



Republic of the Philippines
Supreme Court
Manila

OCA CIRCULAR NO. 89 - 2020

TO : ALL LITIGANTS, JUDGES AND COURT PERSONNEL OF THE SECOND AND FIRST LEVEL COURTS, AND MEMBERS OF THE BAR

RE : IMPLEMENTATION OF SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 33-2020 ON THE ELECTRONIC FILING OF CRIMINAL COMPLAINTS AND INFORMATIONS, AND POSTING OF BAILS

This Circular is issued pursuant to par. 9 of Supreme Court Administrative Circular No. 33-2020 (A.C. 33-2020) directing the Office of the Court Administrator to issue the necessary Guidelines "to ensure the proper implementation of (the said) Administrative Circular" which shall be effective upon the issuance hereof.

At the outset, let it be stressed that these Guidelines, which supplement A.C. 33-2020, are only temporary and "shall be in effect only during this duration of public health emergency," as likewise provided in AC 33-2020. Thus, these Guidelines may be revised at any time should prevailing circumstances change, and until further notice.

Also, all prior circulars and respective provisions thereof not inconsistent with A.C. 33-2020 and these Guidelines shall remain valid and in full force and effect, unless later revised or revoked.

Accordingly, the following are hereby provided to implement A.C. 33-2020:

1. Considering that the Court has allowed the filing of criminal complaints and informations, and posting of bail through "electronic transmission or email," ALL Clerks of Court (CoCs) of the Offices of the Clerks of Court (OCCs) in multi-sala stations, and the Branch Clerks of Court (BCCs) in single-sala stations, of both the second and first level courts shall, within twenty four (24) hours from the issuance of these Guidelines, create their respective email addresses, if they do not have any yet, using *ad interim* free email accounts, *e.g.*, yahoo, gmail,

outlook, *etc.*, pending the use of the official Supreme Court-supplied email account which is expected to be provided soon.

2. These email addresses shall serve as the OFFICIAL email addresses of the respective court stations where criminal complaints, informations, and other related court pleadings or submissions may be electronically transmitted. The email addresses shall be included in Annex "A" of A.C. 32-2020 which is posted in the website of the Supreme Court.
3. These email addresses shall be managed only by the OCC CoCs in multi-sala stations and the BCCs in single-sala stations or, in their absence, by the Assistant CoCs, if any, or in the absence of the Assistant CoCs, by the designated representative of the OCC CoCs and BCCs, respectively. They shall constantly check their respective official email accounts, at the very least every thirty (30) minutes.
4. For multi-sala stations, the Executive Judges, upon consultation with the other Judges in the station, shall schedule the turn of the Judges and court personnel in the station to act as the Judge-on-Duty (JOD) and skeleton-staff for the day, respectively, on a rotation basis, taking into account those who may have health issues, nearing retirement, residing distantly from court stations, or have other justifiable reasons for consideration.
5. All court orders, pleadings, and other submissions to the courts, which will be electronically transmitted, must be in Portable Document Format or PDF. Pieces of evidence which are not documentary in nature may be photographed and converted into PDF, but must be authenticated by a certification of the person submitting such evidence as a true photo reproduction thereof. All pleadings must be under oath and indicate the case number, case title, and the caption, title, or heading of the pleading, *e.g.*, Crim. Case No. 12345, People v. Juan Dela Cruz, Motion for Reduction of Bail.
6. Payment of all court fees related to an electronically transmitted criminal complaint or information, and all court submissions for purposes of bail, SHALL be coursed through any branch of the Land Bank of the Philippines (LBP), after an issuance of an online assessment by the OCC, which online assessment shall include the amount to be deposited and the specific account where the amount shall be deposited.
7. A newly-filed criminal complaint or information, together with the supporting documents, transmitted electronically to the official email address of the court must be printed immediately by the OCC or BCC,

or their designated representatives or skeleton-staff on duty, for the creation of a temporary *rollo* and the designation of a docket number thereto. Meanwhile, the original hard copies of the said electronically transmitted criminal complaint or information, together with the supporting documents and other pleadings must be secured by the concerned prosecution office and submitted to the OCC or BCC, as the case may be, within three (3) calendar days after the end of the public health emergency period, or upon orders of the court.

8. ALL pleadings received by and electronically transmitted to the OCC or the BCC on any given day shall be referred to the JOD who shall determine whether the said pleadings are urgent and require immediate court action or not. If they are urgent and require immediate court action, they shall be resolved by the JOD. If they are not urgent and do not require immediate court action, the JOD shall refer them to the Executive Judge if the case to which the pleading pertains has not yet been previously raffled, or to the Judge to whom the related pending case was earlier raffled, for appropriate action.
9. Necessarily, the raffle of newly-filed cases during this public health emergency period is SUSPENDED. The JOD shall resolve all urgent matters brought before him or her in accordance with the provisions of A.C. 33-2020, and thereafter refrain from further acting on non-urgent matters involving the said case, which shall later be raffled immediately after this public health emergency period to a regular Judge who will preside over the subject case.
10. The posting of bail, whether through cash bond or surety bond, shall indicate the case number and title, and the name of the accused for whom the bond is being posted, and be made at any branch of the LBP which shall issue a validated deposit slip after such payment. The validated deposit slip shall indicate the LBP branch, and contact number of the said branch, where the bond was posted and be electronically transmitted to the concerned OCC CoC or BCC, who shall then verify with the LBP branch where payment was made. Once verified, the OCC CoC or BCC shall issue an official receipt, copies of which shall be electronically transmitted to the JOD who shall consider it in resolving the bail application, and to the paying party. The original official receipt shall in the meantime be kept by the OCC or BCC and shall be given to the paying party after the public health emergency period. If a surety bond is posted, the surety bond, together with the supporting documents, shall also be electronically transmitted to the concerned OCC CoC or BCC who shall electronically forward them to the JOD for appropriate action. In the event the surety bond and the supporting documents are physically submitted to the concerned OCC CoC or BCC, these shall likewise be scanned and electronically transmitted to the JOD.

11. The requirements for bail, including but not limited to the pictures of the accused, his or her fingerprints, and the Declaration from the accused and Certification from the law enforcement agent or jail warden that the pictures and fingerprints are those of the accused, and that the person under his or her custody, or who surrendered to him or her, is the accused, may be electronically transmitted by the accused, his or her representative, or counsel to the OCC CoC or BCC of the single-sala court, as the case may be. The OCC CoC or BCC shall then electronically transmit the same to the JOD for personal evaluation and appropriate action. If the requirements for bail are manually or physically submitted to the OCC CoC or BCC, they shall be scanned and electronically transmitted to the JOD for his or her appropriate action. A template of the Declaration of the Accused and the Certification of the law enforcement agent or jail warden to be submitted to the court is herein attached as Annex "A."

12. In all cases, the JOD shall personally review the requirements submitted and duly establish and determine the identity of the accused before he or she is ordered released from detention. The JOD shall likewise complete the Certification that he or she personally examined the requirements (electronically) submitted, a template of which Certification is herein attached as Annex "B," and shall form part of the records of the case. If the requirements for bail were electronically transmitted to the court, the original hard copies shall likewise be physically sent to the court before the release order, if warranted, is issued. Should the JOD engender some doubts as to identity of the accused, or to any of the requirements submitted, he or she may require additional proof or simply altogether deny the application for bail.

13. Pursuant to par. 5 of A.C. 33-2020, orders for the approval of the bail and release of the accused shall be "electronically transmitted to the Executive Judge who in turn shall electronically transmit the same within the same day to the proper law enforcement authority or detention facility to enable the release of the accused. The electronically transmitted approval of bail and release order by the Executive Judge shall be sufficient to cause the release of the accused." For this purpose, Executive Judges and single-sala court Judges shall require the law enforcers and jail wardens in their respective areas to provide official email addresses and other contact details and coordinate with them to ensure that only approvals of bail and release orders electronically sent and emanating from the said Executive Judges and single-sala court Judges shall be honored and implemented.

14. Upon request, the accused, or his or her representative, shall likewise be furnished certified true copies of the approval of bail and release order, within the same day of their issuance, which certified

true copies shall also be sufficient to cause the release of the accused, upon verification from the concerned OCC CoC or BCC.

15. The concerned OCC CoC or BCC shall print copies of the said orders and attach them to the temporary *rollo* of the case. Further, the JOD who issued the same should turn over the originals of the subject orders to the OCC CoC or BCC who shall include them in the original *rollo* of the case once the original hard copies of the electronically transmitted criminal complaint or information, together with the supporting documents and other pleadings have been submitted by the concerned prosecution office after the end of the public health emergency period, or upon orders of the court.

FOR STRICT COMPLIANCE.

Makati City, 3 April 2020

(original signed)
JOSE MIDAS P. MARQUEZ
Court Administrator

ANNEX A (Revised, 7 Apr 2020)

(CAPTION)

DECLARATION

I, _____, of legal age, Filipino, and resident of _____
_____ hereby declare that I am the same person who:

- ___ was arrested without a warrant
- ___ was arrested
- ___ voluntary surrendered
- ___ has been under detention

subject of a Warrant of Arrest dated _____ issued by _____.

I am executing this declaration to attest to the truth of my identity as the accused in Criminal Case No. _____, entitled People of the Philippines v. _____, under pain of being prosecuted for violation of Art.172, in relation to Art. 171 (2) and Art. 178 of the Revised Penal Code, in the event of discovery of any falsehood in my declaration herein as to my true identity.

Given this ___ day of _____ in _____.

(name and signature)
Accused

Assisted by: _____
(name and signature)
Counsel

CERTIFICATION

This is to certify that upon proper verification in the exercise of my official function, I confirm that the person who was arrested / voluntary surrendered / committed to this jail facility is one and the same person who is applying for bail. As proof of his identity, attached are his Declaration of identity, pictures, thumbprints, and a copy of his government-issued identification card or valid identification card, which all show that he is one and the same person.

I certify under my oath of office that all the above statements are true and correct to my personal knowledge and belief.

Given this ___ day of _____ in _____.

(name and signature)
Law Enforcer / Jail Warden

ANNEX B

(CAPTION)

CERTIFICATION

This is to certify that in the exercise of my judicial function as the designated Judge-on-duty pursuant to Supreme Court Administrative Circulars 31-2020 and 33-2020, and OCA Circular 89-2020, I have personally examined all the documents submitted by the accused in support of his / her application for bail and found the same to be complete and in accordance with the requirements of the law.

This is to further certify that upon my own personal assessment of the documents submitted for purposes of the identification of the applicant, I am convinced that the person applying for bail is the same person accused in the instant case.

Given this ___ day of _____ in _____.

(name and signature)

JUDGE ON DUTY