

OCA CIRCULAR NO. 70-2004, May 20, 2004

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TO:

ALL TRIAL JUDGES

SUBJECT:

IMMEDIATE ISSUANCE OF RELEASE ORDERS OF PRISONERS

Quote hereunder is Memorandum Order No. 19-2004 dated 2 April 2004 issued by the Chief Justice, to wit:

"WHEREAS, the Constitution safeguards the right of all persons to a speedy disposition of their case before all courts;

WHEREAS, despite the dismissal of their cases or their acquittal, a number of accused remain detained for days, if not for weeks or even months, because of the delay in the preparation, signing, or delivery to the Bureau of Jail Management and Penology (BJMP) of an Order for their release; and

WHEREAS, prisoners have the right to be released when (1) their cases are dismissed for any valid reason; (2) they are acquitted by the courts; or (3) they have undergone preventive imprisonment for a period equal to or more than the possible maximum imprisonment penalty for the offense charged to which they may be sentenced, but their cases are not yet terminated (Article 29, last paragraph, Revised Penal Code).

NOW THEREFORE, all trial judges are directed

- To be ready with an Order of Release on the date set for the promulgation of a decision acquitting the accused; or dismissing the case and the dismissal amounts to an acquittal;
- To sign the Order of Release immediately after the promulgation of the decision of acquittal or of the order of dismissal amounting to an acquittal; and
- To direct the Sheriff or Process Server to forthwith serve in open court a copy of the Release Order to the BJMP escort of the prisoner. The escort shall be under strict orders to deliver the Release Order to the Jail Warden, who, in turn, shall immediately enforce it subject to the routinary verification of the prisoner's other pending cases, as well as the processing and recording of the prisoner's release.

This Memorandum shall take effect immediately. The Clerk of Court shall cause its publication in the newspaper of general circulation in the Philippines. The Court Administrator shall ensure compliance therewith by all concerned.

Issued this 2[nd] day of April 2004."

__20__ May 2004.

PRESBITERO J. VELASCO, JR.

Court Administrator

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