

THIRD DIVISION

[G.R. No. 121917, July 31, 1996]

ROBIN CARIÑO PADILLA, ACCUSED-APPELLANT, VS. COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEES.

DECISION

FRANCISCO, J.:

On appellant Robin C. Padilla's application for bail.

In an information filed before the Regional Trial Court of Angeles City, appellant was charged with violation of P.D No. 1866 for illegal possession of firearms punishable by *reclusion temporal* maximum to *reclusion perpetua*.^[1] Pending trial, appellant was release on bail. Thereafter, appellant was convicted as charged and meted an indeterminate penalty of 17 years 4 months and 1 day of *reclusion temporal* to 21 years of *reclusion perpetua*. He appealed to public respondent Court of Appeals, but judgment was rendered affirming his conviction. Respondent court cancelled his bailbond and ordered his arrest for confinement at the New Bilibid Prison. Appellant filed a motion for reconsideration but was denied. Dissatisfied, appellant is now before us by way of a petition for review on certiorari with an application for bail praying, among others, to be allowed to post bail for his temporary liberty. In his subsequent pleading,^[2] appellant moved for the separate resolution of his bail application.

The threshold issue is whether or not appellant is entitled to bail.

Bail is either a matter of right, or discretion. It is a matter of right when the offense charged is not punishable by death, *reclusion perpetua* or life imprisonment.^[3] On the other hand, upon conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua* or life imprisonment, bail becomes a matter of discretion.^[4] Similarly, if the court imposed a penalty of imprisonment exceeding six (6) years but not more that twenty (20) years then bail is a matter of discretion, except when any of the enumerated circumstances^[5] under paragraph 3 of Section 5, Rule 114 is present then bail shall be denied. But when the accused is charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment, and evidence of guilt is strong, bail shall be denied,^[6] as it is neither a matter of right nor discretion. If the evidence, however, is not strong bail becomes a matter of right.^[7]

In *People v. Nitcha*,^[8] the Court, reiterating established jurisprudence, there said:

"x x x if an accused who is charged with a crime punishable by *reclusion perpetua* is convicted by the trial court and sentenced to suffer such a penalty, bail is neither a matter of right on the part of the accused nor of

discretion on the part of the court. In such a situation, the court would not have only determined that the evidence of guilt is strong — which would have been sufficient to deny bail even before conviction — it would have likewise ruled that the accused's guilt has been proven beyond reasonable doubt. Bail must not then be granted to the accused during the pendency of his appeal from the judgment of conviction. Construing Section 3, Rule 114 of the 1985 Rules on Criminal Procedure, as amended, this Court, in the en banc Resolution of 15 October 1991 in *People v. Ricardo Cortez*, ruled that:

'Pursuant to the aforecited provision, an accused who is charged with a capital offense or an offense punishable by *reclusion perpetua*, shall no longer be entitled to bail as a matter of right even if he appeals the case to this Court since his conviction clearly imports that the evidence of his guilt of the offense charged is strong.'"^[9]

In this case, appellant was convicted of a crime punishable by *reclusion perpetua*. Applying the aforequoted rule, we find appellant not entitled to bail as his conviction clearly imports that the evidence of his guilt is strong. And contrary to appellant's asseveration, a summary hearing for his bail application for the sole purpose of determining whether or not evidence is strong is unnecessary. Indeed, the extensive trial before the lower court and the appeal before respondent court are more than sufficient in accomplishing the purpose for which a summary hearing for bail application is designed.

Rule 114, Section 7 of the Rules of Court, moreover, is clear. Thus:

"SEC. 7. *Capital offense or an offense punishable by reclusion perpetua or life imprisonment, not bailable.* — **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.**"

Administrative Circular No. 2-92, in addition, applies in this case. The circular unequivocally provides that **when an accused is charged with a capital or an offense which under the law at the time of its commission and at the time of the application for bail is punishable by *reclusion perpetua* and is out on bail and after trial is convicted by the trial court of the offense charged, his bond shall be cancelled and the accused shall be placed in confinement pending resolution of his appeal.** Appellant's application must, perforce, fail as he is no longer entitled to bail.

Be that as it may, we are not unwilling to accommodate his request for an X-ray and Magnetic Resonance Imaging (MRI) at St. Luke's Hospital as follow-up examinations for his 1994 slipped-disc operation. It has been said that while justice is the first virtue of the court, yet admittedly, humanity is the second. Hence, petitioner's request for the badly needed X-ray and MRI examinations for which the New Bilibid Prison Hospital is inadequately equipped, as certified to by its Chief Officer, deserves attention. We recall that way back in 1946, we allowed in *Dela Rama v. People's Court*,^[10] a precedent on which appellant now anchors his application, a prisoner to be released on bail when his continued detention would be injurious to his health. This trend, however, has changed with the development of times. Besides,