wants to assassinate him. He could even be lynched or shot to death on the specious pretext that he was trying to escape.

Asked to comment on the motion, the Provincial Fiscal of Ilocos Sur signified his conformity to the transfer of the venue of the trial to the New Bilibid Prisons.

Section 5(4), Article X of the Constitution expressly empowers this Court to "order a change of venue or place of trial to avoid a miscarriage of justice." Here, what is involved is not merely a miscarriage of justice but the personal safety of movant Crisologo, the accused. It would be absurd to compel him to undergo trial in a place where his life would be imperilled.

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Present hostile sentiment against the accused at the place of trial is a justification for transfer of venue (See *State vs. Siers*, 136 S. E. 503, 103, W. Va. 30; 22 C.J.S. 310).

We find Crisologo's motion to be meritorious. The change of venue involves not merely the charge of the place of hearing but also the transfer of the *expediente* of Criminal Case No. 3949 to another court. According to Crisologo's motion, the alleged evidence against him is in the custody of the authorities at Camp Crame, Quezon City. The transfer of Criminal Case N. 3949 to the City Court of Quezon City and the holding of the trial at Camp Crame appear to be the most convenient arrangement.

**WHEREFORE**, the municipal court of Vigan is directed to transfer the record of Criminal Case No. 3949 to the City Court of Quezon City where it should be re-docketed and raffled to any Judge thereof. The case may be tried at Camp Crame. The usual precautions and security measures should be adopted in bringing defendant Crisologo to Camp Crame on the occasion of the hearing.

**SO ORDERED.**

*Makalintal, C. J., Fernando, Barredo,* and *Concepcion, Jr., JJ.*, concur.

*Antonio, J.*, did not take part.