

[OP MEMORANDUM ORDER NO. 63, December 06, 2013]

REVOKING MEMORANDUM ORDER NO. 177 (S. 2005)

Adopted: 06 December 2013

Date Filed: 03 January 2014

WHEREAS, Article III, Section 13 of the 1987 Constitution provides that, "[a]ll persons, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required;"

WHEREAS, Memorandum Order No. 177 s. 2005 ("MO 177"), entitled "Directing the Department of Justice to Observe a Bail Bond Guide for Qualified Theft", provides in Section 1 thereof that "[n]o bail shall be recommended for the crime of qualified theft where the aggregate value of the property stolen is five hundred thousand pesos (P500,000.00) and above;"

WHEREAS, Department Circular No. 29 s. 2005 ("DC 29"), issued by the Department of Justice (DOJ), entitled "Amending Department Circular No. 74 dated 06 November 2001 Involving Qualified Theft when the Value of Property Stolen is P222,000 or More", provides that "pursuant to the provisions of existing laws, no bail shall be recommended for the offense of qualified theft, whether consummated, frustrated or attempted, where the value of the property is P222,000.00 or more;"

WHEREAS, MO 177 and DC 29 are inconsistent as to the threshold amount that must be the object of the crime of qualified theft in order for bail not to be recommended;

WHEREAS, the said inconsistency has resulted in confusion among stakeholders in the criminal justice system; and

WHEREAS, a streamlined and rationalized bail regime is indispensable in the effective administration of justice and the protection of the constitutional right to bail.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby revoke Memorandum Order No. 177 s. 2005. The amount of bail that should be recommended in cases of qualified theft shall hereafter be governed by the pertinent rules contained in the relevant issuances of the Department of Justice.

This Memorandum Order shall take effect immediately.