



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

**OCA CIRCULAR NO. 05-2024**

**TO : ALL JUDGES, CLERKS OF COURT, AND ACTING CLERKS OF COURT/ OFFICERS-IN-CHARGE AND COURT EMPLOYEES OF THE FIRST AND SECOND LEVEL COURTS**

**SUBJECT : REMINDERS ON THE POSTING OF BAIL BEFORE THE FILING OF A CRIMINAL INFORMATION AND/OR DURING WEEKENDS OR HOLIDAYS, AND THE STRICT ADHERENCE TO ARTICLE 125 OF THE REVISED PENAL CODE**

All Judges and relevant court personnel are reminded of the following important matters concerning bail and detention:

1. For cases undergoing inquest, and when the offense to be charged is bailable, bail may be availed of prior to the filing of a criminal *Information*.<sup>1</sup> Correspondingly, bail may be posted after the issuance of the relevant certification of the inquest prosecutor.<sup>2</sup>

2. Bail may be posted even during weekends, on holidays and special days, pursuant to Section 14, Chapter V of Administrative Matter No. 03-8-02-SC,<sup>3</sup> as amended, and published in OCA Circular No. 102-2022 dated 10 May 2022.

3. Detention of any person shall not exceed the periods stated in Article 125 of the Revised Penal Code, unless the detainee, who was validly arrested without a warrant, executes a waiver and opts for the conduct of a preliminary investigation. The detainee shall also be informed of the cause of

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<sup>1</sup> See Sections 6.4 and 6.5, Chapter VI, *Revised Manual for Prosecutors* (2017).

<sup>2</sup> In accordance with Section 6.5, Chapter VI, *Revised Manual for Prosecutors* (2017), the *Certification* must state that "the person arrested is being charged for an offense in an inquest proceeding and specifying the recommended bail therefor."

<sup>3</sup> The full title of the said issuance reads, "*Re: Guidelines on the Selection and Designation of Executive Judges and Defining their Powers, Prerogatives and Duties.*"

his/her detention and shall be allowed to communicate or confer with his/her counsel at any time and upon his/her request.<sup>4</sup>

For guidance and compliance.

04 January 2024



**RAUL B. VILLANUEVA**  
Court Administrator

~~MM~~ *YEA/Circular-Bail Before Information//jjm121923 Misc.58 [B2]*

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<sup>4</sup> Article 125 of the Revised Penal Code, as further amended by Executive Order No. 272 dated 25 July 1987.