

ADMINISTRATIVE ORDER NO. 11

Series of 1994

- To** : The Deputy Ombudsmen for Visayas and Mindanao, All Provincial and City Prosecutors (except those in the National Capital Judicial Region)
- RE** : Supreme Court Circular No. 18-94
Delegation of Authority to approve Information in Inquest Cases Cognizable by the Sandiganbayan

The Ombudsman has called the attention of the Supreme Court on the problem of prosecutors in the filing of information in inquest cases cognizable by the Sandiganbayan and must therefore be filed only in the Sandiganbayan with seat in Manila. The problem arises when an arrest without warrant occurs in a distant place making it physically impossible to file the information with the Sandiganbayan within the reglementary periods of detention under Article 125 of the Revised Penal Code. If the person arrested does not sign waiver of the provisions of said article, the inquest prosecutor is constrained to order the arresting officer to release him.

Taking due cognizance of this problem, the Supreme Court issued Administrative Circular No. 18-94 dated November 29, 1994 promulgating the following guidelines:

- 1. All Clerks of Court of Regional Trial Courts all over the country (except those in the National Capital Judicial Region) are hereby designated as Ex-Officio Clerks of Court of the Sandiganbayan with the limited duty of receiving informations resulting from inquest investigations of offenses cognizable by the Sandiganbayan which were conducted by authorized prosecutors within their territorial jurisdiction, and transmitting the same to the Sandiganbayan within five (5) days from the filing thereof.*
- 2. The information shall be filed with the Clerk of Court of the Regional Trial Court whose territorial area includes the place where the crime was committed. The filing with the said Clerk of Court shall have the effect of such information being filed directly with the Sandiganbayan.*
- 3. The Executive Judge of the Regional Trial Court where the information was filed is hereby authorized to approve the application of the accused for bail, except in offenses punishable by death, reclusion perpetua or life imprisonment, and to order his release from detention subject to further orders by the Sandiganbayan. This authority does not include the power to act on any motion for reduction of the amount of the bail recommended by the prosecutor.*

It will be noted that the above-quoted Administrative Order no. 18-94 does not provide as to who may sign or approve the information in such cases. Under present procedures, only the Ombudsman may approve information to be filed in the Sandiganbayan. Inasmuch as the Ombudsman, like the Sandiganbayan, holds office in Manila, thereby rendering it similarly impossible for him to approve the informations in inquest cases cognizable by the Sandiganbayan involving offenses committed in distant places, authority is hereby given to all Provincial and City Prosecutors (except those in the National Capital Judicial Region) to approve or sign informations resulting from inquest of Sandiganbayan cases and to file the same with the appropriate Ex-Officio Clerks of Court of the Sandiganbayan as designated in Administrative Circular No. 18-94.

Attached herewith is a copy of Administrative Circular No. 18-94 dated November 29, 1994 for your reference.

Manila, Philippines, December 8, 1994.

(sgd) CONRADO M. VASQUEZ
Ombudsman