

DIRECTING TRIAL JUDGES TO FAITHFULLY OBSERVE OR IMPLEMENT THE LAST PARAGRAPH OF ARTICLE 29 OF THE REVISED PENAL CODE, AS AMENDED

SC ADMINISTRATIVE CIRCULAR NO. 1-2000, February 17, 2000

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The last paragraph of Article 29 of the Revised Penal Code, as amended, reads as follows:

Whenever an accused has undergone preventive imprisonment for a period equal to or more than the possible maximum imprisonment of the offense charged to which he may be sentenced and his case is not yet terminated, he shall be released immediately without prejudice to the continuation of the trial thereof or the proceeding on appeal, if the same is under review. In case the maximum penalty to which the accused may be sentenced is Destierro, he shall be released after thirty (30) days of preventive imprisonment.

There are distressing reports that several accused awaiting the termination of their cases are languishing in jail beyond the duration of the possible maximum imprisonment which may be imposed on them. Others might have already been sentenced but have remained in detention after fully serving their sentence.

Accordingly, all trial judges of courts of the first and second levels are enjoined to:

- (1) Conduct an accurate inventory of all criminal cases in their courts, indicating therein for each case (a) the crime charged; (b) the possible maximum imprisonment for such crime; (c) the dates the information or complaint was filed; (d) whether the accused is bonded or detained; (e) if accused is detained, the place of detention and the date the detention commenced; (f) the date of the arraignment; and (g) the current status of the case; and
- (2) Direct the wardens of jails or detention centers where the accused in the aforementioned cases are detained to submit status reports thereon indicating (1) whether the accused is serving his sentence or being merely preventively imprisoned; (2) if serving his sentence: the title of the case, the date the judgment was promulgated and the date he started serving his sentence; and (3) if merely under preventive imprisonment: the title of the case, the crime for which he is detained, and the date he was committed for preventive imprisonment.
- (3) Order the release from detention of any accused who is already entitled to such release under the last paragraph of Article 29 of the Revised Penal Code, or who has already served his sentence, as the case may be, unless the release may not be warranted by reason of any other lawful ground or cause.

The Inventory should be submitted to the Office of the Chief Justice not later than 15 April 2000, copy furnished the Court Administrator.

The Court Administrator shall see to it that this Administrative Circular be disseminated to all concerned.

Manila, 17 February 2000.

(Sgd.) HILARIO G. DAVIDE, JR

Chief Justice

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