

## OCA CIRCULAR NO. 19-2014, January 27, 2014

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### TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : REVOCATION OF MEMORANDUM ORDER NO. 177 (S. 2005) ENTITLED "DIRECTING THE DEPARTMENT OF JUSTICE TO OBSERVE A BAIL BOND GUIDE FOR QUALIFIED THEFT

In her letter dated January 6, 2014, Secretary Leila M. De Lima of the Department of Justice provided the Court with a copy of Memorandum Order No. 63 entitled "Revoking Memorandum Order No. 177 (s. 2005)," signed by President Bcnigno S. Aquino 111 on December 6, 2013.

Secretary De Lima stated that the revoked Memorandum Order No. 177 (s. 2005) dated June 28, 2005 entitled "Directing the Department of Justice to Observe a Bail Bond Guide for Qualified Theft" provides in Section 1 that:

[n]o bail shall be recommended for the crime of qualified theft where the aggregate value of the properly stolen is five hundred thousand pesos (P500,000.00) and above.

She further stated that on July 15, 2005, the Department of Justice, through former Secretary Raul M. Gonzalez, issued Department Circular No. 29 entitled "Amending Department Circular No. 74 dated 06 November 2001 Involving Qualified Theft when the Value of the Property Stolen is P222,000.00 or More" which provides that:

WHEREFORE, pursuant to the provisions of existing laws, no bail shall be recommended for the offense of qualified theft, whether consummated, frustrated or attempted, where the value of the property is P222,000.00 or more.

As stated in Memorandum Order No. 63, the inconsistency between Memorandum Order No. 177 and Department Circular No. 29, as to the threshold amount that must be the object of the crime of qualified theft in order for bail not to be recommended, has resulted in confusion among stakeholders in the criminal justice system. Thus the need to take a step to streamline and rationalize the bail regime for the effective administration of justice by revoking Memorandum Order No. 177.

The copy of Memorandum Order No. 63 is appended herein as Annex "A" for guidance and reference.

January 27, 2014

(SGD.) JOSE MIDAS P. MARQUEZ  
Court Administrator

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[\*] see the copy of Memorandum Order No. 63 attached in the Hard Copy of OCA CIRCULAR No. 19-2014

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