



Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

LML-DC-30C15-_____

30 March 2015

DEPARTMENT CIRCULAR NO. 020

**TO : All Prosecutors in the National
Prosecution Service**

**SUBJECT: Guidelines on Bail for Republic Act No.
10175 or the Cybercrime Prevention Act
of 2012**

WHEREAS, bail is a right enshrined in the Constitution and, in furtherance of the mandate therein, laws and rules have been issued to enforce said right;

WHEREAS, Department Circular No. 89 or the 2000 Bail Bond Guide was issued on 29 August 2000 to simplify and codify the various issuances and to achieve uniformity in the amount of bail to be recommended for each crime;

WHEREAS, the Supreme Court in A.M. No. 12-11-2 dated March 18, 2014, enjoined public prosecutors to assist the courts in fixing the amount of bail that the accused may post for his provisional liberty taking into account the prosecutor's recommendation and any relevant data that the court may find from the criminal information and supporting documents regarding the following factors:

1. Financial ability of the accused to give bail;
2. Nature and circumstances of the offense;
3. Penalty for the offense charged;
4. Character and reputation of the accused;
5. Age and health of the accused;
6. Weight of the evidence against the accused;
7. Probability of the accused appearing in trial;
8. Forfeiture of other bonds;

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9. Fact that accused was a fugitive from justice when arrested; and
10. Pendency of other cases where the accused is under bond;

WHEREAS, Republic Act No. 10175 or the Cybercrime Prevention Act of 2012 was promulgated on 12 September 2012 to prevent and combat cybercrime in the country;

WHEREFORE, the following schedule of bail is hereby issued to supplement the 2000 Bail Bond Guide applicable for the implementation and enforcement of RA 10175 or the Cybercrime Prevention Act of 2012:

Cybercrime offense under RA 10175	Penalty prescribed by law	Bail
Sections 4(a) - Offenses against the confidentiality, integrity and availability of computer data and systems; and 4(b) – Computer-related offenses	Imprisonment of <i>prision mayor</i> or fine of at least Two hundred thousand pesos (P200,000.00) up to the maximum amount commensurate to the damage incurred or both	Php 120,000.00
Sections 4(a)(5) – Misuse of devices	Imprisonment of <i>prision mayor</i> or a fine of not more than Five hundred thousand pesos (P500,000.00) or both	Php 120,000.00
Section 4(a) committed against critical infrastructure	Imprisonment of <i>reclusion temporal</i> or a fine of at least Five hundred thousand pesos (phP500,000.00) up to maximum amount commensurate to the damage incurred or both	Php 200,000.00
Section 4(c)(1) – Cybersex	Imprisonment of <i>prision mayor</i> or a fine of at least Two hundred thousand pesos (PhP200,000.00) but not exceeding One million pesos (PhPI,000,000.00) or both	Php 120,000.00
Section 4(c)(2) – Child Pornography	Penalties prescribed in Republic Act No. 9775 or the "Anti-Child Pornography Act of 2009" –	

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<p>To hire, employ, use, persuade, induce or coerce a child to perform in the creation or production of any form of child pornography [Section 4(a), R.A. 9775]</p>	<p>one (1) degree higher if committed through a computer system</p> <p><i>Reclusion temporal</i> in its maximum period and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) [Section 15(b), R.A. 9775]</p>	<p>Php 200,000.00</p>
<p>To produce, direct, manufacture, or create any form of child pornography [Section 4(b), R.A. 9775]</p>	<p><i>Reclusion temporal</i> in its maximum period and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) [Section 15(b), R.A. 9775]</p>	<p>Php 200,000.00</p>
<p>To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export, and import any form of child pornography [Section 4(c), R.A. 9775]</p>	<p><i>Reclusion temporal</i> in its maximum period and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) [Section 15(b), R.A. 9775]</p>	<p>Php 200,000.00</p>
<p>To possess any form of child pornography with the intent to sell, distribute, publish, or broadcast: Provided, that, the possession of three (3) or more articles of child pornography of the same form shall be prima facie evidence of intent to sell, distribute, publish, or broadcast [Section 4(d), R.A. 9775]</p>	<p><i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]</p>	<p>Php 200,000.00</p>
<p>To knowingly, willfully, and intentionally provide a venue for the commission of prohibited acts such as, but not limited to, dens, private rooms, cubicles, cinemas, houses, or in establishments purporting to be a legitimate business [Section 4(e), R.A. 9775]</p>	<p><i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]</p>	<p>Php 200,000.00</p>
<p>For film distributors, theaters, and telecommunication companies, by themselves or in cooperation with other entities, to distribute any form of child pornography [Section 4(f), R.A. 9775]</p>	<p><i>Reclusion temporal</i> in its medium period and a fine of not less than Seven hundred fifty thousand pesos (P750,000.00) but not more than One million pesos (P1,000,000.00) [Section 15(c), R.A. 9775]</p>	<p>Php 200,000.00</p>

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For a parent, legal guardian, or person having custody or control of a child to knowingly permit the child to engage, participate, or assist in any form of child pornography [Section 4(g), R.A. 9775]	<i>Reclusion temporal</i> in its minimum period and a fine of not less than Five hundred thousand pesos (P500,000.00) but not more than Seven hundred thousand pesos (P700,000.00) [Section 15(d), R.A. 9775]	Php 200,000.00
To engage in the luring or grooming of a child [Section 4(h), R.A. 9775]	<i>Prision mayor</i> in its maximum period and a fine of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00) [Section 15(e), R.A. 9775]	Php 120,000.00
To engage in the pandering of child pornography [Section 4(i), R.A. 9775]	<i>Prision mayor</i> in its minimum period and a fine of not less than Three hundred thousand pesos (P300,000.00) but not more than Five hundred thousand pesos (P500,000.00) [Section 15(f), R.A. 9775]	Php 120,000.00
To willfully access any form of child pornography [Section 4(j), R.A. 9775]	<i>Prision correccional</i> in its maximum period and a fine of not less than Two hundred thousand pesos (P200,000.00) but not more than Three hundred thousand pesos (P300,000.00) [Section 15(g), R.A. 9775]	Php 60,000.00
To possess any form of child pornography [Section 4(l), R.A. 9775]	<i>Arresto mayor</i> in its minimum period and a fine of not less than Fifty thousand pesos (P50,000.00) but not more than One hundred thousand pesos (P100,000.00) [Section 15(i), R.A. 9775]	Php 20,000.00
To conspire to commit any of the prohibited acts stated in Section 4 of the Act (or numbers 1 to 11 above) [Section 4(k), R.A. 9775]	<i>Prision correccional</i> in its medium period and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) [Section 15(h), R.A. 9775]	Php 60,000.00
Syndicated child pornography [Section 5, R.A. 9775]	<i>Reclusion perpetua</i> and a fine of not less than Two million pesos	No Bail

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<p>Willfully and knowingly failing to comply with the duties of an Internet Service Provider [Section 9, R.A. 9775]</p>	<p>(P2,000,000.00) but not more than Five million pesos (P5,000,000.00) [Section 15(a), R.A. 9775]</p> <p>Fine not less than Five hundred thousand pesos (P500,000.00) but not more than One million pesos (P1,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) and revocation of its license to operate [Section 15(k), R.A. 9775]</p>	<p>Bail Not Required</p>
<p>Willfully and knowingly failing to comply with the responsibility of the mall owner/operator and owner or lessor of other business establishments, including photo developers, information technology professionals, credit card companies and banks [Section 10, R.A. 9775]</p>	<p>Fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license to operate and immediate closure of the establishment [Section 15(l), R.A. 9775]</p>	<p>Bail Not Required</p>
<p>Willfully and knowingly failing to comply with the duties of an Internet Content Host [Section 11, R.A. 9775]</p>	<p><i>Prision correccional</i> in its medium period and a fine of not less than One million pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00) for the first offense. In the case of a subsequent offense, the penalty shall be a fine of not less than Two million pesos (P2,000,000.00) but not more than Three million pesos (P3,000,000.00) and revocation of its license to operate and immediate closure of the establishment [Section 15(j), R.A. 9775]</p>	<p>Php 60,000.00</p>
<p>Violation of confidentiality [Section 13, R.A. 9775]</p>	<p><i>Arresto mayor</i> in its minimum period and a fine of not less than One hundred thousand pesos (P100,000.00) but not</p>	<p>Php 20,000.00</p>

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	more than Three hundred thousand pesos (P300,000.00) [Section 15(m), R.A. 9775]	
Section 4(c)(4) – Libel committed through a computer system or any other similar means which may be devised in the future	<i>Prision correccional</i> minimum and medium and/or fine from P200.00 to P6,000.00	Php 10,000.00
Threatening to publish through a computer system a libel or offering to prevent libelous publication for compensation	Arresto mayor and/or fine from P200.00 to P2,000.00	Bail Not Required
Publishing through a computer system facts connected with the private life of another and offensive to the honor, virtue and reputation of said person	Arresto mayor and/or fine from P200.00 to P2,000.00	Bail Not Required
Section 5 – aiding or abetting or attempt in the commission of cybercrime	Imprisonment one (1) degree lower than that of the prescribed penalty for the offense or a fine of at least One hundred thousand pesos (phP100,000.00) but not exceeding Five hundred thousand pesos (phP500,000.00) or both	commensurate to the prescribed penalty one (1) degree lower

This Circular supplements the 2000 Bail Bond Guide and supersedes all Department issuances inconsistent herewith, shall take effect immediately and remain in force until further orders.

Leila M. de Lima
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 Secretary

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