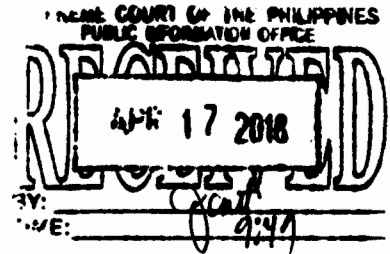




Republic of the Philippines
Supreme Court
Baguio City

THIRD DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **April 4, 2018**, which reads as follows:

“G.R. No. 193728 (PATRIA C. GUTIERREZ, Petitioner, v. PEOPLE OF THE PHILIPPINES, Respondent.) – On March 23, 2018, the petitioner filed an *Urgent Motion for Authority to Travel* seeking the Court’s authorization for her to join the pilgrimage tour in France, Germany, Belgium, Spain and Portugal in the period from April 19, 2018 to May 4, 2018. In support of her motion, she claimed that she would be joining the pilgrimage tour upon the invitation of the Diocese of Legazpi as a way of commemorating the 160th anniversary of the apparitions of our Lady of Lourdes; and that she had been previously granted authority to travel abroad subject to the conditions imposed by the Court.¹ She attached to her motion a copy of the invitation letter of the Diocese of Legazpi and the itinerary for the pilgrimage tour.

We note that the Sandiganbayan convicted the petitioner for violation of Section 3(e) of Republic Act No. 3019 and sentenced her to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum, to nine (9) years, one (1) month and one (1) day, as maximum. She has since been enjoying provisional liberty considering that none of the circumstances listed in Section 5, Rule 114 of the *Rules of Court* for the denial of her provisional liberty on bail was present.

We further note that the Court previously allowed the petitioner to travel abroad; and that she satisfactorily complied with all the conditions imposed for that travel through her posting of a cash bond in the amount of ₱100,000.00 and her filing of a written advice immediately upon her return.

Worthy to mention is that the grant of temporary liberty to an accused is an incident of judicial power.² In this context, temporary liberty and travel abroad on the part of the accused are discretionary upon conviction by the

¹ Rollo, p. 214.

² See *Enrile v. Sandiganbayan (Third Division)*, G.R. No. 213847, August 18, 2015, 767 SCRA 282.

Regional Trial Court of an offense not punishable by death, *reclusion perpetua* or life imprisonment; in the event that the Regional Trial Court has imposed a penalty of imprisonment exceeding six (6) years, temporary liberty upon bail or foreign travel may be allowed to the accused whose sentence is not yet final provided none of the circumstances enumerated under paragraph 3 of Section 5, Rule 114³ of the *Rules of Court* is present. The foremost need is for the Court to ensure a fair equilibrium between the right of the accused to the presumption of his innocence, on the one hand, and the interest of the State to ensure that the accused will be ready to serve or suffer the penalty should she be eventually found liable for the crime charged, on the other.

After a judicious review, the Court **GRANTS** the petitioner's *Urgent Motion for Authority to Travel* subject to the following conditions, to wit:

(1) The travel period shall be for sixteen (16) days subject to any extension that may be granted by the Court upon meritorious grounds;

(2) The petitioner shall submit a detailed flight and travel itinerary within five (5) days from notice hereof;

(3) The petitioner shall deliver to the Court a cash bond of ₱200,000.00 prior to her departure, and for this purpose, considering that her previous cash bond of ₱100,000.00 for the previously authorized travel abroad has remained with the Court, she needs to deliver only ₱100,000.00 more;

(4) The petitioner shall designate a duly authorized representative who shall have the full authority to act for and in her behalf during the entire period of her absence from the country; and

(5) The petitioner shall transmit to the Court an advice in writing of her return to the country within five (5) days from her arrival.

³ Section 5. *Bail, when discretionary.* — x x x
x x x x

If the penalty imposed by the trial court is imprisonment exceeding six (6) years, the accused shall be denied bail, or his bail shall be cancelled upon a showing by the prosecution, with notice to the accused, of the following or other similar circumstances:

- (a) That he is a recidivist, quasi-recidivist, or habitual delinquent, or has committed the crime aggravated by the circumstance of reiteration;
- (b) That he has previously escaped from legal confinement, evaded sentence, or violated the conditions of his bail without valid justification;
- (c) That he committed the offense while under probation, parole, or conditional pardon;
- (d) That the circumstances of his case indicate the probability of flight if released on bail; or
- (e) That there is undue risk that he may commit another crime during the pendency of the appeal.

SO ORDERED.”

Very truly yours,

WILFREDO V. LAPITAN
Division Clerk of Court

By:

Mis RDC Batt
MISAEAL DOMINGO C. BATTUNG III
Deputy Division Clerk of Court

*all
4/11/18*

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