



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 163-2013

**TO : ALL JUDGES AND CLERKS OF COURT OF THE
FIRST AND SECOND LEVEL COURTS**

**SUBJECT: ISSUANCE OF MITTIMUS/COMMITMENT ORDER
AND TRANSFER OF DETAINEES/PRISONERS FROM
ONE DETENTION/PENAL FACILITY TO ANOTHER
FOR PURPOSES OF TESTIFYING AT THE HEARING
OR TRIAL OF AN ACTION**

In a Resolution dated 19 November 2013 in A.M. No. 13-11-07-SC, the Supreme Court *En Banc* **APPROVED** the draft Circular submitted by the Office of the Court Administrator on the "Issuance of *Mittimus*/Commitment Order and Transfer of Detainees/Prisoners from One Detention/Penal Facility to Another or from One Place to Another for Purposes of Testifying at the Hearing or the Trial of an Action," which is quoted hereunder for immediate compliance:

**TO: ALL JUDGES and CLERKS OF COURT of the
FIRST and SECOND LEVEL COURTS**

**SUBJECT: ISSUANCE OF MITTIMUS / COMMITMENT
ORDER and TRANSFER OF DETAINEES/
PRISONERS FROM ONE DETENTION/PENAL
FACILITY TO ANOTHER or FROM ONE PLACE
TO ANOTHER FOR PURPOSES OF TESTIFYING
AT THE HEARING OR THE TRIAL OF AN
ACTION**

It has come to the attention of the Supreme Court that some judges have refused, hesitated, or neglected to issue *Mittimus*/Commitment Orders to effect the transfer of national prisoners to the national penal institutions immediately after conviction, which is violative of existing guidelines. Furthermore, there is a need to address concerns arising from recent events wherein detainees/prisoners, while being transported from one detention/penal facility to another for the purpose of testifying at the hearing or trial of an action, have escaped or been killed. For these purposes, the established guidelines on these matters are hereby reiterated and modified as follows:

I. Prisoners detained at provincial, city, and municipal jails who are sentenced by trial courts to prison terms exceeding three (3) years are considered 'national' prisoners and shall be committed to the national penal institutions. Those sentenced to one (1) year and one (1) day to not more than three (3) years are classified as 'city/provincial' prisoners and shall be committed to the city/provincial jails. Prisoners sentenced to not more than one (1) year are classified as 'municipal' prisoners and shall be committed to the municipal jails.¹

II. In order to decongest provincial, city and municipal jails and to effect better control and supervision over national prisoners, ALL TRIAL COURT JUDGES concerned ARE HEREBY DIRECTED to ISSUE the corresponding MITTIMUSES or COMMITMENT ORDERS of NATIONAL PRISONERS IMMEDIATELY AFTER THEIR CONVICTION, WHETHER OR NOT A MOTION FOR RECONSIDERATION OR APPEAL HAS BEEN FILED, so that they may be remitted or transferred to the New Bilibid Prison in Muntinlupa City, Metro Manila.²

III. National prisoners may likewise be committed to the other national penal institutions, namely :

Davao Prison and Penal Farm at Panabo, Davao del Norte (for national prisoners in Regions X and XI)

San Ramon Prison and Penal Farm at Zamboanga City, Zamboanga del Sur (for national prisoners in Regions IX and XII)

Leyte Regional Prison at Abuyog, Leyte (for national prisoners in Region VIII)

Iwahig Prison and Penal Farm at Puerto Princesa, Palawan (for national prisoners in Palawan and Puerto Princesa City)

Sablayan Prison and Penal Farm at Sablayan, Mindoro Occidental (for national prisoners in Mindoro Oriental and Mindoro Occidental)

Correctional Institution for Women at Mandaluyong City, Metro Manila (female national prisoners).

Accordingly, the judges concerned may, in the exercise of sound discretion, favorably act on the manifestations of prosecutors for direct commitment of national prisoners to these penal institutions.³

IV. Except by the express authority of the Supreme Court upon proper application to effect the transfer of a national prisoner, NO JUDGE SHALL ALLOW A PRISONER OR DETAINEE CONFINED IN ANY NATIONAL PENITENTIARY TO BE BROUGHT OUTSIDE THE SAID PENAL INSTITUTION for appearance or attendance before any court.

¹ OCA Circular No. 4-92-A dated 20 April 1992, citing P.D. 29.

² *Ibid.*

³ OCA Circular No. 63-97 dated 6 October 1997.

- V. Every Judge in the National Capital Judicial Region and in the Provinces of Rizal, Bulacan, Cavite, and Laguna who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in the New Bilibid Prison or Correctional Institution for Women is directed to conduct such proceeding within the premises of the said penal institutions.
- VI. Every Judge of a court outside of the National Capital Judicial Region and the Provinces of Rizal, Bulacan, Cavite, and Laguna who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in the New Bilibid Prison or Correctional Institution for Women is directed to immediately refer the matter to the Supreme Court through the Office of the Court Administrator for appropriate action.
- VII. Every Judge who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in any other national penal institution mentioned in Section III hereof is directed to conduct such proceeding within the premises of said penal institution or, when such action is deemed impractical, to immediately refer the matter to the Supreme Court through the Office of the Court Administrator for appropriate action.
- VIII. Whenever circumstances justify the issuance of a Subpoena or Summons effecting the transfer of a prisoner from his original place of confinement, his testimony should be taken at once, and immediately thereafter he should be returned to the said original place of confinement.⁴

All Judges and concerned lower court personnel are hereby **ENJOINED to strictly observe** the foregoing guidelines.

All prior circulars, orders, and other issuances inconsistent with this Circular are hereby revoked.

For strict compliance.

6 December 2013


JOSE MIDAS P. MARQUEZ
Court Administrator