Original – Court, 1st Copy – Prosecutor, 2nd Copy – Accused, Other copies as needed

Enter information in block letters in all parts of the Form except when reserved for Court use, which shall be completed by the Clerk.

|  |  |
| --- | --- |
| (Judicial Region)  METC/MTCC/MTC/MCTC Case No.  RTC         (Municipality/City/Province)  BRANCH | For Court Use Only |
| People of the Philippines , v.  ,  *Accused.* |
| ATTORNEY OR PARTY WITHOUT ATTORNEY  *Name* ­­­  *Firm Name*  *Address*  *Email Address*  *Tel./Cel./Fax Nos.*  *PTR No.*       *Date/Place of Issuance*  *Roll No.*       *Date/Place of Issuance*  *IBP No.*       *Lifetime* *Date/Chapter*  *MCLE* *Compliance* *Exemption No.*  *Other Compliances* ­­­­­­­­­  *Attorney for*  *Prosecution:* *Public Prosecutor* *Private Prosecutor*  *Defense:* *Public Attorney* *Private Counsel*  *Other* |

**JUDGMENT AGAINST THE SURETY/PROPERTY BOND**

At today’s compliance hearing, the bondsman failed to appear and/or produce the accused, despite notice. Accordingly, judgment is rendered against

surety bond       No.       dated       in the amount of PhP      .

the property bond annotated on OCT/TCT No.       of the Register of Deeds of       in the name of      .

Issue a Writ of Execution against the bondsman.

Furnish a copy of this Order to the Docket Division of the Legal Office of the Supreme Court’s Office of the Court Administrator.

SO ORDERED.

     

Judge Date

COPY FURNISHED

|  |  |  |  |
| --- | --- | --- | --- |
| Person’s Name | Method | Place Served | Date Served |
| Trial Prosecutor | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Counsel for Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Private Complainant | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |

SPECIAL INSTRUCTIONS

*Forfeiture Bond*

When the presence of the accused is required by the court or these Rules, his bondsmen shall be notified to produce him before the court on a given date and time. If the accused fails to appear in person as required, his bail shall be declared forfeited and the bondsmen given thirty (30) days within which to produce their principal and to show cause why no judgment should be rendered against them for the amount of their bail. Within the said period, the bondsmen must:

(a) produce the body of their principal or give the reason for his non-production; and

(b) explain why the accused did not appear before the court when first required to do so.

Failing in these two requisites, a judgment shall be rendered against the bondsmen, jointly and severally, for the amount of the bail. The court shall not reduce or otherwise mitigate the liability of the bondsmen, unless the accused has been surrendered or is acquitted. (Section 21, Rule 114, ROC)

*Cancellation of bail*

Upon application of the bondsmen, with due notice to the prosecutor, the bail may be cancelled upon surrender of the accused or proof of his death.

The bail shall be deemed automatically cancelled upon acquittal of the accused, dismissal of the case, or execution of the judgment of conviction. In all instances, the cancellation shall be without prejudice to any liability on the bond.  (Section 22, Rule 114, ROC)

*When Property Bond Forfeited*

1. Forfeiture of Property Bonds - When the presence of the accused is required by the Court or the Revised Rules on Criminal Procedure, his bondsmen shall be notified to produce him before the court on a given date and time. If the accused fails to appear in person as required, his bail shall be declared forfeited and the bondsmen given thirty (30) days within which to produce their accused and to show cause why no judgment should be rendered against them for the amount of their undertaking. The period of thirty (30) days shall start to run from the time the bondsman/men received the Order of the judge requiring him/them to produce the accused within the said period, the bondsmen must:
2. Produce the body of the accused or give the reason for his non-production; and
3. Explain why the accused did not appear before the court when first required to do so.

Failing, in these two requisites, a judgment shall be rendered against the bondsmen, jointly and severally, for the amount of the bail. The court shall not reduce or otherwise mitigate the liability of the bondsmen, unless the accused has been surrendered or is acquitted. (Sec. 21, supra, with amendments.) The bondsmen shall have sixty (60) days from their receipt of the judgment within which to pay the amount he/they justified.

1. Report of forfeited property bonds. - the Court shall furnish the Committee with a copy of all its Orders confiscating property bonds. A report of all confiscated property bonds shall be filed with the Office of the Committee Chairman at the end of each quarter.

*Procedure to be followed in the Disposal of Forfeited Property Bond*

1. Disposal of real property bond if the value of the properly is not more than Fifty Thousand Pesos (Php50,000.00). - If the bondsmen fail to pay the amount of the bail within sixty (60) days as provided above, the real property bond the value of which is not more than Php50,000.00, shall be sold at public auction in accordance with the following procedure:
   1. The Clerk of Court and Ex Officio Sheriff or any of his/her deputies shall set a date for the auction sale of the forfeited property. A written notice of such sale shall be given to the property owner/s at least twenty (20) days before the date of the auction sale. A copy of the notice of sale shall likewise be furnished the occupant of the property within the same period.
   2. Copies of the notice shall also be posted for sixty (60) days in three (3) conspicuous public places in the city or municipality where the property is located, preferably in conspicuous areas of the municipal or city hall, post office, and public market. It shall likewise be posted on the property itself for the same period.
   3. The notice of sale shall state the exact date, place and time of the auction sale. The sale shall be conducted in the Office of the Clerk of Court of the Regional Trial Court or First Level Court that issued the order forfeiting the property and shall be held not earlier than nine o’clock in the morning and not later than two o’clock in the afternoon.
2. Publication required if the property owner/ bondsman can no longer be found. - In the event that the property owner/bondsman is no longer residing at the address given to the court and can no longer be found notwithstanding the exercise of due diligence to locate him, the notice of auction sale shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the province or city where the forfeited property is located. Publication shall be made in accordance with applicable laws and Supreme Court issuances.
3. Procedure to be followed in the disposal of forfeited real property bond if the value of the property is more than Php50,000.00. - If the bondsman fail to pay the amount of the bail within sixty (60) days provided above, the real property bond the value of which is more than Php50,000.00, shall be sold in accordance with the following procedure, to wit:
   1. Sale of the real property shall be conducted through public auction. For this purpose, a written notice of sale shall be given to the property owner/s as well as the occupants thereof at least twenty (20) days before the date of the auction.
   2. The notice of sale shall also be published once a week for two (2) consecutive weeks in a newspaper of general circulation in the province or city where the, property is located. Publication shall be made in accordance with applicable Supreme Court issuances.
   3. Copies of the notice of sale shall also be posted for sixty (60) days in three (3) conspicuous public places in the city or municipality where the property is located preferably in conspicuous areas of the municipal or city hall, post office, and public market. A copy of the notice of sale shall also be posted on the property itself for the same period.
   4. The notice of sale shall state the exact date, place and time of the auction sale. The sale shall be conducted in the Office of the Clerk of Court of the Regional Trial Court or First Level Court that issued the order forfeiting the property. The auction sale shall be held not earlier than nine o’clock in the morning and not later than two o’clock in the afternoon.
   5. The notice shall also include another date during which a second auction sale may be conducted in the event of a failure of bidding during the first auction sale. The second date shall not be later than thirty (30) days from the date of the first auction sale.

(III(B) and III(C) of A.M. No. 05-3-06-SC, Guidelines for the Forfeiture of Real Property Bonds and Disposal of the Forfeited Real Property)