

THIRD DIVISION

[G.R. No. 134504, March 17, 2000]

**JOSELITO V. NARCISO, PETITIONER, VS. FLOR MARIE STA.
ROMANA-CRUZ, RESPONDENT.**

DECISION

PANGANIBAN, J.:

When the penalty prescribed by law is death, *reclusion perpetua* or life imprisonment, a hearing must be conducted by the trial judge before bail can be granted to the accused. Absent such hearing, the order granting bail is void for having been issued with grave abuse of discretion. In parricide, the accused cannot be considered an offended party just because he was married to the deceased. In the interest of justice and in view of the peculiar circumstances of this case, the sister of the victim may be deemed to be an "offended party"; hence, she has the legal personality to challenge the void order of the trial court.

The Case

We invoke the foregoing principles in rejecting the Petition for Review on *Certiorari* before us, assailing the February 26, 1998 Decision^[1] and the June 29, 1998 Resolution of the Court of Appeals (CA),^[2] which reversed and set aside the Order of Executive Judge Pedro T. Santiago of the Regional Trial Court (RTC) of Quezon City, Branch 101, in Criminal Case No. Q-91-24179 entitled "People of the Philippines v. Joselito V. Narciso."

The dispositive portion of the challenged CA Decision reads:

"WHEREFORE, the petition for certiorari is hereby GRANTED and the order granting bail is annulled and set aside."^[3]

The assailed Resolution, on the other hand, denied petitioner's Motion for Reconsideration.

The full text of the August 3, 1992 RTC Order, which the Court of Appeals annulled and set aside, reads as follows:

"Accused who is present filed thru counsel a Motion to Allow Accused Joselito V. Narciso to Post Bail.

"Considering that the Presiding Judge of Branch 83 who is hearing this case is on leave and the Pairing Judge Honorable Salvador Ceguerra is no longer within the premises, there being no objection by the City Prosecutor Candido Rivera to the accused posting a cashbond of

P150,000.00, the undersigned in his capacity as Executive Judge hereby approves the same."^[4]

The Facts of the Case

The undisputed antecedents of the case were summarized by the Court of Appeals as follows:

"1) After conducting a preliminary investigation on the death of Corazon Sta. Romana-Narciso, wife of Joselito Narciso, Asst. City Prosecutor Myrna Dimaranan Vidal of Quezon City recommended and thereafter filed, the information for parricide against Joselito Narciso on November 13, 1991, with the Regional Trial Court of Quezon City, docketed therein as Criminal Case No. Q-91-24179.

"2) Joselito Narciso thereafter asked for a review of the prosecutor's resolution [before] the Department of Justice (DOJ) which was however denied. Joselito Narciso moved for reconsideration, which was still denied by the DOJ.

"3) Failing before DOJ, the accused on February 6, 1992, filed in Criminal Case No. Q-91-24179 an "Omnibus Motion for Reinvestigation and to Lift the Warrant of Arrest". The Motion was granted and the case was set for reinvestigation by another prosecutor.

"4) Assistant Prosecutor Lydia A. Navarro, to whom the case was assigned for reinvestigation, found no reason to disturb the findings of the previous prosecutor and recommended the remand of the case to the court for arraignment and trial.

"5) On **August 3, 1992**, accused filed an 'Urgent Ex-Parte (**Ex Abundanti Cautela**) to Allow Accused Joselito Narciso to Post Bail'. The Public Prosecutor registered no objection and said motion was granted on the same day, allowing accused to post bail at P150,000.00.

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"6) On **August 14, 1992**, the private prosecutor representing private complainant Flor Marie Sta. Romana-Cruz, a sister of accused's deceased wife, filed an "Urgent Motion to Lift Order Allowing Accused To Post Bail'.

"7) Accused objected to the aforesaid urgent motion by filing a 'Motion to Expunge 1) Notice of Appearance of the Private Prosecutor and the 2) Urgent Motion to Lift Order Allowing Accused to Post Bail'.

"8) Arraignment was conducted on September 14, 1992 and the case was set for hearing on November 9, 16, 23, December 2, 9, 1992, January 6, 13, 20, 27, 1993, February 3, 7, 10 and 24 1993.

"9) On October 15, 1992, private complainant through counsel filed her opposition to the motion to expunge [filed by] accused.

"10) On **November 3, 1992** private complainant moved for the postponement of the trials set on November 9, 16 and 23 and the subsequent hearings thereon pending the resolution of their 'Urgent Motion to Lift Order Allowing Accused To Post Bail'.

"11) On **November 9, 1992**, the court issued the first assailed order stating therein to wit:

'ORDER

'Counsel for the accused, upon being informed of the motion for postponement dated November 3, 1992 filed by the private complainant, through counsel, offered no objection to the cancellation of today's trial but not the trial set on November 16, 23 and December 2 and 9, 1992 for the reason that the trial can proceed independently of the pending 'Urgent Motion to Lift Order Allowing the Accused to Post Bail'.

'WHEREFORE, the trial set for today is hereby cancelled and re-set on November 16, 1992 at 10:30 o'clock in the morning, as previously scheduled.

'SO ORDERED.'

"12) On November 16, 1992, the court cancelled the hearing upon motion of the public prosecutor because no prosecution witness was available.

"13) [I]n the hearing of November 23, 1992, the private prosecutor again moved for postponement because of the pendency of his 'Motion to Lift Order Allowing Accused to Post Bail'. On the same date, the court issued the second assailed order which reads:

'ORDER

'On motion of the Asst. City Prosecutor, for the reason that there is no showing in the record that the private complainant was duly notified, hence there is no available witness this morning, the trial set for today is hereby cancelled and reset on December 2 and 9, 1992 both at 10:30 o'clock in the morning, as previously scheduled.

'Let a subpoena be issued to complainant Corazon [sic] Sta. Romana-Narciso, the same to be served personally by the Deputy Sheriff/Process server of this Court.

'The accused is notified of this Order in open court.

'SO ORDERED.'

"Not obtaining any resolution on her 'Motion To Lift Order Allowing Accused to Post Bail', private complainant filed this petition [before the CA]."

As earlier mentioned, the Court of Appeals granted private respondent's Petition for *Certiorari*. Hence, this recourse to us *via* Rule 45 of the Rules of Court.^[5]

The Issues

Petitioner imputes to the Court of Appeals this alleged error:

"The Respondent Court of Appeals has erroneously decided questions of substance, in a manner not in accord with law, the Rules of Court and applicable jurisprudence, as exemplified in the decisions of this Honorable Court, when it reversed and set aside the order of the Regional Trial Court of Quezon City which granted the petitioner his constitutional right to bail, considering the absence of strong evidence or proof of his guilt, and more especially when the public prosecutors, who have direct control of the proceedings and after assessment of the evidence, have themselves recommended the grant of bail."^[6]

Respondent, on the other hand, poses the following issues:^[7]

"A

Whether or not the Respondent Court of Appeals correctly ruled that the Order of the Regional Trial Court which granted bail to the petitioner is substantially and procedurally infirm notwithstanding the absence of any opposition from the public prosecutor.

"B

Whether or not the private respondent has the legal personality to intervene in the present criminal case."

To resolve this case, the Court believes that two issues must be taken up; namely, (1) the validity of the grant of bail and (2) private respondent's standing to file the Petition before the CA.

The Court's Ruling

The Petition is devoid of merit.

First Issue:

Validity of the Grant of Bail

Section 13, Article III of the Constitution provides: "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." Furthermore, Section 7, Article 114 of the Rules of Court, as amended, also provides: "No person charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment, when evidence of guilt is strong, shall be admitted to bail regardless of the stage of the criminal prosecution."

Although petitioner was charged with parricide which is punishable with *reclusion perpetua*, he argued before the CA that he was entitled to bail because the evidence of his guilt was not strong. He contended that the prosecutor's conformity to his Motion for Bail was tantamount to a finding that the prosecution evidence against him was not strong.

The Court of Appeals ruled, however, that there was no basis for such finding, since no hearing had been conducted on the application for bail — summary or otherwise. The appellate court found that only ten minutes had elapsed between the filing of the Motion by the accused and the Order granting bail, a lapse of time that could not be deemed sufficient for the trial court to receive and evaluate any evidence. We agree with the CA.

Stressing in *Basco v. Rapatalo*^[8] that the judge had the duty to determine whether the evidence of guilt was strong, the Court held:

"When the grant of bail is discretionary, the prosecution has the burden of showing that the evidence of guilt against the accused is strong. However, the determination of whether or not the evidence of guilt is strong, being a matter of judicial discretion, remains with the judge. 'This discretion by the very nature of things, may rightly be exercised only after the evidence is submitted to the court at the hearing. Since the discretion is directed to the weight of the evidence and since evidence cannot properly be weighed if not duly exhibited or produced before the court, it is obvious that a proper exercise of judicial discretion requires that the evidence of guilt be submitted to the court, the petitioner having the right of cross examination and to introduce his own evidence in rebuttal.'

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"Consequently, in the application for bail of a person charged with a capital offense punishable by death, *reclusion perpetua* or life imprisonment, *a hearing, whether summary or otherwise in the discretion of the court, must actually be conducted to determine whether or not the evidence of guilt against the accused is strong.* 'A summary hearing means such brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of hearing which is merely to determine the weight of evidence for the purposes of bail. On such hearing, the court does not sit to try the merits or to enter into any nice inquiry as to the weight that ought to be allowed to the evidence for or against the accused, nor will it speculate on the outcome of the trial or on what further evidence may be therein offered and admitted. The course of inquiry may be left to the discretion of the court which may confine itself to receiving such evidence as has reference to substantial matters, avoiding unnecessary thoroughness in the examination and cross examination.' If a party is denied the opportunity to be heard, there would be a violation of procedural due process." (Emphasis supplied.)

Jurisprudence is replete with decisions compelling judges to conduct the required hearings in bail applications, in which the accused stands charged with a capital