THE 1996 BAIL BOND GUIDE FOR THE NATIONAL PROSECUTION SERVICE

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WHEREAS, bail is a right enshrined in the Constitution and, in furtherance of the mandate therein, statutes as well as rules and regulations have been issued in this regard;

WHEREAS, in proper cases, the right to bail may be invoked by the respondent/accused/person under detention before the courts;

WHEREAS, prosecutors, as officers of the court, are mandated to assist the courts by recommending the amount of bail to be granted, taking into consideration the following standards and criteria:

(a) Financial ability of the accused to post bail;

(b) Nature and circumstances of the offense;

(c) Penalty for the offense charged;

(d) Character and reputation of the respondent/accused/person under detention;

(e) His/her/their age and state of health;

(f) Weight of the evidence against the respondent/accused/person under detention;

(g) Forfeiture of other bonds and pendency of other cases wherein the respondent/accused/person under detention is under bond;

(h) Fact that respondent/accused/person under detention is a fugitive from justice when apprehended;

(i) Other factors affecting the probability of the accused to appear at the trial.

WHEREAS, taking into consideration the foregoing standards, and to achieve uniformity in the amount to be recommended for each crime, this Bail Bond Guide has been issued to simplify and codify the various Department (Ministry) Circulars in this regard;

WHEREAS, the rules of computation used in arriving at a uniform rate for bail is as follows:

1. Where the penalty is Death, Reclusion Perpetua or Life Imprisonment, bail shall not be recommended. Likewise, where the penalty is Reclusion Perpetua to Death, bail shall not be recommended.

Where the penalty is Reclusion Temporal to Reclusion Perpetua, bail can be recommended based on the formula provided herein.

2. Where bail is a matter of right, the following formula shall be applied, viz.:

(a) Where correccional or afflictive penalties are imposed for the offense, the amount of bail shall be based on the maximum of the penalty, multiplied by P2,000.00. A fraction of a year shall be rounded-off to one year.

Ex.: The penalty imposable is Arresto Mayor, which ranges from 1 month and 1 day to 6 months. Since the

maximum is 6 months, the same shall be rounded-off to 1 year. One (1) year multiplied by P2,000.00, the bail to be recommended shall be P2,000.00.

(b) Where a light penalty (or Arresto Mayor) is imposed, bail shall be P1,000.00.

3. Where the penalty is imprisonment and fine, the bail shall be computed based upon the penalty of imprisonment, not upon the fine.

4. Bail based on the maximum penalty, multiplied by P10,000.00, shall be applied to the following offenses:

(a) Under Republic Act No. 7659 (the “Heinous Crime Law”);

(b) Violations of P.D. 1866 (Illegal Possession of Firearm and Ammunition);

(c) Violations of Republic Act No. 6425 (the “Dangerous Drugs Act”), as amended by the Heinous Crime Law (RA 7659);

(d) Violations of the Anti-Carnapping Act, as amended by the Heinous Crime Law (RA 7659); and

(e) Violations of the Tariff and Customs Code penalized under Sections 3601 to 3603, inclusive, and Sections 3605 and 3610, inclusive.

(f) Violations of Republic Act No. 6968.

However, if the penalty imposed is Reclusion Temporal (regardless of the period) to Reclusion Perpetua, bail shall be computed based on the maximum of Reclusion Temporal, multiplied by P10,000.00.

5. Where the imposable penalty is fine only, bail shall be computed as follows:

(a) fine below P200.00, bail shall be P1,000.00;

(b) fine ranging from P200.00 to P6,000.00, bail recommended shall be P2,000.00;

(c) above P6,000.00, bail recommended shall be P3,000.00.

WHEREFORE, the attached schedule of bail, prepared after extensive study and scrutiny of penal statutes, including special laws, and in accordance with the foregoing rules, standards and criteria, is hereby adopted for the National Prosecution Service and shall be known by its abbreviated title as “The 1996 Bail Bond Guide”[*].

The 1996 Bail Bond Guide supersedes Ministry Circular No. 3 dated September 1, 1981, Ministry Circular No. 8 dated April 29, 1985, Department Circular No. 10 dated July 3, 1987, Department Circular No. 10-A dated November 10, 1987, Department Circular No. 53 series of 1994, and Memorandum Circular No. 21 dated December 26, 1994, as well as all other issuances inconsistent herewith.

The 1996 Bail Bond Guide shall take effect February 1, 1996.

Adopted:

(SGD.) TEOFISTO T. GUINGONA, JR.
Secretary

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[*] See Appendix 2, pp. 411-463

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