



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **05 July 2021** which reads as follows:*

“**G.R. No. 256333 (People of the Philippines v. Christian Joy Escandor alias ‘CJ’ and Jufil Pacatang alias ‘JP’)**. – The Court **NOTES** the Manifestation¹ dated June 25, 2021 of the Office of the Solicitor General, stating that the petition for review on *certiorari*² was electronically filed due to the special non-working holiday in the City of Manila last June 24, 2021.

After a judicious study of the case, the Court resolves to **DENY** the instant petition and **AFFIRM** the Decision³ dated March 26, 2021 of the Court of Appeals (CA) in CA-G.R. SP No. 09145 for failure of petitioner People of the Philippines (petitioner) to sufficiently show that the CA committed any reversible error in affirming the Resolution⁴ dated November 9, 2018 of the Regional Trial Court of Davao City, Branch 11 (RTC), granting the bail applications of respondents Christian Joy Escandor alias ‘CJ’ and Jufil Pacatang alias ‘JP’ (respondents), both of whom were each charged with one (1) count of Rape against AAA.⁵

As correctly ruled by the CA, the prosecution failed to establish that the evidence of respondents’ guilt was strong, thereby giving the RTC discretion to grant the bail applications. In deciding these applications, the conduct of bail

¹ *Rollo*, pp. 12-14.

² Dated June 23, 2021. *Id.* at 19-33.

³ *Id.* at 40-50. Penned by Associate Justice Edgardo T. Lloren with Associate Justices Loida S. Posadas-Kahulugan and Anisah B. Amanodin-Umpa, concurring.

⁴ *Id.* at 85-86. Penned by Judge Arlene I. Lirag-Palabrica.

⁵ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled ‘AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,’ approved on June 17, 1992; RA 9262, entitled ‘AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,’ approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the ‘Rule on Violence against Women and Their Children’ (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled ‘PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,’ dated September 5, 2017.)

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July 5, 2021

hearings is required where the prosecution has the burden of proof to show that the evidence of guilt against the accused is strong. In this regard, the court is mandated to conduct only a summary hearing, consistent with the purpose of merely determining the weight of evidence for purposes of bail.⁶ In this case, the RTC held a summary hearing and based on the evidence presented, determined that the evidence against respondents was not strong and, correspondingly, granted the petitions for bail.⁷ Records reveal that AAA's narration of the circumstances surrounding the alleged rape incident raised doubts that respondents exercised any force and intimidation on her, which is an essential element of Rape. Thus, as the RTC acted in complete accord with the law and jurisprudence in rendering its November 9, 2018 Resolution, the CA did not commit any reversible error in its affirmation thereof.

SO ORDERED. (Lopez, J., J., designated additional member per Special Order No. 2822 dated April 7, 2021)."

By authority of the Court:

TERESITA AQUINO TUAZON
Division Clerk of Court

By:



MA. CONSOLACION GAMINDE-CRUZADA
Deputy Division Clerk of Court

28 JUL 2021

⁶ See *People v. Tanes y Belmonte*, G.R. No. 240596, April 3, 2019.

⁷ *Rollo*, pp. 43 and 86.

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R-DVO-18-00797)

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