

The Right of an Accused to Bail in Capital Offenses — An Illusion

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This Article attempts to present the actual environment in criminal litigation regarding the right of an accused to bail in capital offenses. The Author first defines the words “bail” and “capital offense” in order to introduce the problem. Then, the Author presents five cases for analysis to better understand the subject. These cases either illustrate the proper procedure in upholding the rights of an accused or portray the sad state of criminal litigation where the accused’s rights are ignored — such as when there’s an unreasonable delay in the bail hearing. Through the analysis, the Author is able to argue that there exists a need for the Supreme Court to mandate that applications for bail in non-bailable offenses be heard daily or continuously until completed. Without a definitive rule, the Author concludes that the accused’s right to bail will continue to remain an illusion.