



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

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MAR 08 2018

DEPARTMENT CIRCULAR NO. 013

TO: ALL PROSECUTORS IN THE NATIONAL PROSECUTION SERVICE

SUBJECT: 2018 NEW BAIL BOND GUIDE

WHEREAS, the right to bail is enshrined in the Constitution, and, in recognition of its mandate, laws, rules and regulations have been issued to implement the said right;

WHEREAS, bail as a matter of right may be invoked in proper cases;

WHEREAS, prosecutors, as officers of the court, are duty-bound to assist the courts in the determination of the amount of bail to be granted, taking into consideration the following standards and criteria, as provided for by Rule 114 of the Revised Rules of Criminal Procedure:

"Section 9. Amount of bail; guidelines. — The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to, the following factors:

- (a) Financial ability of the accused to give bail;
- (b) Nature and circumstances of the offense;
- (c) Penalty for the offense charged;
- (d) Character and reputation of the accused;
- (e) Age and health of the accused;
- (f) Weight of the evidence against the accused;
- (g) Probability of the accused appearing at the trial;
- (h) Forfeiture of other bail;
- (i) The fact that accused was a fugitive from justice when arrested; and
- (j) Pendency of other cases where the accused is on bail.

Excessive bail shall not be required."

WHEREAS, on the basis of the foregoing standards, the Department issued Department Circular No. 89 dated August 29, 2000, otherwise known as the 2000 Bail Bond Guide, which simplified and codified the various Department (Ministry) Circulars for uniformity in the amount of bail to be recommended for each crime;

WHEREAS, Republic Act No. 10951, entitled "An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is based, and the Fines Imposed under the Revised Penal Code, amending for the Purpose Act No. 3815, otherwise known as the 'Revised Penal Code', as Amended", increased two hundred times the fines imposed by the Revised Penal Code;

WHEREAS, the adjustment of fines imposed by the Revised Penal Code was due to the perceived injustice brought about by the range of penalties that the courts continue to impose on crimes committed today, based on the amount of damage measured by the value of money eighty (80) years ago;

WHEREAS, the explanatory notes of the Senate and House Bills which became R.A. No. 10951 cited the case of *Lito Corpuz v. People of the Philippines*¹, wherein the Supreme Court saw the "much needed change and updates to archaic laws that were promulgated decades ago when the political, socio-economic, and cultural settings were far different from today's conditions";

WHEREAS, in consonance with the foregoing, a concomitant adjustment is needed in the rules of computation to be used in arriving at a uniform rate of bail;

WHEREAS, there are new acts criminalized since the promulgation of the 2000 Bail Bond Guide;

WHEREAS, there are likewise acts decriminalized since the promulgation of the 2000 Bail Bond guide;

WHEREAS, the death penalty has been abandoned in our criminal statutes since the promulgation of the old guide;

WHEREAS, bail acts as a reconciling mechanism to accommodate both the accused's interest in pretrial liberty and society's interest in assuring the accused's presence at trial;

WHEREAS, there is a need to harmonize anew the bail to be recommended vis-à-vis the crimes and felonies, as well as their respective imposable penalties and fines;

WHEREAS, Department Order No. 688 dated October 20, 2017 was issued constituting a Technical Working Group and Drafting Committee for the 2017 Bail Bond Guide;

NOW, THEREFORE, the following rules of computation shall be used in arriving at a uniform rate of bail, *viz*:

1. Where the penalty is *Reclusion perpetua* or life imprisonment, bail is not a matter of right; hence, "No Bail" shall be recommended;
2. Where bail is a matter of right and the imposable penalty is imprisonment and/or fine, the bail shall be computed on the basis of the penalty of imprisonment, a fraction of a year shall be rounded-off to one year, applying the following formulae: to wit:

¹ G.R. No. 180016, 29 April 2014.

- a. Where the penalty is *Prision correccional* (regardless of the period) to *Reclusion perpetua*, or *Reclusion temporal* (regardless of the period) to *Reclusion perpetua*, bail shall be computed on the maximum period of *Reclusion temporal*.
- b. Where the imposable penalty is *correccional* or afflictive, bail shall be based on the maximum of the penalty, the number of years in its maximum period to be multiplied by P 6,000.00. except for the following:
 - b.1 For Theft up to P 600,000.00, bail shall be based on the maximum of the penalty, the number of years in its maximum period to be multiplied by P 2,000.00. Any amount exceeding P 600,000.00 shall be based on the maximum of the penalty, the number of years in its maximum period to multiplied by P 6,000.00.
 - b. 2 For Qualified theft up to P 600,000.00, bail shall be based on the maximum of the penalty, the number of years in its maximum period to be multiplied by P 2,000.00. Any amount exceeding P 600,000.00, bail shall be based on the maximum penalty, the number of years in its maximum period to be multiplied by P 6,000.00.
 - b.3 For Estafa under par 2 (D) up to P 1.2 M, bail shall be based on the maximum of the penalty, the number of years in its maximum period to be multiplied by P 2,000.00. Any amount exceeding P 1.2 M, bail shall be based on the maximum of the penalty, the number of years in its maximum period to be multiplied by P 6,000.00
- c. For crimes covered by the Rule on Summary Procedure, Republic Act No. 6036, and in instances where bail is not required under this guideline which underwent preliminary investigation, bail shall be indicated as "bail is not required", except when respondent/accused is brought to inquest proceedings, in which case, bail shall be set at P 3,0000.00
- d. For quasi offenses, bail shall be in accordance with this guideline (see table), since life and limb is more valuable than any damage to property.
- e. For violations of Batas Pambansa Blg. 22, bail shall be P 6,000.00 for the first P 40,000.00 face value of the check and an additional P 6,000.00 for every P 40,000.00 in excess of P 40,000.00 but bail shall not exceed P 120,000.00

3. Where the imposable penalty is fine only, bail shall be computed as follows:
 - a. For fine not exceeding P 400,000.00, bail is not required.
 - b. For fine of more than P 400,000.00, bail shall be 10% thereof but shall not exceed P 120,000.00

4. For violations of special laws, bail shall be computed based on the maximum penalty imposable, the number of years in its maximum period multiplied by P 6,000.00 except for the the following laws, bail shall be computed based on the maximum penalty imposable, the number of years in its maximum period multiplied by P 10,000.00 to wit:
 - a. RA 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination), as amended by RA 9231 (Elimination of the Worst Form of Child Labor);
 - b. RA 9775 (Anti Child Pornography Act);
 - c. RA 10591 (Comprehensive Firearms and Ammunition Regulation Act);
 - d. RA 9165 (Comprehensive Dangerous Drugs Act of 2002) as amended by RA 10640;
 - e. RA 9160 (Anti Money Laundering Act of 2001 as amended by RA 9194 and RA 10167);
 - f. RA 9184 (Government Procurement Reform Act);
 - g. RA 9208 as amended by RA 10364 (Expanded Human Trafficking in Persons Act of 2012);
 - h. RA 9372 (Human Security Act of 2007);
 - i. RA 9745 (Anti Torture Act of 2009);
 - j. RA 9995 (Anti Photo and Video Voyeurism Act of 2009);
 - k. RA 10168 (Terrorism Financing Prevention and Suppression Act of 2012);
 - l. RA 10353 (Anti Enforced or Involuntary Disappearance Act of 2012);
 - m. RA 10883 (New Anti Carnapping Act of 2016 (repealing RA 6539));
 - n. PD 1866 (Illegal Possession of Firearms/Ammunition or Explosives) as amended by RA 9516;
 - o. Republic Act No. 6968 (Rebellion, Insurrection or Coup d' Etat).

WHEREFORE, in accordance with the foregoing rules, standards and criteria, the attached schedule of bail is hereby adopted for the National Prosecution Service and shall be known by its abbreviated title: "**The 2018 Bail Bond Guide**".

This Circular supersedes all Department issuances inconsistent herewith, shall take effect immediately and remain in force until further orders.


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