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DIRECTING THE DEPARTMENT OF JUSTICE TO OBSERVE A BAIL BOND GUIDE FOR QUALIFIED THEFT

MEMORANDUM ORDER NO. 177, June 28, 2005

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WHEREAS, in proper cases, the right to bail may be invoked by the respondent or the accused;

WHEREAS, Prosecutors as officers of the court are duty bound to assist the courts by recommending the amount of bail to be granted;

WHEREAS, hundreds of thousands or millions or pesos are lost because of syndicated large-scale qualified theft affecting the semiconductors and electronic industries responsible in providing seventy percent (70%) of the country's exports;

WHEREAS, Article 310 in relation to Article 309 of the Revised Penal Code imposes a penalty of reclusion perpetua for qualified theft committed under certain circumstances;

WHEREAS, the Constitution provides that all persons, except those charged with offenses punishable by reclusion perpetua when the evidence of guilt is strong, shall before conviction, be bailable.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO , President of the Philippines by virtue of the powers vested in me by law do hereby order:

SECTION 1. No bail shall be recommended for the crime of qualified theft where the aggregate value of the property stolen is five hundred thousand (P500,000.00) and above;

SECTION 2. The Department of Justice is hereby further directed to constitute a committee for the modification of the 2000 Bail Bond Guide to make the necessary revisions insofar as the amounts of bail shall be recommended.

SECTION 3. This Memorandum hereby amends Department of Justice Circular No. 74 dated November 6, 2001 insofar as bail bond guide involving crimes for qualified theft;

SECTION 4. If any provision of this Memorandum Circular is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SECTION 4. This Memorandum Order shall take effect immediately.

Adopted: 28 June 2005

(SGD.) GLORIA ARROYO

By Authority of the President:

(SGD.) EDUARDO R. ERMITA
Executive Secretary

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