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SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 18-94

SUBJECT: Designation of Clerks of Court of Regional Trial Courts as Ex-Officio Clerks of the Court of the Sandiganbayan

To: All Executive Judges and Clerks of Court of the Regional Trial Courts
(Except those in the National Capital Judicial Region)

The attention of the Court has been called to the problem of prosecutors in the filing of informations in inquest cases cognizable by the Sandiganbayan. Presently, such informations may be filed only in the Sandiganbayan with seat of 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 period of detention under Article 125 of the Revised Penal Code. If the person arrested does not sign a waiver of the provisions of said article, the inquest prosecutor is oftentimes constrained to order the arresting officer to release the person arrested.

In order to obviate this problem, the Court RESOLVED to promulgate 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 of 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.

Strict compliance is hereby enjoined.

November 29, 1994.

(sgd) ANDRES R. NARVASA
Chief Justice