

Republic of the Philippines

SUPREME COURT

Manila

EN BANC

G.R. No. L-982 October 2, 1946

FRANCISCO C. DE LA RAMA, petitioner,

vs.

THE PEOPLE'S COURT, respondent.

Vicente J. Francisco for petitioner.

First Assistant Solicitor General Reyes and Solicitor Avanceña for respondent.

FERIA, J.:

This is a second petition for *certiorari* filed by the petitioner with this court against the People's Court alleging that the latter has acted with grave abuse of discretion in denying his petition for bail on the ground of ill health.

The first petition was remanded by this court to the People's Court for further action, because after the filing thereof the petitioner had filed a supplementary petition, in which were alleged new facts occurring during the pendency of the case before this court, accompanied by two medical certificates of Drs. Guerrero and Legaspi, which had not and could not have been taken into consideration by the People's Court in denying the petitioner's petition for bail. This court, in disposing of the first petition for *certiorari*, held the following:

Considering that, according to the modern trend of court's decisions, unless allowance of bail is forbidden by law in the particular case, the illness of the prisoner, independently of the merits of the case, is a circumstance, and the humanity of the law makes it a consideration which should, regardless of the charge and the stage of the proceeding, influence the court to exercise its discretion to admit the prisoner to bail; taking into consideration also that the petition for *certiorari* filed with this court in the present case is based on the ground that the court has abused its discretion in not granting bail to petitioner on the strength of the evidence submitted to the People's Court showing the physical condition of the petitioner; and considering further that this court, in deciding the petition, can not take into consideration the new development of the petitioner's physical condition which has supervened during the pendency of this case in this court, and is alleged in the supplemental petition, although respondent has not objected to the admission of such supplementary petition, because the question for this court to determine is whether or not the People's Court, in view of the facts

submitted to it for decision has abused its discretion in denying petitioner's application for bail: it is hereby resolved to remand this case to the People's Court for further proceeding, in order that the Office of Special Prosecutors may have the opportunity to rebut and refute the evidence showing the expert witnesses for the latter, and the People's Court may properly decide the case.

Before the hearing of the case by the People's Court pursuant to the above-quoted resolution, the attorney for the petitioner filed a motion asking that the petitioner be allowed to confined and treated in the meantime in a hospital to be designated be said court, out of the new Bilibid Prison. At the hearing of said motion the special prosecutor opposed to it on the ground that the motion for hospitalization outside of the Bilibid Prison is in effect an attempt to obtain by indirection what the accused has failed to obtain directly, i. e., his provisional release. Acting upon the motion, the People's Court ordered the temporary confinement of the petitioner in Quezon Institute, with the instruction that the Medical Director thereof make a diagnosis of the illness of the petitioner and submit every fifteen days a report under oath on the latter's ailment; and also ordered Dr. Paulino I. Garcia, Roentgenologist of Saint Luke's Hospital to make a radiographic examination of the petitioner's lungs. After the petitioner had been confined for fifteen days, the Medical Director of the Quezon Institute submitted a report to the People's Court in which he states that the petitioner is actually suffering from "minimal, early, unstable type of pulmonary tuberculosis, and chronic granular pharyngitis," and that they "have seen many similar cases later progressing into advanced stages when treatment and medicine are no longer of any avail;" and recommended that he "continue his stay in the sanatorium for purposes of proper management, treatment and regular periodic radiographic check-up."

In view of the report of the Medical Director of the Quezon Institute, the petitioner filed with the People's Court a motion dated August 20, 1946, reiterating his petition for bail, basing his petition on said report, and that it is necessary for him to be released on bail in order that he may be confined in his own house and treated by an especialist on tuberculosis, since he could not afford to pay the expenses which he stay in the Quezon Institute would entail. The special prosecutor objected to the motion on the ground that the petitioner might continue in the Quezon Institute with less than his actual expenses; that if his financial resources were not sufficient he may stay in the charity ward of said institute or hospital; that "he could very well be returned to Muntinglupa's hospital, where he would be properly taken care of without any expense on his part, especially now that the condition of his lungs has already been ascertained by the examinations conducted by Dr. Miguel Cañizares, Medical Director of the Quezon Institute, and Dr. Paulino I. Garcia, Roentgenologist of St. Luke's Hospital." And the People's Court, in its order of August 30, 1946, denied the petitioner's petition for bail and ordered, in accordance with the recommendation of the Medical Director of the Quezon Institute, that the defendant be confined in said institute for purposes of proper management, treatment, and regular periodic radiographic check-up of his illness, and that said medical director should present a monthly report, under oath, on the health and physical condition of the petitioner.

Against this order present petition was filed by the petitioner.

The fact that the denial by the People's Court of the petitioner for bail is accompanied by the above-quoted order of confinement of the petitioner in the Quezon Institute for treatment without the latter's consent, does not in any way modify or qualify the denial so as to meet or accomplish the humanitarian purpose or reason underlying the doctrine adopted by modern trend of court's decisions which permit bail to prisoners, irrespective of the nature and merits of the charge against them, if their continuous confinement during the pendency of their case would be injurious to their health or endanger their life.

The question for this court to determine in the present case is, therefore, whether or not the People's Court has acted with grave abuse of discretion in denying the petitioner's petition for bail.

Considering the report of the Medical Director of the Quezon Institute to the effect that the petitioner "is actually suffering from minimal, early, unstable type of pulmonary tuberculosis, and chronic, granular pharyngitis," and that in said institute they "have seen similar cases, later progressing into advance stages when the treatment and medicine are no longer of any avail;" taking into consideration that the petitioner's previous petition for bail was denied by the People's Court on the ground that the petitioner was suffering from quiescent and not active tuberculosis, and the implied purpose of the People's Court in sending the petitioner to the Quezon Institute for clinical examination and diagnosis of the actual condition of his lungs, was evidently to verify whether the petitioner is suffering from active tuberculosis, in order to act accordingly in deciding his petition for bail; and considering further that the said People's Court has adopted and applied the well-established doctrine cited in our above-quoted resolution, in several cases, among them, the cases against Pio Duran (case No. 3324) and Benigno Aquino (case No. 3527), in which the said defendants were released on bail on the ground that they were ill and their continued confinement in New Bilibid Prison would be injurious to their health or endanger their life; it is evident and we consequently hold that the People's Court acted with grave abuse of discretion in refusing to release the petitioner on bail.

Therefore, the order of the People's Court denying the petition for bail is set aside, and said court is hereby ordered to render within a reasonable time a new decision in conformity with the said doctrine applied by the same court in the cases above mentioned. So ordered.

Pablo, Hilado, JJ. and De la Rosa, Santos, Angeles, Ramos, Benitez, Yatco and Sanchez, Acting JJ., concur.

Separate Opinions

PERFECTO, J., dissenting:

Several months ago, that is, on January 25, 1946, petitioner came to us for the first time, complaining against the action of the People's Court in denying his petition for bail.

The majority resolved, on June 24, 1946, to remand the case to the People's Court for further proceeding in order that it " may properly decide the case," because they undoubtedly found the petition not unmeritorious. It was our lot to be in disagreement with the majority, because we believed that petitioner had since then shown that he is entitled to be released on bail, and we expounded the reasons of our position in a written opinion.

For the second time, petitioner come to us for legal relief against a second denial of his petition for bail, based on his ill health, alleging that the People's Court, in issuing the denial, acted with grave abuse of discretion and even with unfair discrimination, because in other two cases, upon the same ground of ill health, it ordered the release on bail of accused Pio Duran and Benigno Aquino.*lawphil.net*

It may not be amiss to recall the fact that many months ago, that is, on November 16, 1945, the petition for certiorari of Pio Duran against the People's Court, which denied our lone dissenting vote, because we were of opinion that he was since then entitled to be released on bail.

On the second petition under our consideration, the majority arrived at the conclusion that "the People's Court acted with grave abuse of discretion in refusing to release the petitioner on bail."

Upon this conclusion, it seems self-evident that petitioner is naturally entitled, as an immediate relief, to be released on bail, but to our surprise the majority rendered a decision with following dispositive provision:

Therefore, the order of the People's Court denying the petition for bail is set aside, and said court is hereby ordered to render within a reasonable time a new decision in conformity with the said doctrine applied by the same court in the cases above mentioned.

We feel constrained to dissent from what we consider a flagrant inconsistency.

If the lower court acted with grave abuse of discretion "in refusing to release the petitioner on bail," that means in plain language that petitioner is entitled to be released on bail, and the logical remedy against the "grave abuse of discretion," was denied. But the majority not only failed to order the petitioner's release on bail, or to order the People's Court to grant the release of petitioner on bail, but they limited themselves to ordering the People's Court to render "a new decision," not immediately — notwithstanding the fact that petitioner has for many months been unjustly deprived of his personal freedom, the deprivation being in utter violation of elemental humanitarian principles — but "within a reasonable time," which is elastic enough.

If we remember the well-known case of Teehankee, which had been seesawing in an unjustifiable commutation between the Supreme Court and the People's Court, it is to be inferred that this second remanding of the case of petitioner De la Rama to the People's court may be judged as an unimproved second edition of a procedure wishing the hopes of those who come to us for relief against errors and abuses of inferior courts.

It must be remembered that in the Teehankee case, the Supreme Court was finally constrained to direct the release of petitioner on bail, without entrusting that function to the People's Court. In view of the circumstances of the present case, why do we not follow the same procedure? What is the reason for compelling petitioner to endure more delay in enjoying the liberty to which he is entitled? Why burden with procedural complexities the granting of a simple remedy? Those who view the administration of justice, not as a means to an end, but as an end in itself, in which a set of rigid legal formulas and ironbound technicalities are deified as terrible fetishes superior even to the sanctity of substantial and fundamental rights of the litigants, and sacrificing in the altar of their artificial inviolability those sacred rights, if necessary, to be crushed like the limbs and bones of victims enduring torture in a rack, might find some justification for the inconsistency we are pointing out; but to the common sense of the man of the street, it can not fail to produce lethal anoxia.

We are of opinion that the petitioner should be released on bail without any delay.