

SC ADMINISTRATIVE CIRCULAR NO. 2-92, January 20, 1992

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TO

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ALL REGIONAL TRIAL COURT PRESIDING JUDGES, THE INTEGRATED BAR OF THE PHILIPPINES,
THE NATIONAL PROSECUTION SERVICE, DEPARTMENT OF JUSTICE

SUBJECT

:

CANCELLATION OF BAIL BOND OF ACCUSED CONVICTED OF CAPITAL OFFENSES IN THE
REGIONAL TRIAL COURT

Strict observance by all concerned is enjoined with the following policies and guidelines laid down in the Resolution of the Court promulgated on October 15, 1991 in G. R. no. 92560 entitled "People v. Ricardo C. Cortez," relative to the application of Section 3, Rule 114 of the 1985 Rules on Criminal Procedure, to wit:

The basic governing principle on the right of the accused to bail is laid down in Section 3 of Rule 114 of the 1985 Rules on Criminal Procedure, as amended, which provides.

"Sec. 3. Bail, a matter of right; exception.-All persons in custody, shall before final conviction, be entitled to bail as a matter of right, except those charged with a capital offense which, under the law at the time of its commission and at the time of the application for bail, is punishable by reclusion perpetua, when evidence of guilt is strong."

Pursuant to the aforecited provision, an accused who is charged with a capital offense or an offense punishable by reclusion perpetua, shall no longer be entitled to bail as a matter of right even if he appeals the case to this Court since his conviction clearly imports that the evidence of his guilt of the offense charged is strong.

Hence, for the guidance for the bench and bar with respect to future as well as pending cases before the trial courts, this Court en banc lays down the following policies concerning the effectivity of the bail of the accused, to wit:

1) When an accused is charged with an offense which under the law existing at the time of its commission and at the time of the application for bail is punishable by a penalty lower than reclusion perpetua and is out on bail, and after trial is convicted by the trial court of the offense charged or of a lesser offense than that charged in the complaint or information, he may be allowed to remain free on his original bail pending the resolution of his appeal, unless the proper court directs otherwise pursuant to Rule 114, Sec. 2 (a) of the Rules of Court, as

amended;

2) When an accused is charged with a capital offense or offense which under the law at the time of its commission and at the time of the application for bail is punishable by reclusion perpetua and is out on bail, and after trial is convicted by the trial court of a lesser offense than that charged in the complaint or information, the same rule set forth in the preceding paragraph shall be applied;

3) When an accused is charged with a capital offense or an offense which under the law at the time of its commission and at the time of the application for bail is punishable by reclusion perpetua and is out on bail and after trial convicted by the trial court of the offense charged, his bond shall be cancelled and the accused shall be placed in confinement pending resolution of his appeal.

As to criminal cases covered under the third rule abovesited, which are now pending appeal before this Court where the accused is still on provisional liberty, the following rules are laid down:

1) This Court shall order the bondsman to surrender the accused within ten (10) days from notice, to the court of origin. The bondsman thereupon, shall inform this Court of the fact of surrender, after which, the cancellation of the bond shall be ordered by this Court;

2) The RTC shall order the transmittal of the accused shall remain under confinement pending resolution of his appeal;

3) If the accused-appellant is not surrendered within the aforesaid period of ten (10) days, his bond shall be forfeited and an order of arrest shall be issued by this Court. The appeal taken by the accused shall also be dismissed under Section 8, Rule 124 of the Revised Rules of Court as he shall be deemed to have jumped his bail.

For immediate compliance.

January 20, 1992.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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