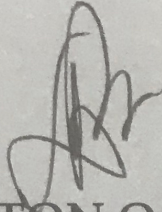
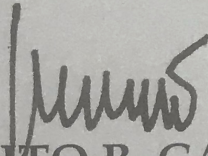


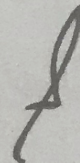
WE CONCUR:



DANTON Q. BUESER
Associate Justice



CARLITO B. CALPATURA
Associate Justice



Republic of the Philippines
Court of Appeals
Manila

SPECIAL FOURTEENTH DIVISION

MARIA A. RESSA and REYNALDO SANTOS, JR., C.A. G.R. CR No. 44991

Accused-Appellant,

Members:

BUESER, J, Chairman,
FIEL-MACARAIG, and
CALPATURA, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee.

Promulgated:

18 AUG 2020

x-----x

R E S O L U T I O N

FIEL-MACARAIG, L

The right to travel abroad pending appeal of conviction is the core issue in this Resolution.

The relevant facts are simple.

In its June 15, 2020 Decision,¹ the Regional Trial Court of

^{*} Designated as Acting Junior Member per Officer Order No. 181-20-RSF dated July 23, 2020.

¹ The dispositive portion of the June 15, 2020 Decision provides:

WHEREFORE, premises considered, judgment is hereby rendered finding accused REYNALDO SANTOS, JR., and MARIA ANGELITA RESSA GUILTY beyond reasonable doubt for Violation of Section 4(c)(4) of Republic Act No. 10175 of the Cybercrime Prevention Act of 2012 and are each hereby sentenced to suffer the indeterminate penalty of imprisonment ranging from SIX (6) MONTHS and ONE (1) DAY of prision correccional as MINIMUM to SIX (6) YEARS of prision correccional as MAXIMUM.

Both accused REYNALDO SANTOS, JR., and MARIA ANGELITA RESSA are likewise ordered to pay private complainant Wilfredo Keng, jointly and severally, the following:

Manila, Branch 46 (*court a quo*), found Maria A. Ressa (Ressa) and Reynaldo Santos, Jr., guilty beyond reasonable doubt of violation of Section 4(c)(4) of Republic Act No. 10175.² Ressa and Santos sought reconsideration but the *court a quo* affirmed their conviction in its July 24, 2020 Order.

Aggrieved, Ressa and Santos filed an appeal before this Court. Records show that they are out on bail under the same cash bond that they posted with the *court a quo*.

Meanwhile, Ressa filed a Very Urgent Motion for Permission to Travel Abroad³ pending appeal. She states that she intends to attend various events in the United States of America for the theatrical release and panel discussions of the documentary "A Thousand Cuts" from August 1 to 31, 2020. She also manifests that she will be conferred the "2020 International Press Freedom Award Honoree" from the National Press Club on August 24, 2020 in Washington, D.C. Allegedly, she has a confirmed itinerary leaving Manila on August 6, 2020, with her return booked on September 1, 2020.

Ressa asserts that the *court a quo* had previously allowed her to leave the country upon posting a P100,000.00 bond and commitment to notify it of her return within 24 hours from arrival. Thus, she prays for this Court to impose the same conditions on her authority to travel abroad pending appeal.

Ressa thereafter filed a second motion,⁴ reiterating her

1. TWO HUNDRED THOUSAND PESOS (Php200,000.00) as and by way of MORAL DAMAGES.

2. TWO HUNDRED THOUSAND PESOS (Php200,000.00) as and by way of EXEMPLARY DAMAGES.

xxx

SO ORDERED.

² Cybercrime Prevention Act of 2012.

³ Rollo, pp. 22-25.

⁴ Id., pp. 87-90.

prayer to seek permission to leave the country. Allegedly, she intends to leave the country on August 23, 2020, and return on September 19, 2020.

In its Comment,⁵ the People of the Philippines, through the Office of the Solicitor General, opposes Ressa's Motion to travel abroad. It argues that Ressa's right to travel is subject to constitutional, statutory and inherent limitations. It emphasizes that Ressa voluntarily agreed to restrict her right to travel after she had posted bail for her temporary liberty. It also stresses that while the *court a quo* had previously allowed her to leave the country, her conviction warrants stricter restriction against her privilege to travel abroad.

The Office of the Solicitor General also contends that Ressa had made public statements indicative of her lack of respect for the Philippine judicial system, as well as her belief that it is no longer capable of dispensing impartial justice. It further asserts that aside from her conviction, Ressa is facing tax evasion charges and a second cyberlibel complaint. According to the OSG, these circumstances, along with her views on the justice system, make her a flight risk.

Lastly, the Office of the Solicitor General maintains that Ressa failed to prove that her physical presence in the said conference is urgent and necessary. It claims that video conferencing and other technological applications may allow her to participate in the alleged conferences and panel discussions without leaving the country. It mentions that within her intended stay in the USA, Ressa had a scheduled online conference for a Puerto Rican media on August 10, 2020. It also states that Ressa had accommodated interviews for international media in Australia, United Kingdom, Singapore, Germany and France after filing an appeal before this Court. Thus, the Office of the Solicitor General insists that the possibility of video conferencing negates the urgency and necessity of her physical presence in the conferences.

⁵ Id., pp. 35-58.

The Ruling of this Court

At the outset, the liberty of travel is a constitutional right, and interest of national security, public safety or public health is necessary to restrict it.⁶ Thus, while the Constitution guarantees the freedom of movement, it also recognizes that such liberty is not an absolute right. For instance, a person facing a criminal indictment and provisionally released on bail does not have an unrestricted right to travel because of the necessity of safeguarding the system of justice.⁷

Jurisprudence provides that a court has the power to prohibit a person admitted to bail from leaving the Philippines.⁸ This is a consequence of the nature and function of a bail bond.⁹ By definition, bail is a security for the temporary release of a person in custody of law, and it guarantees the said person's appearance whenever his/her physical presence is necessary before any court.¹⁰ In effect, the bail puts the accused under the jurisdiction of court, and it operates as a valid restriction on a person's right to travel.¹¹

The restriction on the accused's right to travel is anchored on the State's interest to ensure the effective exercise of

⁶ Section 6, Article III of the 1987 Constitution.

The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

⁷ *Cojuangco, Jr. vs. Sandiganbayan and People of the Philippines*, G.R. No. 134307, December 21, 1998, citing *Manotoc, Jr. vs. Court of Appeals*, 142 SCRA 149 (1986), *Silverio vs. Court of Appeals*, 195 SCRA 760 (1991), and *Marcos vs. Sandiganbayan*, 247 SCRA 127 (1995).

⁸ *Manotoc vs. Court of Appeals*, G.R. No. L-62100, May 30, 1986.

⁹ *Ibid.*

¹⁰ Section 1, Rule 114 of the Rules of Court.

Bail defined. Bail is the security given for the release of a person in custody of the law, furnished by him or a bondsman, to guarantee his appearance before any court as required under the conditions hereinafter specified. Bail may be given in the form of corporate surety, property bond, cash deposit, or recognizance.

¹¹ *Supra*, note 8.

jurisdiction over his/her person.¹² Court orders are territorial in nature and they have no binding force outside the Philippine jurisdiction.¹³

Therefore, an accused requesting for permission to travel abroad has the burden of proving its necessity and urgency.¹⁴ In resolving such matter, the court needs to exercise its sound discretion in balancing the right of the accused and the interests of the State.¹⁵

Here, a careful review of Ressa's two Motions discloses that she failed to show the necessity and urgency of her intended travel to the USA from August 23, 2020 to September 19, 2020. Other than her brief narration, she has not presented further evidence to warrant her physical presence at the theatrical release and in the panel discussions of the documentary "A Thousand Cuts." There is also no sufficient evidence to justify her intention to personally receive the award from the National Press Club. To reiterate, Ressa bears the burden of proving that her intended travel is necessary and urgent.

On the other hand, the Office of the Solicitor General successfully demonstrated that Ressa's intended travel is not necessary and urgent because there are other ways for her to participate in the theatrical release and panel discussions of the documentary "A Thousand Cuts." Indeed, video conferencing and other technological applications may allow her to fulfill her duties as a media practitioner. In fact, she utilized such modes in the past when she accommodated foreign interviews and joined international conferences even after the *court a quo* had convicted her of cyberlibel. Verily, Ressa may still participate in the theatrical release and panel discussions of the documentary "A Thousand Cuts" without leaving the Philippines.

Moreover, while the *court a quo* had previously allowed her

¹² Sy vs. Sandiganbayan, G.R. No. 237703, October 3, 2018, citing Manotoc vs. Court of Appeals, G.R. No. L-62100, May 30, 1986.

¹³ Id., citing People vs. Uy Tusing, 61 Phil. 404 (1935).

¹⁴ Supra, note 8.

¹⁵ Sy vs. Sandiganbayan, G.R. No. 237703, October 3, 2018

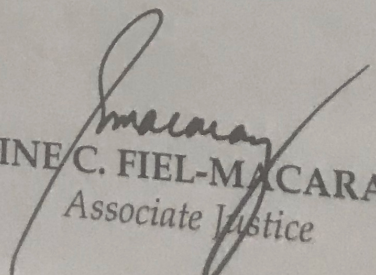
to leave the country, her subsequent conviction changes her situation. In *Marcos vs. The Honorable Sandiganbayan and the People of the Philippines*,¹⁶ the Supreme Court held that conviction, although not yet final, warrants the exercise of greater caution in allowing a person admitted to bail from leaving the Philippines, viz:

Considering the foregoing, we cannot say that respondent court trifled with petitioner's constitutionally guaranteed right to life, health and liberty. What petitioner denounces as the "unusual and unorthodox conduct of the trial" by the court's Presiding Justice owed more, it would seem, from the latter's robust and rather active personality rather than to any ill motive or hostility he entertained toward petitioner, the latter's counsel or her witnesses. It is a matter of record that on three different occasions, petitioner had been permitted to travel abroad. But her later conviction in two cases dictated the need for greater caution. To be sure, conviction is not yet final in view of the motion for reconsideration filed by the petitioner. But a person's right to travel is subject to the usual constraints imposed by the very necessity of safeguarding the system of justice. In such cases, whether accused should be permitted to leave the jurisdiction for humanitarian reason is a matter of the court's sound discretion.

In view of Ressa's failure to prove that her travel to the United States of America is necessary and urgent, there is no basis to grant her motion.

PREMISES CONSIDERED, Maria A. Ressa's Very Urgent Motion for Permission to Travel Abroad is DENIED.

SO ORDERED.


GERALDINE C. FIEL-MACARAIG
Associate Justice

¹⁶ G.R. Nos. 115132-34, August 9, 1995.