

DECLARING JUNE 2005 AS JAIL, DECONGESTION MONTH AND EXHORTING JUDGES OF THE FIRST AND SECOND LEVEL COURTS TO CONDUCT JAIL VISITATIONS DURING THE MONTH

ADMINISTRATIVE CIRCULAR NO. 26-2005, May 17, 2005

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WHEREAS, under Section 25 of Rule 114 of the 2000 Revised Rules of Criminal Procedure, the courts exercise supervision over all persons in custody for the purpose of eliminating unnecessary detention, and the executive judges of the Regional Trial Courts are required to conduct monthly personal inspections of provincial, city, or municipal jails and the prisoners within their respective jurisdictions for the purposes therein stated;

WHEREAS, it has been noted that there are offenders who have been detained for a period equal to, or more than, the maximum of the penalty prescribed by law for the offense for which they have been charged and the trial or appeal proceedings of which are still ongoing; and, there have been instances when the offenders have remained under detention even if they have already served the imprisonment penalty imposed by the courts;

WHEREAS, there is a need to address the perennial problem of congestions in prison cells in various penal institutions which does not only frustrate the full implementation of the rehabilitation program for offenders, but also violate their human dignity; and

WHEREAS, in June 2005, specifically on the eleventh, the Supreme Court will celebrate its 104th founding anniversary, and it would be fitting and proper to include as one of its anniversary activities the declaration of the month of June as Jail Decongestion Month.

NOW, THEREFORE, and taking into consideration the recommendation of the Office of the Court Administrator, the whole month of June 2005 is hereby declared Jail Decongestion Month. All judges of the first and second level courts, with the assistance of the public prosecutors, public attorneys, legal aid lawyers of the Integrated Bar of the Philippines (IBP), and defense lawyers, are directed to conduct visitations and ocular inspections of jails within their respective jurisdictions on the eleventh day of June 2005 and on other days of said month as may be deemed necessary.

In these visits, the Judges concerned, assisted by their respective Branch Clerks of Court the Legal Researchers, shall consider the following:

1.

The possible release of detention prisoners pursuant to Section 16, Rule 114 of the 2000 Revised Rules of Criminal Procedure and Article 29 of the Revised Penal Code, as amended, or of those who have already served their sentence, as the case may be, unless the release is not warranted due to any other lawful ground or cause;

2.

The possibility of a plea of "guilt" to a lesser offense under Section 2, Rule 116 of the 2000 Revised Rules of Criminal Procedure unless prohibited by law; and

3.

The conduct of dialogues with detention prisoners to inquire on their accommodation, health concerns, and the segregation of the sexes and of the minors from adults; to ensure the observance of their rights as detainees; and to strive to eliminate conditions prejudicial to their rights.

To effectively pursue and implement the objectives of these activities, the following guidelines are hereby adopted:

1.

The Branch Clerks of Court shall segregate case records of criminal cases involving detention prisoners.

2.

With the supervision of the Presiding Judges and the assistance of the Legal Researchers, the Branch Clerks of Court shall accomplish the Detainee's Data Sheet (Annex "A") and attach the same to the case record of the detainee.

The data sheet shall contain the maximum and minimum periods of the penalty imposable for the crime charged without regard to the application of the Indeterminate Sentence Law. It shall also contain all possible lower offenses included in the crime charged with their corresponding minimum and maximum penalties which could be imposed by reason of the mitigating circumstance of plea of guilty.

3.

Thereafter, the Branch Clerks of Court shall call to a conference the public prosecutors and defense lawyers concerned to discuss the possibility of a plea of guilty to a lesser offense or the release of the prisoner on a reduced bail. The defense lawyers shall be requested to discuss the matter with their clients and to file the appropriate pleadings if the latter are amenable. If their clients are not amenable, the defense lawyers shall forthwith inform the Branch Clerks of Court of such fact.

4.

The Branch Clerks of Court shall also confer with the jail wardens and provide them with a copy of the accomplished Detainee's Data Sheets. The wardens shall keep a file of the data sheets, provide the detainees with their respective data sheets, and explain to them the contents thereof.

5.

Each Branch Clerk of Court shall inform the Presiding Judge of the results of the conferences before the scheduled date of visitations.

Within thirty (30) days after the Jail Decongestion Month, the Branch Clerks of Court shall submit to the Office of the Court Administrator a Report with a list of decided cases involving detention prisoners, as well as the names of detention prisoners 1 their respective jurisdictions released under (a) a reduced bail, (b) a plea of guilty to a lesser offense, or (c) Section 16, Rule 114 of the Revised Rules of Criminal Procedure when the period of detention is equal to, or more than, the maximum penalty for the offense charged.

The Office of the Court Administrator shall implement this Administrative Circular and, for that purpose, promulgate such guidelines as may be necessary for its effective and efficient implementation.

This Administrative Circular shall take effect upon its issuance.

Issued this 17th day of May 2005.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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