



Republic of the Philippines
Supreme Court
Manila

ADMINISTRATIVE CIRCULAR NO. 33 - 2020

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

RE : ONLINE FILING OF COMPLAINT OR INFORMATION AND POSTING OF BAIL DUE TO THE RISING CASES OF COVID-19 INFECTION

1. Upon consultation with all the members of the Supreme Court, and in accordance with Sec. 5 (5), Art. VIII, of the Constitution, this Administrative Circular is hereby issued to further limit the physical movement of court users, judges and personnel during this period of public health emergency as declared by the President pursuant to existing laws. This will enable the courts to digitally act on the matters covered by this Circular, thereby reducing the necessity of the judge and court staff to physically travel to their stations.

2. Criminal Complaints and Informations, together with other supporting documents, may be filed through electronic transmission or email before the proper first or second level court. Once the complaint or information is received by the court, the Clerk of Court shall refer the same to the Judge on duty who shall personally evaluate the complaint or the resolution of the prosecutor, and its supporting evidence.

3. Within three (3) days from the electronic filing of the complaint or information, the Judge on duty shall personally evaluate the resolution of the prosecutor and its supporting evidence. The Judge on duty may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If the Judge on duty finds probable cause, he or she shall issue a warrant of arrest, or a commitment order when the complaint or information was filed pursuant to Sec. 6, Rule 112, of the Revised Rules on Criminal Procedure which pertains to lawful arrests without a warrant. The Judge on duty shall likewise issue a commitment order if the accused has been arrested pursuant to a warrant earlier issued by the judge who personally evaluated the resolution of the prosecutor and its supporting evidence.

In case of doubt on the existence of probable cause, the Judge on duty may order the prosecutor to submit, through electronic transmission, additional evidence within three (3) days from notice and the issue must be resolved by

the court within ten (10) days from the filing of the complaint of information. The Judges and court personnel on duty shall always ensure that all filings and communications are kept secure and confidential.

4. In accordance with existing rules, the Judge on duty shall also determine if the accused should be admitted to bail as a matter of right in accordance with Sec. 4, Rule 114, of the Revised Rules of Criminal Procedure. If so, and once the accused has submitted all the requirements for bail, which may likewise be initially electronically transmitted to the court, the Judge on duty shall examine the submissions, and if complete and compliant, shall sign the approval of the bail and the consequent release order.

The Judge on duty may reduce the amount of bail initially fixed, upon motion of the accused and after giving the prosecutor the opportunity to comment within a non-extendible period of twenty-four (24) hours from the filing of the motion, which motion and order to file comment thereon may likewise be sent electronically. In view of the foregoing, the Office of the Court Administrator is directed to identify and inform the respective courts of the available accredited sureties which may, whenever necessary, promptly issue the appropriate bail bonds during this public health emergency period. Actions on the reduction of bail shall be decided within twenty-four (24) hours from the expiration of the period to comment on the motion for reduction of bail, with or without comment from the prosecutor.

5. The approval of the bail and the consequent release order shall then be electronically transmitted by the Judge on duty 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.

6. The initial online submission of the requirements for bail may also be availed of by an accused who has been charged before the court prior to the start of this public health emergency period.

7. The Executive Judge shall submit a weekly report of all pertinent data and information regarding their respective court's activities conducted pursuant to this Circular to the the Office of the Court Administrator, which in turn shall submit a regular report or recommendation to the Court en banc for proper monitoring and revisions if necessary during this period of emergency.

8. Unless otherwise directed, this procedure shall be in effect only during this duration of public health emergency declared by the President in accordance with existing law. These procedures are without prejudice to the operation of Administrative Circular No. 32 (series of 2020) in cases not covered therein.

9. The Office of the Court Administrator is hereby directed to issue the necessary Guidelines within three (3) days from hereon to ensure the proper implementation of this Administrative Circular, which shall take effect upon the issuance of the said Guidelines. The Guidelines shall include templates as well

as the list of documents which can be practically produced within this period of emergency.

FOR STRICT COMPLIANCE.

Parañaque City, 31 March 2020

(Signed)
Hon. Diosdado M. Peralta
Chief Justice