

SC ADMINISTRATIVE CIRCULAR NO. 11-2001, February 07, 2001

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SUBJECT

: SUSPENSION OF PROCEEDINGS IN CASES INVOLVING AMNESTY APPLICANTS

The government, in its desire to achieve a just and lasting peace in the country has adopted several confidence building measures suitable for the creation of a climate for peace. One of these measures is the amnesty program that is being implemented by the National Amnesty Commission (NAC). The NAC in cooperation with the Department of Justice, has adopted a procedure whereby motions to suspend criminal proceedings involving amnesty applicants is not opposed by the public prosecutor until the final resolution of their amnesty applications. Some judges however, have expressed reservations to suspending criminal proceedings because of apprehension that they may be violating the Circular on Speedy Trial (Circular No. 38-98) since none of the exclusions enumerated in Section 9 thereof specifically covers motions to suspend proceedings of amnesty applicants with pending criminal cases. The following general guidelines are accordingly hereby promulgated on the matter.

Guidelines for All Trial Courts

- 1) In order not to undermine the peace program of the government, judges are directed to grant motions to suspend criminal proceedings filed by the trial Prosecutor, the accused or his counsel, in cases where the accused has a pending amnesty application, unless exigent reasons dictate otherwise.
- 2) The judge shall direct the trial Prosecutor to forthwith inform the Court of any resolution concerning the accused's amnesty application. Trial will be terminated or continued depending on the result of the amnesty application, upon proper motion of the prosecutor.

This Administrative Circular, whose issuance was authorized by the Court in A.M. No. 01-1-02-SC at its meeting on 6 February 2001, shall take effect on the first day of March 2001, and the Office of the Court Administrator shall ensure faithful compliance therewith.

Issued this 7th day of February 2001.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

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