



Republika ng Pilipinas  
**KAGAWARAN NG KATARUNGAN**  
*Department of Justice*  
*Manila*

DEPARTMENT CIRCULAR NO. **011**

**TO :** Prosecutor General  
All Prosecutors under the OSJPS  
All Prosecutors in the ORPs, OPPs, and OCPs

**SUBJECT :** GUIDELINES ON THE RECOMMENDATION OF BAIL  
AMOUNTS IN CRIMINAL INFORMATION

**DATE :** FEB 20 2023

---

**WHEREAS**, the amount of bail indicated in criminal informations is merely recommendatory;

**WHEREAS**, the recommended bail is covered by the *2018 Bail Bond Guide of the Department of Justice National Prosecution Service (2018 Bail Bond Guide)*, an internal manual of the Department of Justice (Department);

**WHEREAS**, according to the Bureau of Corrections (BuCor) and the Bureau of Jail Management and Penology (BJMP), there exists serious overpopulation in our jail and detention facilities;

**WHEREAS**, in the recently concluded Justice Zone Coordinating Council (JSCC) dialogue held last 27 January 2023 in Manila, the Supreme Court proposed a revisiting of the existing 2018 Bail Bond Guide and the Department undertook to review the same;

**WHEREAS**, the Supreme Court, in its *Administrative Circular 38-2020*, had similarly ordered the imposition of reduced bail for the poor or otherwise indigent persons deprived of liberty pending resolution of their cases;

**WHEREAS**, Article 3 of the *2021 Revised Public Attorney's Office Operations Manual (PAO Manual)* provides that where the bail initially fixed by the judge to whom the case is raffled is outside the financial capability of the accused, the Public Attorney may move for its reduction;

**WHEREAS**, in reference to *A.M. No. 12-11-2-SC*, Section 1 of which expressly considers the financial ability of the accused to give bail in the initial fixing of bail, Section 3 of the *2021 PAO Manual* provides for the possible reduction of bail if the accused does not have the financial ability to post the amount of bail as initially fixed;

**WHEREAS**, Republic Act (R.A.) No. 10389, or the *Recognizance Act of 2012*, recognizes and guarantees the right to be released on recognizance of persons deprived of liberty, except those charged with crimes punishable by death, *reclusion perpetua*, or life imprisonment;

**NOW, THEREFORE**, in the interest of social justice and to afford justice for all, and in line with existing laws, all prosecutors in the Department shall henceforth consider the financial capacity of the accused when recommending the amount of bail in criminal informations for filing in court, in accordance with the following guidelines and shall faithfully comply with RA No. 10389 or the *Recognizance Act of 2012* whenever applicable.

**SECTION 1. Applicability.** These guidelines shall apply to all cases undergoing inquest or preliminary investigation proceedings.

**SECTION 2. Duty of Investigating Prosecutor.** At the start of the inquest or preliminary investigation proceeding, the investigating prosecutor shall inquire from respondent whether or not he or she claims indigency.

**SECTION 3. Proof of Indigency.** If respondent claims to be indigent, and there being no evidence that respondent is either a habitual delinquent or recidivist, he or she shall submit to the investigating prosecutor documents evidencing the fact of indigency, such as, but not limited to, the Latest Income Tax Return or pay slip, or other suitable proof of income; Certificate of Indigency from the Department of Social Welfare and Development; and Certificate of Indigency/No Income from the Office of the *Punong Barangay/Barangay* Chairperson having jurisdiction over the residence of the respondent.

**SECTION 4. Bail Recommendation.** In the event that, after the conduct of inquest or preliminary investigation proceedings, the investigating prosecutor finds probable cause with a reasonable certainty of conviction against the indigent respondent, he or she shall indicate in the criminal information only fifty percent (50%) of the recommended bail as stated in the *2018 Bail Bond Guide*, or the amount of ten thousand pesos (P10,000.00), whichever is lower. The fact of indigency of respondent, now the accused as found in the information, shall be indicated alongside the recommended bail.

**SECTION 5. Duty of Trial Prosecutor.** In all cases pending before the first or second level Courts, the trial prosecutor is duty-bound to ensure that only applications for release on recognizance by accused who are qualified and comply with the requirements of R.A. No. 10389 or the *Recognizance Act of 2012* shall be submitted for consideration of the courts. When accused is charged with crimes punishable by death, *reclusion perpetua*, or life imprisonment, he shall be deemed disqualified.

  
**JESUS CRISPIN C. REMULLA**  
Secretary

Department of Justice  
CN: O202302288

