



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

OCA CIRCULAR NO. 90-2017

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

**SUBJECT : SECTIONS 11, 12 AND 13, RULE 114 OF THE
REVISED RULES ON CRIMINAL PROCEDURE**

In accordance with paragraph (e) of the Resolution of the Court *En Banc* dated 21 March 2017, in A.M. No. RTJ-16-2465 (*Office of the Court Administrator vs. Judge Jordan H. Reyes, Regional Trial Court, Branch 42, Koronadal City, South Cotabato*), all judges of the first and second level courts are **EXHORTED** to strictly **COMPLY** with the following provisions of Section 11, 12 and 13, Rule 114 of the Revised Rules on Criminal Procedure, to wit:

Section 11. Property bond, how posted. - A property bond is an undertaking constituted as lien on the real property given as security for the amount of the bail. Within ten (10) days after the approval of the bond, the accused shall cause the annotation of the lien on the certificate of title on file with the Registry of Deeds if the land is registered, or if unregistered, in the Registration Book on the space provided therefor, in the Registry of Deeds for the province or city where the land lies, and on the corresponding tax declaration in the office of the provincial, city and municipal assessor concerned.

Within the same period, the accused shall submit to the court his compliance and his failure to do so shall be sufficient cause for the cancellation of the property bond and his re-arrest and detention.

Section 12. Qualifications of sureties in property bond. - The qualifications of sureties in a property bond shall be as follows:

(a) Each must be a resident owner of real estate within the Philippines;

(b) Where there is only one surety, his real estate must be worth at least the amount of the undertaking;

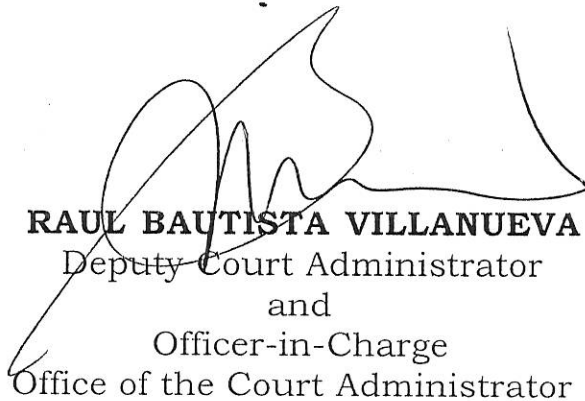
(c) If there are two or more sureties, each may justify in an amount less than that expressed in the undertaking but the aggregate of the justified sums must be equivalent to the whole amount of the bail demanded.

In all cases, every surety must be worth the amount specified in his own undertaking over and above all just debts, obligations and properties exempt from execution.

Section. 13. Justification of sureties. - Every surety shall justify by affidavit taken before the judge that he possesses the qualifications prescribed in the preceding section. He shall describe the property given as security, stating the nature of his title, its encumbrances, the number and amount of other bails entered into by him and still undischarged, and his other liabilities. The court may examine the sureties upon oath concerning their sufficiency in such manner as it may deem proper. No bail shall be approved unless the surety is qualified.

For your information, guidance and strict compliance.

April 10, 2017



RAUL BAUTISTA VILLANUEVA
Deputy Court Administrator
and
Officer-in-Charge
Office of the Court Administrator

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