



Client Bulletin No. 10 (Updates on COVID-19 related PH Issuances):

Online Filing of Cases, Electronic Inquest (PH updates on COVID-19 issuances)

This is a briefing on the following issuances as of April 3, 2020 in relation to the COVID-19 pandemic:

[A. Supreme Court Circular on the Online Filing of a Criminal Complaint, Information and Application for Bail](#)

[B. Department of Justice Circular on Electronic Inquest](#)

A. Supreme Court (SC) allows the online filing of criminal complaints, information, and applications for bail

*SC Administrative Circular No. 33-2020*¹ (*Online Filing of Complaint or Information and Posting of Bail due to Rising Cases of COVID-19 Infection*, dated March 31, 2020) allows the filing of a complaint or information and the posting of bail through electronic means. The Circular was issued as a result of the physical closure of all courts in the country for the duration of the “public health emergency as declared by the President pursuant to existing laws” caused by the COVID-19 pandemic (see *SC Administrative Circular No. 32-2020*),² which we discussed in our bulletin released on March 23, 2020.³

1. Filing of a Criminal Complaint or Information

a. A criminal complaint or information may be filed via electronic transmission or email with the court that has jurisdiction over the offense charged (e.g., Municipal Trial Court, Metropolitan Trial Court, Regional Trial Court). The complaint or information shall be referred by the clerk of court to the judge on duty.

b. The judge on duty has three days from the electronic filing of the complaint or information to do any of the following: (i) “dismiss the case if the evidence on record clearly fails to establish probable cause,” (ii) issue a warrant of arrest or commitment order if there is probable cause, or (iii) direct the prosecutor to submit, through electronic transmission, additional evidence within

¹ SC Administrative Circular No. 33-2020 dated March 31, 2020; <http://sc.judiciary.gov.ph/11145/>; last visited at 11:58 AM on April 3, 2020.

² SC Administrative Circular No. 32-2020 dated March 20, 2020; <http://sc.judiciary.gov.ph/11092/>; last visited at 11:58 AM on April 3, 2020.

³ Supreme Court orders physical closure of all courts nationwide and releases hotlines and e-mail addresses of courts, SC Administrative Circular No. 32-2020 in SyCipLaw Bulletin dated March 23, 2020; <https://us5.campaign-archive.com/?u=7487080697dfcf9da2744850e&id=a761c2c571>.

three days from notice if there is doubt as to the existence of probable cause.

The issue must be resolved within 10 days from the filing of the complaint or information.

2. Posting of Bail

a. An accused charged prior to or after the start of the public emergency health period may apply for bail (if the offense is bailable) and is allowed to submit the bail requirements through electronic transmission. The judge shall determine if the accused should be admitted to bail in accordance with the relevant rules.

b. The accused may file a motion to reduce the bail fixed by the court through electronic submission. The judge shall direct the prosecutor to file its comment on the motion through electronic submission within 24 hours from the filing of the motion. The judge has to then resolve the motion within 24 hours from the expiration of the period to comment on the motion, with or without the prosecutor's comment.

c. The order approving the bail and the release order shall be electronically transmitted by (i) the judge to the Executive Judge, and (ii) the Executive Judge, within the same day, to the proper law enforcement authority or detention facility. The law enforcement authority or detention facility shall release the accused on the basis of the electronically transmitted order approving the bail and the release order.

3. Effectivity of *SC Administrative Circular No. 33-2020*

a. Unless otherwise directed by the Supreme Court, the procedure outlined in the Circular shall be in effect only during the "duration of [the] public health emergency declared by the President in accordance with existing law."

b. The Circular, which was issued on March 31, 2020, directs the Office of the Court Administrator of the SC to "issue the necessary Guidelines within three days from [the date of the Circular's issuance] to ensure its proper implementation, which shall take effect upon the issuance of the Guidelines." On April 3, SC OCA Circular No. 89-2020 (*Implementation of Supreme Court Administrative Circular No. 33-2020 on the Electronic Filing of Criminal Complaints and Information, and Posting of Bails*),⁴ which provides for the Guidelines, was issued.

4. Email Addresses

The SC listed the numbers and email addresses of the various courts as of March 31, 2020.⁵ We note that not all courts have email addresses. According to the OCA Circular, the courts have the duty to create, if not available, their respective email addresses within 24 hours from issuance of the OCA Circular.

⁴ OCA Circular No. 89-2020 dated April 3, 2020; <http://sc.judiciary.gov.ph/11165/>; last visited at 8:54 PM on April 3, 2020.

⁵ List of Judiciary Hotlines and Email Addresses (Annex "A" of SC Administrative Circular No. 32-2020) as of March 31, 2020; <http://sc.judiciary.gov.ph/hotlines/>; last visited at 11:58 AM on April 3, 2020.

B. Department of Justice (DOJ) Issues Rules on the Conduct of Electronic or Online Inquest

On March 27, 2020, the Office of the Prosecutor General of the DOJ released an issuance to all prosecutors of the National Capital Region (NCR) that gives prosecutors the option of conducting an “electronic inquest” or “e-inquest” in the NCR “during the entire period of the public health emergency.”

The issuance of guidelines for the conduct of e-inquests has been confirmed by the DOJ Secretary and the DOJ Prosecutor General in various news reports,⁶ although the copy of the issuance has not yet been posted on the DOJ’s official website (<https://www.doj.gov.ph/>).

1. E-inquest

a. An inquest is a summary procedure conducted by a prosecutor for a person subjected to a warrantless arrest in order to determine whether the person should remain in custody and be charged in court.

An e-inquest is “an inquest proceeding using any online platform for video calls and conferences and all available electronic communications. It is paperless and does not require [the] physical presence of the parties in the same area.”

b. An e-inquest is an alternative to the standard inquest proceeding. It is optional for the prosecutors after they have crafted their own specific guidelines consistent with the issuance. It is also temporary and shall be applicable only during the period of the public health emergency.

2. Procedure

a. The law enforcement authorities shall coordinate with the point persons of the docket division of the relevant prosecutor’s office “prior to the filing of the complaint for the conduct of an e-inquest.” The City Prosecutor shall provide the authorities with the point persons and their contact details. These point persons shall instruct the authorities to forward all relevant information (such as the investigation data sheet, referral letter, affidavit of arrest, *etc.*) for purposes of the e-inquest.

b. After receiving the information, the point persons shall refer the case to the Inquest Chief, Head of Division, or City Prosecutor for the selection and designation of the inquest prosecutor. The point person shall: (i) docket the case, and (ii) forward the material via email and coordinate with the inquest prosecutor and the respondent’s counsel.

c. The inquest prosecutor shall instruct the point person to initiate an online video conference

⁶ *Inquests go online amid COVID-19 emergency* —DOJ dated March 30, 2020; <https://www.gmanetwork.com/news/news/nation/731914/inquests-go-online-amid-covid-19-emergency-doj/story/>;

Inquests may now be done online – DOJ dated March 30, 2020; <https://news.abs-cbn.com/news/03/30/20/inquests-may-now-be-done-online-doj>;

No escape for law breakers as DOJ introduces E-Inquest dated March 30, 2020; <https://newsinfo.inquirer.net/1251271/no-escape-for-law-breakers-as-doj-introduces-e-inquest>.

among the relevant “[law enforcement authorities], private complainant (if applicable), inquest prosecutor, and respondent’s counsel.”

d. The inquest prosecutor shall conduct the e-inquest following the standard procedure for inquest proceedings.

e. Upon the termination of the e-inquest, the inquest prosecutor shall prepare a draft resolution in Portable Document Format (PDF) or other non-editable format, with an attached electronic or scanned signature, and email it either to: (i) the Inquest Chief or Head of Division, who shall then recommend the approval of the resolution and corresponding information, or (ii) the City Prosecutor, or another prosecutor with approving authority.

The finalization and approval of the resolution are also done through electronic transmission or email.

f. In case a person is released for further investigation, the inquest prosecutor shall conduct a preliminary investigation after the public emergency is lifted and advise the parties through email.

g. The point persons shall require the law enforcement authorities to submit the hardcopies of the relevant documents used in the e-inquest after the public emergency is lifted.

For more information about the foregoing issuances, please contact your account partner or the author of this client bulletin:

John Christian Joy A. Regalado
Partner
jcaregalado@syciplaw.com

Other COVID-19 related bulletins

The links to our earlier bulletins can be found at the SyCipLaw information hub, <https://syciplawresources.com/>.

Please note that there are other COVID-19 related government issuances which are not covered by our bulletins. For more information about other regulations, please contact your account partner or sshg@syciplaw.com or info@syciplaw.com.

This bulletin contains a summary of the legal issuances discussed above. It was prepared by SyCip Salazar Hernandez & Gatmaitan (SyCipLaw) to update its clients about recent legal developments.

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SyCip Salazar Hernandez & Gatmaitan

SyCipLaw Center, 105 Paseo de Roxas

Makati City 1226, The Philippines

t: +632 8982 3500; +632 8982 3600; +632 8982 3700

f: +632 8817 3145; +632 8817 3896

e: sshg@syciplaw.com

www.syciplaw.com