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B. For Cases Cognizable By The Regional Trial Courts

Checklist I

Things To Do Upon Receipt Of Complaint Or Information Up To Issuance Of The Warrant Of Arrest

1. Check if, on the face of the information/complaint, the court has jurisdiction over the case; otherwise, dismiss it and order the release of the accused if under detention insofar as the case is concerned.
2. Check if a claim for damages other than actual alleged in the information/complaint, and if in the affirmative, ascertain whether appropriate filing/docket fee for said claim has been paid to the clerk of court. If the requisite filing/docket fees have not been paid at the time of the filing of the information/complaint, issue an order to the offended party to pay the requisite filing/docket fees within a reasonable time.
3. If accused is detained, issue a commitment/detention order to the warden/jailers; if the accused is at large, issue a warrant for his/her arrest, in accordance with the succeeding steps.
4. When warrant of arrest may issue

Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation or when the Complaint or Information was filed pursuant to section 7 of the Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint of information.

5. If not satisfied upon the filing of information/complaint that probable cause exists, order the prosecutor to submit the records of the case and if based thereon, there is probable cause, issue a warrant of arrest. Otherwise, dismiss the case.
6. If the charge is bailable, fix the amount of bail either in the commitment/detention order or warrant of arrest.

Checklist II

Incidents After Issuance Of Warrant Of Arrest Or Commitment Order

1. Once the accused is arrested or otherwise taken into custody, issue a commitment order and set the case for arraignment.
2. When the accused is under preventive detention, his/her case shall be raffled and its records transmitted to the

judge to whom the case was raffled within three (3) days from the filing of the information or complaint. The accused shall be arraigned within ten (10) days from the date of the raffle. The pre-trial conference shall be held within ten (10) days after arraignment.¹¹⁵

3. Unless a shorter period is provided by special law or Supreme Court circular, the arraignment shall be held within thirty (30) days from the date the court acquires jurisdiction over the person of the accused. The time of the pendency of a motion to quash or for a bill of particulars or other causes justifying suspension of the arraignment shall be excluded in computing the period.¹¹⁶

4. If there is failure to execute the warrant of arrest or no report is made within ten (10) days from receipt of the warrant by the executing officer, issue an alias arrest warrant and order the archiving of the case, furnishing a copy of the said order to the complainant.

5. If bail is a matter of right, and the accused files bail, ascertain if all the requirements for the bail are complied with, as follows:

5.1 Cash Bond

5.1.1 The official receipt or certificate of deposit of the amount of bail fixed by the court who filed the information/complaint, issued by the government officer concerned, is attached to records of the case.

5.1.2 The written undertaking, executed by the accused containing all the conditions contained in Section 2 of Rule 114 of the Revised Rules on Criminal Procedure, as amended, is attached to the records of the case.

5.2 Corporate Surety

5.2.1 Photocopy of the Certification issued by the Supreme Court, accompanied by the photocopies of receipts of payment by the surety company of the requisite fees to the Supreme Court is attached to the bond.

5.2.2 Certificate of the Clerk of Court of the Regional Trial Court where the case is filed and pending showing that the bonding company does not have any pending obligations/liabilities to the government, consisting of writs of execution and/or confiscated bonds in criminal cases and that bonding company was issued a Certificate of Authority by the Insurance Commission and presently updating its obligation.

5.2.3 Certificate of Authority issued by the Insurance Commission.

5.3 Property Bond

5.3.1 Affidavit of surety/ sureties taken before the judge or submitted to the judge, stating therein that each of the sureties possesses the qualifications as provided for in Section 12 of Rule 114 of the 2000 Rules on Criminal Procedure and describing the property offered as bond for the accused, the nature of the title of the property, the encumbrances thereon, the number and amount of other bonds entered into by him/them and remaining undischarged, and his/her/their other liabilities, if any.

5.3.2 Owner's duplicate of the original Certificate of Title of the surety/sureties covering the property offered as bond, if registered under the Torrens system or, the Owner's copy of the declaration of Real Property, if unregistered.

5.3.3 Certificates of Payment of Realty Taxes on the property offered as bond. If the property is sufficient, and the requisite affidavit is submitted to the court, approve the bond and order the accused to cause the annotation of the lien, within ten (10) days from the receipt by the accused of the court, at the back of the title to the property, if registered, or in the Registration Book, if unregistered, and on the corresponding tax declaration in the Office of the Provincial and Municipal Assessor concerned.

Upon compliance by the accused of order of the court, issue an order releasing the accused from detention.

6. In either case, the accused should submit photographs (passport size) taken within the last six (6) months showing the face, the left and right profiles of the accused and attached to the records, and the written undertaking containing the conditions set forth in Section 2 of Rule 114 of the 2000 Rules on Criminal Procedure, as amended.

7. If the accused fails to comply with the order of the court for the annotation of the lien and for the registration of the annotation, cancel the property bond.

8. If the accused applies for release on recognizance, set the hearing of the application and give reasonable notice of the hearing to the prosecutor with the requirement to submit the comment and recommendation in the application.

8.1 Definition of Recognizance

An obligation of record, entered into before some court or magistrate duly authorized to take it, with the condition to do some particular act, the most usual condition in criminal cases being the appearance of the accused for trial; a contract between the sureties and the State for the production of the principal at the required time.¹¹⁷

8.2 Recognizance may be allowed in the following instances:

8.2.1 The charge against the accused is for violation of a municipal or city ordinance, a light felony and/or a criminal offense prescribed penalty for which is not higher than six (6) months imprisonment and/or a fine of Php 2,000, or both, provided the accused has established, to the satisfaction of the court, the inability to post the required cash or bail bond.

8.2.2 When the accused has been in custody for a period equal to or more than the possible maximum imprisonment of the offense charged to which he/she may be sentenced. However, if the maximum penalty to which the accused is sentenced is destierro, he shall be released after thirty (30) days of preventive imprisonment.

8.2.3 At the discretion of the Court, if the accused has been in custody for a period equal to or more than the minimum of the principal penalty prescribed for the offense charged, without applying the Indeterminate Sentence Law or any modifying circumstances.

8.2.4 At the discretion of the court, and, upon recommendation of the Department of Social Welfare and Development (DSWD) or other agency or agencies, if the accused is a youthful offender over nine (9) but under eighteen (18) years at the same time of the commission of the offense charged, in which case, the accused may be released on his/her own cognizance or to the custody of his/her parents or of a suitable person who shall be punishable for the appearance of the accused when required.

9. Where the accused is charged with a capital offense which, under the law at the time of the application for bail is punishable by death or reclusion perpetua, and the accused files an application for bail, give reasonable notice of the hearing to the prosecutor or require him to submit his/her recommendation.

10. If the prosecutor, where bail is a matter of discretion, objects to the application of the accused for bail, hold in abeyance resolution of the application until the arraignment of the accused.

11. If the case is not dismissed and the accused is under arrest, order the Branch Clerk of Court to schedule the arraignment of the accused with notice to the complainant.

115 Rules of Court, Rule 116, Sec. 1 (e).

116 Rules of Court, Rule 116, Sec. 1 (g); SC Circular No. 38-98.

117 People v. Abner 87 Phil. 566 [1950].

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