

SC ADMINISTRATIVE CIRCULAR NO. 04-2002, February 01, 2002

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TO : ALL EXECUTIVE JUDGES AND JUDGES OF REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS

SUBJECT : SPECIAL TREATMENT OF MINOR DETAINEES AND JAIL DECONGESTION

WHEREAS, the 1987 Constitution affirms the duty of the State to promote and protect the physical, moral, spiritual, intellectual and social well-being of the youth (Sec. 13, Art. II, 1987 Constitution);

WHEREAS, it has long been recognized that youthful offenders should be afforded special treatment in our judicial system;

WHEREAS, the situation of jails in cities and other highly populous areas in the country is very pathetic;

WHEREAS, an immediate solution is necessary in order to protect the interest and rights of prisoners, especially minor detainees, and to eradicate or at least minimize the congestion of jails in the country;

NOW, THEREFORE, it is hereby directed that the following guidelines be observed:

- Effective immediately, trial judges shall hold regular dialogues, conferences, or visitations, in coordination with appropriate government agencies as well as the local chief executives, jail wardens, chiefs of police and officials from social welfare office, at least once a month with the inmates in all jails in their respective territorial jurisdiction.
- Said dialogues, conferences, or visitations shall be for the following purposes:
 - To determine the sufficiency or manner of safekeeping and reformation of prisoners, especially minor detainees, as well as their proper accommodation and health;
 - To set limits to the number of detainees in jail, and provide for the segregation of minors from the adult prisoners;
 - To identify minor prisoners who are willing to plead guilty, if qualified, and to inform them of the benefits granted by the provisions of P.D. No. 603 on suspended sentence of minors; and
 - To order the release from detention of any accused who is already entitled to be released 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 is unwarranted by reason of any lawful ground or cause;
- Strict compliance with the provisions of R.A. No. 8369 (An Act Establishing Family Courts) and its implementing guidelines is hereby enjoined.
- Trial judges designated in the Family Courts shall endeavor to assign specific days for the trial of cases

involving minor offenders to the exclusion of criminal cases against adult offenders.

A periodic report of such dialogues, conferences, or visitations should be submitted to the Court Administrator.

The Court Administrator shall implement this Administrative Circular.

This Administrative Circular shall take effect on 15 February 2002 and shall be published in a newspaper of general circulation before 10 February 2002.

Issued this first day of February 2002.

(Sgd.) HILARIO G. DAVIDE, JR

Chief Justice

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