

OCA CIRCULAR NO. 107-2013, August 30, 2013

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TO : ALL EXECUTIVE JUDGES OF THE FIRST AND SECOND LEVEL COURTS, AND REGIONAL TRIAL COURT JUDGES OF SINGLE SALA STATIONS

SUBJECT :

NEW GUIDELINES ON JAIL VISITATION AND INSPECTION (A.M. NO. 07-3-02-SC)

Pursuant to the Resolution dated 8 January 2013 in A.M. No. 07-3-02-SC (Re: Committee on Lower Court Reportorial Requirements) and A.M. No. 09- 10-400-RTC (Re: Request of Judges for the Suspension of the Enforcement of Jail Visitation and Inspection in Accordance with A.M. No. 07-3-02-SC), the Court En Bane resolved to ADOPT the recommendation of the Committee on Lower Court Reportorial Requirements that the conduct of jail visitation and inspection by the (1) Executive Judges of all first and second level courts and (2) RTC judges of single stations be resumed or continued, subject to the modification that the same be done on a quarterly basis; and APPROVE in principle the proposed New Guidelines on Jail Visitation and Inspection, subject to the above modification, thus:

**New Guidelines on Jail Visitation and Inspection
(A.M. No. 07-3-02-SC)**

Section 1. Who Shall Conduct Jail Visitation and Inspection. - The Executive Judges of all first and second level courts and RTC Judges of single sala stations, accompanied by not more than two (2) of their staff members, shall personally conduct visitation and inspection of the provincial or city jails as well as other youth detention homes and youth rehabilitation centers within their respective jurisdictions on a quarterly basis.

This shall also apply to Acting Executive Judges and any RTC Judge designated as Acting Presiding Judge of a single sala station.

Section 2. Duties and Responsibilities of the Presiding Judges, Executive Judges and RTC Judges of Single Sola Stations; Reports to be Submitted. - Ten (10) days prior to the scheduled quarterly visit, the concerned Executive Judges and RTC Judges of single sala stations shall require the presiding judge/s within their administrative areas to submit a report (Form 1) on the total number of detainees whose cases are pending in their sala, which shall include the following information: name and age of the detention prisoner, case number, crime charged, first day of detention, duration of detention, and status of the case.

The Executive Judges and RTC Judges of single sala stations shall also require the Bureau of Jail Management and Penology (BJMP) or the Provincial or City Wardens, and heads of youth detention homes and youth rehabilitation centers to submit to their office a quarterly report on the status of the detention prisoners or accused under detention and children in conflict with the law (CICL) whose cases are pending before the courts within their administrative area, preferably by branch.

The Executive Judges and RTC Judges of single sala stations shall submit a Report on Jail Visitation and

Inspection (Form 2) every quarter, to the Court Management Office, OCA, not later than fifteen (15) days following the last day of every quarter.

The Report (Form 2) shall include the following information:

(a) Name and age of the detention prisoner, case number, crime charged, start of the date of detention, duration of detention, status of the case (arraignment, pre-trial, reception of prosecution evidence or reception of defense evidence, submitted for decision); and

(b) Health condition of the adult prisoners and CICL as submitted by the BJMP/ provincial or city jail/youth detention homes/youth rehabilitation centers medical staff during the jail visitation and inspection.

As to the prisoner/s who is/are placed under detention equivalent to or beyond the maximum period of the imposable penalty, the concerned Executive Judge and RTC Judge of a single sala station is required to immediately act on the case or to advise and direct the concerned presiding judge/s to immediately act on the case involving said detention prisoner/s pursuant to the provisions of Article 29, last paragraph, of the Revised Penal Code. With respect to children in conflict with the law, the provisions of Article 53 of A.M. No. 02-1-18-SC (Rule on Juveniles in Conflict With the Law) [1], shall equally apply. Failure on the part of the concerned presiding judge to comply therewith may subject him/her to administrative sanctions. In such case, the concerned Executive Judge and RTC Judge of a single sala station shall immediately cause the release from detention of the subject prisoner or children in conflict with the law pursuant to the abovementioned Articles.

In case the RTC Judge of a single sala station is indisposed, or on official leave of absence, or cannot otherwise discharge his/her duties, the Executive Judge of the nearest RTC multiple sala station, or in the absence of the said Executive Judge, the Vice-Executive Judge thereof shall perform the duties in his/her stead. For this purpose, the Clerk of Court or Officer-in-Charge of the indisposed Judge shall inform the concerned Judge of such absence.

Section 3. Report to the Office of the Court Administrator. - In the event that the concerned presiding judge fails to act on the directive/s of the Executive Judge and the RTC Judge of a single sala station as mentioned in paragraphs 1 and 5 of Section 2, the latter shall submit a report to the Office of the Court Administrator within ten (10) days from said non-compliance, which may warrant administrative sanction/s to be imposed by the Supreme Court.

An Executive Judge and the RTC Judge of a single sala station who fails to perform his/her functions as defined herein shall likewise be subjected to administrative sanctions by the Supreme Court.

Section 4. Reimbursement of. Transportation Expenses. - The Executive Judge and RTC Judge of a single sala station shall be entitled to reimbursement of transportation/gasoline expenses in the event that the BJMP/provincial or city jail/detention home/rehabilitation center is more than thirty (30) kilometers away from his/her station, subject to existing guidelines on reimbursement of such expenses.

Section 5. Security Detail during Jail Visitation and Inspection. - Where the jail and/or detention facility has detainees who are considered/classified as security risks, the concerned Executive Judge and RTC Judge of a single sala station may request for security detail during the conduct of the jail visitation and inspection.

Section 6. Dialogue with Detention Prisoners. - During their jail visitation and inspection, the Executive Judges and RTC Judges of single sala stations are encouraged to invite the heads of the provincial or city prosecution office and Public Attorney's Office, or their representatives, for a dialogue with detention prisoners which may be conducted thereat.

Section 7. Repealing Clause. - Any circular or guideline, such as A.M. No. 07-3-02-SC, inconsistent with the

above new guidelines for the conduct of the jail visitation and inspection as provided herein shall be considered as having been repealed or superseded.

For your information and strict compliance.

30 August 2013

(SGD.) JOSE MIDAS P. MARQUEZ
Court Administrator

[1]Effective on 01 December 2009 pursuant to En Banc Resolution dated 24 November 2009.

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