



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 56-2014

**TO : ALL JUDGES AND CLERKS OF COURT
OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT : GUIDELINES FOR DECONGESTING
HOLDING JAILS BY ENFORCING THE
RIGHTS OF ACCUSED PERSONS TO BAIL
AND TO SPEEDY TRIAL**

Finding merit in the recommendation of the Supreme Court Committee for the Decongestion of Provincial, City, and Municipal Jails, the Honorable Court *En Banc*, in its **A.M. No. 12-11-2-SC** dated **March 18, 2014**, issued "Guidelines for Decongesting Holding Jails by Enforcing the Rights of Accused Persons to Bail and to Speedy Trial," the full text of which is appended herein as "Annex A".

The guidelines were published in the Philippine Daily Inquirer last March 28, 2014, and it shall take effect on May 1, 2014.

For your information, guidance, and strict compliance.

April 15, 2014


JOSE MIDAS P. MARQUEZ
Court Administrator



Republic of the Philippines
Supreme Court
Manila

A.M. No. 12-11-2-SC

**GUIDELINES FOR DECONGESTING
HOLDING JAILS BY ENFORCING THE RIGHTS OF
ACCUSED PERSONS TO BAIL AND TO SPEEDY TRIAL**

Whereas, the Constitution provides in Section 13, Article III, that all persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall before conviction be bailable by sufficient sureties or released on recognizance as the law may provide and further, that excessive bail shall not be required;

Whereas, the Supreme Court has allowed the summary hearing of applications for bail of persons charged with offenses punishable by death, *reclusion perpetua*, or life imprisonment;

Whereas, there is a need to effectively implement existing policies laid down by the Constitution, the laws and the rules respecting the accused's rights to bail and to speedy trial in the context of decongesting our detention jails and humanizing the conditions of detained persons pending the hearing of their cases;

Whereas, the Supreme Court Committee for the Decongestion of Provincial, City, and Municipal Jails has recommended for the adoption of guidelines for decongesting holding jails by enforcing the rights of accused persons to bail and to speedy trial; and

Whereas, the Supreme Court En Banc, finds merit in the recommendation;

Now, therefore, all trial courts, public prosecutors, public attorneys, private practitioners, and other persons involved in protecting and ensuring the grant to the accused of his rights to bail and to speedy trial are enjoined as follows:

evidence of guilt is strong. The accused may at his option, if he wants the court to consider his evidence as well, submit in support of his motion the affidavits of his witnesses attesting to his innocence.

b) At the hearing of the accused's motion for bail, the prosecution shall present its witnesses with the option of examining them on direct or adopting the affidavits they executed during the preliminary investigation as their direct testimonies.

c) The court shall examine the witnesses on their direct testimonies or affidavits to ascertain if the evidence of guilt of the accused is strong. The court's questions need not follow any particular order and may shift from one witness to another. The court shall then allow counsels from both sides to examine the witnesses as well. The court shall afterwards hear the oral arguments of the parties on whether or not the evidence of guilt is strong.

d) Within forty-eight (48) hours after hearing, the court shall issue an order containing a brief summary of the evidence adduced before it, followed by its conclusion of whether or not the evidence of guilt is strong. Such conclusion shall not be regarded as a pre-judgment on the merits of the case that is to be determined only after a full-blown trial.

Sec. 7. *F frivolous complaints against judges.* – A party or a lawyer who is guilty of filing a frivolous administrative complaint or a petition for inhibition against a judge arising from the latter's action on the application for bail may be appropriately sanctioned.

B. THE RIGHT TO SPEEDY TRIAL

Sec. 8. *Observance of time limits.* – It shall be the duty of the trial court, the public or private prosecutor, and the defense counsel to ensure, subject to the excluded delays specified in Rule 119 of the Rules of Court and the Speedy Trial Act of 1998, compliance with the following time limits in the prosecution of the case against a detained accused:

(a) The case of the accused shall be raffled and referred to the trial court to which it is assigned within three days from the filing of the information;

(b) The court shall arraign the accused within ten (10) days from the date of the raffle;

(c) The court shall hold the pre-trial conference within thirty (30) days after arraignment or within ten (10) days if the accused is under preventive detention; provided, however, that where the direct testimonies of the witnesses are to be presented through judicial affidavits, the court shall give the prosecution not more than twenty (20) days from arraignment

Sec. 11. *Service of subpoena and notices through electronic mail or mobile phones.* – Subpoena and notices may be served by the court to parties and witnesses through electronic mails (e-mail) or through mobile phone either through phone calls or through short messaging service (SMS).

Sec. 12. *Proof of service of notice of hearing or subpoena.* – To ascertain the proper service of notice of hearing or subpoena:

(a) The public prosecutor shall, during inquest or preliminary investigation, require the complainant and his witnesses and, in proper cases, the police officers who witnessed the commission of the crime subject of the investigation, to leave with him their postal and e-mail addresses and mobile phone numbers for use in summoning them when they need to appear at the hearings of the case.

(b) When requesting the court to issue a subpoena or subpoena *duces tecum* for their witnesses, the parties shall provide the court with the postal and e-mail addresses and mobile phone numbers of such witnesses.

(c) The service of notice of hearing or subpoena at the postal address, e-mail address, or through mobile phone number shall be proved by any of the following:

- (1) an officer's return or affidavit of service if done by personal service, or by registry return card;
- (2) printouts of sent e-mail and the acknowledgment by the recipient;
- (3) printouts of electronic messages transmitted through the court's equipment or device and the acknowledgment by the recipient; or
- (4) reports of phone calls made by the court.

(d) The postal and e-mail addresses as well as the mobile phone numbers supplied by the parties and their witnesses incident to court cases shall be regarded as part of the judicial processes in those cases. Consequently, any person who uses the same without proper authority or for purposes other than sending of court notices shall be deemed guilty of indirect contempt and accordingly punished.

(e) In cases of police officers whose testimonies are essential to the prosecution of the case, service of the notice of hearing or subpoena on them shall be made through the police unit responsible for the arrest and prosecution of the accused, copy furnished the Personnel Department of the Philippine National Police. It shall be the responsibility of the head of that police unit to ensure the transmission of the notice or subpoena to the addressee. Service upon the police unit shall be deemed service upon such police officers.

(d) The Task Force shall have access to all case records and information relating to detained persons and shall advise the judges hearing their cases, when warranted, of the need for them to act on any incident or situation that adversely affects the rights of detained persons or subject them to undue or harsh treatment.

(e) The Office of the Chief Justice shall exercise direct supervision over all such Task Forces.

These guidelines shall take effect on May 1, 2014 after publication in a newspaper of general circulation in the Philippines and shall apply to all accused persons under preventive detention.

Manila, Philippines, March 18, 2014.

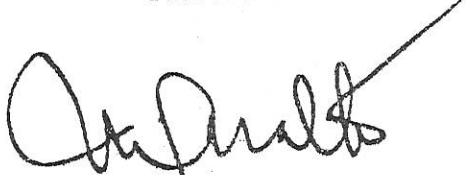

MARIA LOURDES P. A. SERENO
Chief Justice

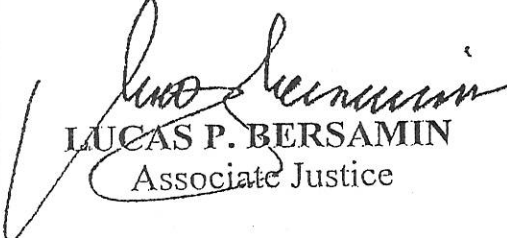

ANTONIO T. CARPIO
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice

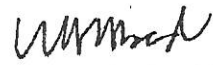

TERESITA J. LEONARDO-DE CASTRO
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