

Promulgation of judgment

“Proof beyond reasonable doubt” does not mean such degree of proof as excluding the possibility of error or mistake. It is sufficient if it produces moral or absolute certainty as required by law. Moral certainty springs from such proof as will satisfy the judgment and conscience of the trial judge, reasonable man, that the accused is guilty of the crime charged.

Notice is given to the accused, requiring his presence at the promulgation of the judgment. The decision of the court is then read to the accused.

If the accused escapes or could not be located during the trial, the court orders the confiscation of the bond, and the case is then archived so that the prescriptive period won't run. In case the accused is bonded, the court orders the bail bondsmen to produce the body of the accused (that is, to bring the accused to court). The trial proceeds in absentia if the accused was validly arraigned.



ACQUITTAL

A judgment of acquittal is immediately executory. The court issues an order of release, unless the accused is being held in detention for other cases. The court also orders the return of the cash bail (or the cancellation of the surety bond).



CONVICTION

- (1) If the accused fails to appear during promulgation without justifiable cause, he loses remedies of appeal and the court shall order his arrest. Upon his surrender and justifiable cause, he may avail of remedies within 15 days.
- (2) The accused can be convicted of a crime different from that charged in the information.
- (3) If a person

is charged as a principal, he can be convicted as an accessory since the greater responsibility includes the lesser. But a person cannot be charged with an offense and be convicted of a higher one since this would violate his right to be informed of the nature of the accusation against him. (4) The decision becomes final after the lapse of the period for perfecting an appeal, or when the sentence has been partially or totally served, or the accused has expressly waived in writing his right to appeal, or he has applied for probation.



Under R.A. 7309, the following may ask for compensation with the DOJ Board of Claims: victims of violent crimes; a person unjustly detained and released without being charged; any victim of arbitrary or illegal detention; any person who was unjustly accused, convicted and imprisoned but subsequently acquitted and released.