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A.M. No. 04-7-02-SC

GUIDELINES ON CORPORATE SURETY BONDS

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Republic of the Philippines
Supreme Court
Manila

EN BANC

A.M. NO. 04-7-02-SC

RE: PROPOSED GUIDELINES ON CORPORATE
SURETY BONDS

RESOLUTION

Acting on the endorsement of the Committee on Revision of the Rules of Court, and finding the Guidelines on Corporate Surety Bonds submitted by the Office of the Court Administrator to be a systematic and fair procedure in the processing and accreditation of surety bonds, the Court Resolved to **APPROVE** the same.

The Guidelines shall take effect on August 16, 2004 following the publication of this resolution in one (1) newspaper of general circulation not later than July 31, 2004.

July 20, 2004.

(Sgd.) HILARIO G. DAVIDE, JR.
Chief Justice

(Sgd.) REYNATO S. PUNO
Associate Justice

(Sgd.) ARTEMIO V. PANGANIBAN
Associate Justice

(Sgd.) LEONARDO A. QUISUMBING
Associate Justice

(Sgd.) CONSUELO YNARES-SANTIAGO
Associate Justice

(Sgd.) ANGELINA SANDOVAL GUTIERREZ
Associate Justice

(Sgd.) ANTONIO T. CARPIO
Associate Justice

(Sgd.) MA. ALICIA AUSTRIA-MARTINEZ
Associate Justice

(Sgd.) RENATO C. CORONA
Associate Justice

(Sgd.) CONCHITA CARPIO-MORALES
Associate Justice

(Sgd.) ROMEO J. CALLEJO, SR.
Associate Justice

(Sgd.) ADOLFO S. AZCUNA
Associate Justice

(Sgd.) DANTE O. TINGA
Associate Justice

(Sgd.) MINITA V. CHICO-NAZARIO
Associate Justice

GUIDELINES ON CORPORATE SURETY BONDS

To institute a systematic procedure in the issuance of Certificates of Accreditation and Authority to surety companies, ensure the efficient and effective collection of liabilities under surety bonds and expedite the administration of justice, these guidelines are hereby issued for the compliance of all concerned.

I. AUTHORITY OF THE OFFICE OF THE COURT ADMINISTRATOR

Under Presidential Decree 828, as amended by P.D. 842, and Supreme Court Resolution dated October 24, 1996, the Office of the Court Administrator (OCA) assists the Supreme Court in exercising administrative supervision over all lower courts, specifically on administrative matters, court management problems, fiscal operations and legal concerns involving the lower courts. Corollary to its functions, the OCA is designated as the implementing arm of the Court in the enforcement of the policies and procedure on surety bonds.

II. ACCREDITATION OF SURETY COMPANIES

In order to preclude spurious and delinquent surety companies from transacting business with the courts, no surety company or its authorized agents shall be allowed to transact business involving surety bonds with the Supreme Court, Court of Appeals, the Court of Tax Appeals, the Sandiganbayan, Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, Shari'a Circuit Courts and other courts which may thereafter be created, unless accredited and authorized by the Office of the Court Administrator.

A. Procedure for Accreditation

The surety company shall file five (5) verified copies of the application for accreditation with the Docket and Clearance Division, Legal Office, OCA. The surety company shall indicate in said application

the province/s and/or city/ies where it intends to transact surety business and whether said business involves civil/special proceedings and/or criminal cases. The surety company shall file a separate application for accreditation for criminal (*SB Form No. 01-2004, Annex "A"*) and civil/special proceedings cases (*SB Form No. 02-2004, Annex "A-1"*).

The following documents shall be attached to the application form:

- A.1. Certified copy of the Articles of Incorporation and By-laws;
- A.2. Certified copy of the latest General Information Sheet submitted to the Securities and Exchange Commission;
- A.3. Secretary Certificate showing the surety company's authorized signatories and their specimen signatures;
- A.4. Certified copy of the Authority To Transact Surety Business upon official recognizance, stipulations, bonds and undertakings issued by the Office of the Executive Secretary under the Office of the President;
- A.5. Certified copy of the current Certificate of Authority from the Insurance Commission;
- A.6. Certified copy of latest Statement of Assets and Liabilities, and audited Financial Statements filed with the Bureau of Internal Revenue;
- A.7. Sworn Statement relative to outstanding obligations with the courts, signed by the President and Treasurer, specifying the details as to: (a) Case Number, (b) Case Title, (c) Amounts due the courts, and attaching thereto pertinent documents such as Order of Forfeiture, etc.
- A.8. Clearance certificates from all offices of the Clerks of Court (Executive Clerks of Court, Office of the Clerks of Court and Branch Clerks of Court) where the surety company intends to transact business or where it had transacted business before the approval of this guideline showing that the applicant has no outstanding obligation pertaining to forfeited bonds; and
- A.9. Verified summary of transactions with the courts for the previous year. (*SB Form No. 03-2004, Annex "A-2"*)

For the authorized agents of the insurance companies, the following additional documents shall be submitted:

- A.10. Joint Deed of Undertaking (*SB Form No. 04-2004, Annex "A-3"*);
 - A.11. Board Resolution issued by the surety company granting authority to its agent/s and acknowledging joint and solidary liability for all their acts and transactions with the Court;
 - A.12. Personal Information Sheet of the authorized agent/s, with the accompanying specimen signatures (*SB Form No.05-2004, Annex "A-4"*) and ten (10) black and white copies of their latest 2x2 photographs; and
 - A.13. Secretary Certificate containing the specimen signatures of the authorized agent/s authorized to transact business for and in behalf of the surety company. Additional duplicate copies of the Secretary Certificate may be subsequently requested.
- B. An application fee of Five Thousand Pesos (P5,000.00) and an additional fee of Five Hundred Pesos (P500.00) for each authorized agent shall be imposed upon the applicant. An application for accreditation that fails to comply with any of the above-listed requirements shall not be processed by the Docket and Clearance Division, Legal Office, OCA, and the applicant shall be notified of the deficiency or defect therein.
- C. If the application is complete with all the requirements, the Docket and Clearance Division, Legal Office, OCA, shall submit its recommendation to the Court Administrator for his appropriate action.

If the Court Administrator approves the application of the surety company that intends to engage in transactions involving criminal cases, the company shall be required to make a One Million Peso (P1,000,000.00) cash deposit with the Financial Management Office (FMO), OCA, under the fiduciary account with the Land Bank of the Philippines in the name of the OCA-

Supreme Court Surety Company Deposits (SCD). The cash deposit shall answer for the liabilities of the accredited surety company and its authorized agents in case of non-payment of its obligations pertaining to surety bonds.

Upon One Million Peso (P1,000,000.00) cash deposit made by a surety company that intends to engage in transactions in criminal cases, the Court Administrator shall issue the corresponding Certificate of Accreditation and Authority which shall be stamped with the words "VALID FOR CRIMINAL CASES."

If the Court Administrator approves the application of a surety company for civil cases only, the One Million Peso (P1,000,000.00) cash deposit shall not be required. A Certificate of Accreditation and Authority stamped with the words "VALID FOR CIVIL/SPECIAL PROCEEDINGS CASES" shall be issued.

The Court Administrator shall likewise issue a certified true copy of the Certificate of Accreditation and Authority containing the photograph of the authorized agent duly sealed and certified by the Court Administrator.

- D. The Docket and Clearance Division, Legal Office, OCA, shall furnish a copy of the Certificate of Accreditation and Authority and a list of accredited surety companies and their authorized agents to the concerned Clerks of Court of the Supreme Court, Court of Appeals, Court of Tax Appeals, Sandiganbayan and in the first and second level courts where the surety company intends to transact business. The Clerks of Court shall post on the bulletin board the list of accredited surety companies and their respective authorized agents.
- E. If the application for accreditation is denied, the OCA shall inform the applicant surety company of the denial and the reasons therefor. The application fee shall be forfeited.
- F. The Certificate of Accreditation and Authority shall be valid for six (6) months covering the periods August 01 to January 31 and February 01 to July 31. An application for Certificate of Accreditation and Authority filed after February 01 or August 01 shall be valid only for the remainder of the six-month period.
- G. In case a surety company intends to expand its area of operation during the six-month period, it shall file a new application form for accreditation.

III. SUSPENSION OR CANCELLATION OF THE CERTIFICATE OF ACCREDITATION AND AUTHORITY

The following are the grounds for the suspension or cancellation of the Certificate of Accreditation and Authority:

1. The surety company has committed fraudulent or illegal acts in transacting bonds;
2. Failure of the surety company to pay the amount of forfeited bond within fifteen (15) days from notice to pay from the sheriff;
3. Non-compliance by the surety company with any of the provisions of this Circular and other issuances of the Supreme Court and the OCA;
4. Non-renewal or cancellation of the Certificate of Authority by the Insurance Commission;
5. Failure to maintain the required One Million Peso (P1,000,000.00) deposit despite notice from the OCA;
6. Violation of the order/s of the courts relative to bonds issued by the surety company; and
7. Other grounds that may be thereafter prescribed by the Supreme Court or the OCA.

IV. MONTHLY REPORT ON SURETY COMPANIES WITH OUTSTANDING OBLIGATIONS

The Clerks of Courts of all concerned courts shall submit to the Docket and Clearance Division, Legal Office, OCA, a monthly report on surety companies with outstanding obligations on or before the 10th day of the succeeding month (*SB Form No. 06-2004, Annex "B"*). The report shall specify the name of the surety company, the amount of bond, bond number, the case, number, case title, name of the accused or party in a case, date of order of forfeiture and status or action taken thereon, attaching in support thereto, the following:

1. Judgment of forfeiture with the corresponding writ of execution;
2. Subsequent motions/orders relative thereto; and
3. Sheriff's Return.

V. PROCESSING OF APPLICATION FOR SURETY BONDS

A. FIRST LEVEL AND SECOND LEVEL COURTS

A.1. In multiple sala stations, application for surety bonds shall be filed with the Office of the Clerk of Court. In single sala station, it shall be filed with the Clerk of Court. The authorized agent of the surety company shall be required to submit the following:

- (a) Photocopy of the Certificate of Accreditation and Authority issued by the Court Administrator containing the photograph of the authorized agent after presentation of the original copy hereof as described in Title II, paragraph C; and
- (b) Secretary Certificate containing the specimen signatures of the agents authorized by the company to transact business with the courts.

A.2. All accredited surety companies shall be assigned a number by raffle, conducted every first working day of the month of August and February, by the Clerk of Court in single or multiple sala stations. A surety company that is accredited after the raffle shall be added to the list of raffled surety companies and assigned the next corresponding number. In case two (2) or more surety companies are simultaneously accredited after the raffle, they shall be added to the list in alphabetical order.

A criminal case where the accused signifies his intention to post a surety bond shall be referred to the surety company according to its rank in the list. The assigned surety company shall have the first priority to negotiate with the accused, but the latter shall have the option to secure the services of another accredited bonding company of his choice in case of disagreement with the assigned surety company on the proposed terms and conditions of the bond.

For example, Criminal Cases A, B, C, D and E shall be assigned, respectively, to Surety Companies ranked No.1, 2, 3, 4, and 5 in the list. If the accused in Criminal Case "A" decides to avail of a surety bond, Surety Company No.1 shall have the first priority to negotiate with the former. If the accused in Criminal Case "A" fails to come into terms with Surety Company No. 1, the accused shall have the option to secure the services of either Surety Company No. "2," "3," "4," or "5," following said order. If the accused comes into terms with Surety Company No. "2," said surety company shall continue to have the right to negotiate with the accused in Criminal Case "B." Surety Company No.1, on the other hand, will have to wait for its turn in the next round.

The same procedure shall be followed for surety bonds in civil/special proceedings cases.

A.3. Before transmitting the surety bond for approval by the judge concerned, the Clerk of Court shall determine the completeness and authenticity of the bond and its supporting documents, more particularly the genuineness of the signatures of the authorized agents of the company.

A.4. The following requirements shall be attached to bond:

- A.4.a.** Certified copy of a valid Certificate of Accreditation and Authority issued by the Office of the Court Administrator;

A.4.b. Copy of the Certificate of Compliance with Circular No. 66 of the Insurance Commission duly certified by the Insurance Commission;

A.4.c. Proof of payment of legal fees under the Rules of Court and the documentary stamp tax (thirty centavos [P 0.30] on each four pesos [P4.00] or fractional part thereof, of the premium charged, pursuant to Section 187 Title VII of Rep. Act No. 8424) and Value Added Tax (VAT) under the National Internal Revenue Code;

A.4.d. Photocopy of the Certificate of Accreditation and Authority issued by the Court Administrator containing the photograph of the authorized agent (after presentation to the Clerk of Court of the original copy thereof as Copy of the Certificate of Accreditation and Authority containing the photograph of the agent); and

A.4.e. Secretary Certificate containing the specimen signatures of the agents authorized to transact business with the courts.

A.5. In criminal cases, the following additional documents shall be submitted:

A.5.a. Photographs of the accused;

It shall be the obligation of the bonding company issuing the bond to attach four (4) sets of recently taken black and white 2x2 photographs (front, left and right profiles) of the accused on all copies of the corresponding bail bond to be issued or posted;

A.5.b. Original Copy of the Waiver of Appearance of accused under oath;

A.5.c. Original Copy of the Certificate of detention;

A.5.d. Certified true copy of the Information; and

A.5.e. Certification from the Barangay Captain attesting to the real name of the accused, his actual residence in the barangay and attaching a location plan showing the residence of the accused.

A.6. If the proposed surety bond is found to be in order and complies with all the above-listed requirements, the Clerk of Court shall transmit the bond to the judge concerned for his appropriate action. (*SB Form No. 07-2004, Annex "C"*).

In case any of the requirements is not complied with, the bond shall be disapproved. The Clerk of Court shall immediately return the bond to the surety company, citing the reason for the disapproval.

B. COURT OF APPEALS AND SANDIGANBAYAN

B.1. The proposed surety bond shall be filed with the Judicial Records Division, which shall forward the same to the proper Division Clerk of Court. The Division Clerk of Court shall determine the completeness and authenticity of the application and required documents submitted by the surety company for surety bond before the same is transmitted for approval by the Justice concerned.

B.2. The Division Clerk of Court shall only accept application for surety bonds of a surety company duly accredited by the OCA, with a valid Certificate of Accreditation and Authority.

B.3. The Division Clerk of Court shall see to it that the bond is in order pursuant to the requirements enumerated under this title, paragraphs A.4 and A.5.

In case any of the requirements is not complied with, the bond shall be disapproved. The Division Clerk of Court shall immediately return the same to the surety company which shall be informed of the disapproval.

B.4. When the proposed bond is in order, the Division Clerk of Court shall transmit the bond to the Justice to whom the case was raffled, for his approval.

C. COURT OF TAX APPEALS

C.1. Where, pursuant to the provisions of Section 11 of Republic Act 1125 in relation to Rule 12 of

the Rules of the Court of Tax Appeals, suspension of the collection of tax is proper, and the taxpayer files an injunction bond in the form of surety for not more than double the amount of the tax liability, the Executive Clerk of Court shall determine the completeness and authenticity of the required documents submitted by the surety company, pursuant to the provisions of this title, paragraph A.4. In criminal cases filed pursuant to Rep. Act No. 9282, the Executive Clerk of Court shall impose the submission of additional requirements provided under paragraph A.5 of this title.

In case any of the requirements is not complied with, the bond shall be disapproved. The Executive Clerk of Court shall immediately return the bond to the taxpayer/applicant company, citing the reason for the disapproval.

C.2. When the application for injunction bond is in order, the Executive Clerk of Court shall transmit the application to the Court for approval. The Court may impose additional requirements as it may deem proper and practicable under the circumstances.

D. SUPREME COURT

D.1. Upon receipt of the Resolution of the Supreme Court granting the issuance of a Writ of Preliminary Injunction subject to the posting of a bond, the petitioner shall submit the bond and other documents of compliance to the Judicial Records Office (JRO) within the period provided for in the Resolution.

D.2. The JRO shall forward the bond and other documents of compliance to the concerned Clerk of Court or Division Clerk of Court. The Clerk of Court or Division Clerk of Court shall determine the completeness and authenticity of the bond and required documents before placing them in the agenda for the approval of the Court.

D.3. The Clerk of Court or Division Clerk of Court shall accept bonds only from a surety company that is duly accredited by the OCA, with a valid Certificate of Accreditation and Authority.

D.4. The Clerk of Court or Division Clerk of Court shall see to it that the bond is in order pursuant to the requirements enumerated under this title, paragraphs A.4 and A.5.

In case any of the requirements is not complied with, the bond shall not be processed. The Clerk of Court shall immediately return the same to the petitioner who shall be given ten (10) days within which to comply with the Resolution of the Court. If the petitioner fails to comply, the Writ of Preliminary Injunction issued shall be rendered of no force and effect without the need to issue another Resolution.

D.5. When the bond and other documents in compliance are in order, the Court shall approve the same through a Resolution.

VI. EXECUTION OF JUDGMENTS OF FORFEITURES IN BAIL-BONDS; CLAIMS AGAINST THE CASH DEPOSIT

A. Upon the issuance of the judgment of forfeiture, the Branch Clerk of Court shall immediately issue the corresponding writ of execution. The writ of execution shall be forwarded, within five (5) days from the date of its issuance by the Branch Clerk of Court, to the Sheriff. Within the day upon receipt of the writ, the Sheriff shall, by written notice, require the surety company to pay the obligation in relation to the forfeited judicial bond within fifteen (15) days from receipt thereof. If the obligation remains unpaid after the lapse of fifteen (15) days, the Sheriff shall make a levy on the One Million Peso (P1,000,000.00) cash deposit deposited at the Financial Management Division (FMO), OCA.

The Sheriff concerned shall submit a return within thirty (30) days from implementation of the writ to the Clerk of Court pursuant to Section 14, Rule 39 of the 1997 Rules of Civil Procedure.

B. In no case shall staggered payments of forfeited bonds be allowed, pursuant to Section 21, Rule 114 of the Revised Rules of Criminal Procedure.

C. In case of reduction of the One Million Peso (P1,000,000.00) cash deposit in view of the levy made by the Sheriff, the Office of the Court Administrator shall notify the concerned surety company to

deposit an amount equivalent to the amount levied from the cash deposit within fifteen (15) days from notice. Otherwise, the Certificate of Accreditation and Authority shall be suspended or revoked.

D. Any interest earned from the cash deposit shall inure to the Judiciary Development Fund (JDF) as provided for in the *En Banc* Resolution of the Court dated 14 September 1999 (A.M. No. 99-8-01-SC).

E. The aforementioned procedure shall likewise apply to the Supreme Court, Court of Appeals, Sandiganbayan and Court of Tax Appeals whenever applicable.

VII. LIFETIME OF BONDS IN CRIMINAL AND CIVIL ACTIONS/SPECIAL PROCEEDINGS

Unless and until the Supreme Court directs otherwise, the lifetime or duration of the effectivity of any bond issued in criminal and civil actions/special proceedings, or in any proceeding or incident therein shall be from its approval by the court, until the action or proceeding is finally decided, resolved or terminated. This condition must be incorporated in the terms and condition of the bonding contract and shall bind the parties notwithstanding their failure to expressly state the same in the said contract or agreement.

The surety company shall notify the court concerned and the parties to the action or proceeding of any act, event, or circumstances that may affect its business or operations, such as corporate rehabilitation; amendment of its articles of incorporation that shortens corporate lifetime, bankruptcy; insolvency; or issuance of writs of execution, attachment, or garnishment against it. The notice, which shall be given within ten (10) days from the occurrence of the act, event, or circumstance, shall have as attachments thereto, certified true copies or authenticated documents evidencing the same act, event or circumstance.

The concerned Clerk of Court shall furnish the Docket and Clearance Division, Legal Office, OCA, with a copy of the final order of the court on the Motion to Withdraw as Bondsman filed by the surety company, within ten (10) days upon its issuance.

VIII. CESSATION OF BONDING TRANSACTIONS WITH THE COURT BY THE SURETY COMPANY; WITHDRAWAL OF THE CASH DEPOSIT

In the event the surety company decides to cease from engaging in bonding transactions with the court, it shall file a letter-request to that effect with the Court Administrator with a request for the withdrawal of the One Million Peso (P1,000,000.00) cash deposit/remaining balance.

The withdrawal of the One Million Peso (P1,000,000.00) cash deposit/remaining balance shall be approved upon submission of the following to the Docket and Clearance Division, Legal Office, OCA:

A. Sworn request for withdrawal of the cash deposit from the surety company addressed to the Court Administrator (*SB Form No. 8-2004, Annex "D"*);

B. Board resolution issued by the surety company requesting for the withdrawal of the cash deposit;

C. Clearances from all Clerks of Court where the surety company/authorized agents were authorized to transact surety business. The clearance shall indicate that the surety company/authorized agents have no outstanding obligations pertaining to judicial bonds;

D. Sworn statement that the surety company has not been involved in any action or proceeding that may affect its business or operations, such as corporate rehabilitation; amendment of its articles of incorporation that shortens corporate lifetime, bankruptcy; insolvency; or issuance of writs of execution, attachment or garnishment against it; and

E. The last Certificate of Accreditation and Authority issued to the surety company by the Docket and Clearance Division, Legal Office, OCA.

Upon submission of the foregoing requirements, the Court Administrator shall issue in favor of the surety company an authority to withdraw its outstanding cash deposit from the Financial Management Office, OCA, which in turn, shall prepare the necessary voucher for the withdrawal of the fund from the Land Bank of the Philippines.

IX. TRANSITORY PROVISION

An application for Certificate of Accreditation and Authority filed by a surety company after the effectivity hereof shall, if approved, be considered valid for the remainder of the six-month period.

X. REPEALING CLAUSE

All circulars and issuances inconsistent herewith are deemed superseded or amended accordingly.

Form No. SB- 01-2004

ANNEX "A"

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

APPLICATION FOR ACCREDITATION¹
(For Bail Judicial Bonds)
FOR CRIMINAL CASES ONLY

Date _____

A. Name of Insurance Company _____

B. Principal Address _____

C. Person Authorized to Accomplish and File this Application _____
(Attach requisite Board Resolution)

D. Province/s or city/ies where insurance company/authorized agent/s intends to transact surety business:

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

(Use separate sheet, if necessary)

E. Court/s where insurance company/authorized agents transact business. Please include statement of outstanding obligations if any, and attach the copy of the order of forfeiture.

<i>Court/s</i>	<i>Amount of outstanding obligation/s</i>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

(Use separate sheet, if necessary)

¹ To be filed in five (5) verified copies with the Docket and Clearance Division, Legal Office, OCA

F. Have you been blacklisted prior to the filing of this application?

Yes

No

If yes, please state the courts where blacklisted (or by the Insurance Commission), the reasons, the date and period of blacklisting.

Court where blacklisted	Reason	Date blacklisted	Period of blacklisting
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use separate sheet, if necessary)

G. Documents to be submitted and attached to this application:

- _____ 1. Certified copy of the Articles of Incorporation and By-laws;
- _____ 2. Certified copy of the latest General Information Sheet submitted to the Securities and Exchange Commission;
- _____ 3. Secretary Certificate showing the surety company's authorized signatories;
- _____ 4. Certified copy of the Authority To Transact Surety Business upon official recognition, stipulations, bonds and undertakings issued by the Office of the Executive Secretary under the Office of the President;
- _____ 5. Certified copy of the current Certificate of Authority from the Insurance Commission;
- _____ 6. Certified copy of latest Statement of Assets and Liabilities, and audited Financial Statements filed with the Bureau of Internal Revenue;
- _____ 7. Sworn Statement relative to outstanding obligations with the courts, signed by the President and Treasurer, specifying the details as to: (a) Case Number, (b) Case Title, (c) Amounts due the courts, and attaching thereto pertinent documents such as Order of Forfeiture, etc..
- _____ 8. Clearance certificates from all offices of the Clerks of Court (Executive Clerks of Court, Office of the Clerks of Court and Branch Clerks of Court) where the surety company intends to transact business or where it had transacted business before the approval of this guideline showing that the applicant has no outstanding obligation pertaining to forfeited bonds; and
- _____ 9. Verified Summary of transactions with the courts for the previous year.

For the authorized agents of the insurance companies, the following documents shall be submitted:

- _____ 10. Joint Deed of Undertaking (SB Form No. 04-2004, Annex "A-3");
- _____ 11. Board Resolution issued by the surety company granting authority to its agent/s and acknowledging joint and solidary liability for all their actions and transactions with the Court;

A.M. No. 04-7-02-SC

_____ 12. Personal Information Sheet of the authorized agent/s, with the accompanying specimen signatures and ten (10) black and white copies of their latest 2x2 photographs; (SB Form No. 05-2004, Annex "A-4"); and

_____ 13 Secretary Certificate containing the specimen signatures of the authorized agent/s authorized to transact business for and in behalf of the company. Additional duplicate copies of the Secretary Certificate may be subsequently requested.

I declare that all the answers given in this application form are true and correct.

Print name and signature

Position in the insurance company
T.I. N. No. _____

Subscribed and sworn to before me this _____ day of _____, 20____, with applicant exhibiting his/her Community Tax Certificate as indicated herein.

Community Tax Certificate No. _____
Issued at _____
Date of Issue _____

(Person administering oath)

(To be filled up by the Docket and Clearance Division, Legal Office, OCA)

Documents submitted are complete _____

Application for accreditation cannot be processed, the following requirements are lacking:

Chief, Docket and Clearance Division

Date

ANNEX "A-1"

Form No. SB- 02-2004

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

APPLICATION FOR ACCREDITATION¹
of an Insured Agent
FOR CIVIL SPECIAL PROCEEDINGS CASES ONLY

Date _____

A. Name of Insurance Company _____

B. Principal Address _____

C. Person Authorized to Accomplish and File this Application _____
(Attach requisite Board Resolution)

D. Province/s or city/ies where insurance company/authorized agent/s intends to transact surety business:

- | | |
|----------|-----------|
| 1. _____ | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

(Use separate sheet, if necessary)

E. Court/s where insurance company/authorized agents transact business. Please include statement of outstanding obligations if any, and attach the copy of the order of forfeiture.

<i>Court/s</i>	<i>Amount of outstanding obligation/s</i>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

(Use separate sheet, if necessary)

¹ To be filed in five (5) verified copies with the Docket and Clearance Division, Legal Office, OCA

A.M. No. 04-7-02-SC

F. Have you been blacklisted prior to the filing of this application?

Yes

No

If yes, please state the courts where blacklisted (or by the Insurance Commission), the reasons, the date and period of blacklisting.

Court where blacklisted	Reason	Date blacklisted	Period of blacklisting
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Use separate sheet, if necessary)

G. Documents to be submitted and attached to this application:

- _____ 1. Certified copy of the Articles of Incorporation and By-laws;
- _____ 2. Certified copy of the latest General Information Sheet submitted to the Securities and Exchange Commission;
- _____ 3. Secretary Certificate showing the surety company's authorized signatories;
- _____ 4. Certified copy of the Authority To Transact Surety Business upon official recognizance, stipulations, bonds and undertakings issued by the Office of the Executive Secretary under the Office of the President;
- _____ 5. Certified copy of the current Certificate of Authority from the Insurance Commission;
- _____ 6. Certified copy of latest Statement of Assets and Liabilities, and audited Financial Statements filed with the Bureau of Internal Revenue;
- _____ 7. Sworn Statement relative to outstanding obligations with the courts, signed by the President and Treasurer, specifying the details as to: (a) Case Number, (b) Case Title, (c) Amounts due the courts, and attaching thereto pertinent documents such as Order of Forfeiture, etc..
- _____ 8. Clearance certificates from all offices of the Clerks of Court (Executive Clerks of Court, Office of the Clerks of Court and Branch Clerks of Court) where the surety company intends to transact business or where it had transacted business before the approval of this guideline showing that the applicant has no outstanding obligation pertaining to forfeited bonds; and
- _____ 9. Verified Summary of transactions with the courts for the previous year.

For the authorized agents of the insurance companies, the following documents shall be submitted:

- _____ 10. Joint Deed of Undertaking (SB Form No. 04-2004, Annex "A-3");
- _____ 11. Board Resolution issued by the surety company granting authority to its agent/s and acknowledging joint and solidary liability for all their actions and transactions with the Court;

_____ 12. Personal Information Sheet of the authorized agent/s, with the accompanying specimen signatures and ten (10) black and white copies of their latest 2x2 photographs; (SB Form No. 05-2004, Annex "A-4"); and

_____ 13 Secretary Certificate containing the specimen signatures of the authorized agent/s authorized to transact business for and in behalf of the company. Additional duplicate copies of the Secretary Certificate may be subsequently requested.

I declare that all the answers given in this application form are true and correct.

Print name and signature

Position in the insurance company

T.I. N. No. _____

Subscribed and sworn to before me this ___ day of _____, 20___, with applicant exhibiting his/her Community Tax Certificate as indicated herein.

Community Tax Certificate No. _____

Issued at _____

Date of Issue _____

(Person administering oath)

(To be filled up by the Docket and Clearance Division, Legal Office, OCA)

Documents submitted are complete _____

Application for accreditation cannot be processed, the following requirements are lacking:

Chief, Docket and Clearance Division

Date

Name of Surety Company _____
 Principal Address _____

VERIFIED SUMMARY OF TRANSACTIONS WITH THE COURTS FOR THE PREVIOUS YEAR

(Use separate sheet, if necessary)

Date of Issuance of the Bond	Bond Number	Kind of Bond	Case Title/Case Number	Court	Face Amount of the Bond	Amount of Premium	Original Receipt No.	Status/Action Taken

***Attachments:**

- (a) Judgment/s of forfeiture with corresponding writs of execution
- (b) Subsequent motion/s or orders relative thereto
- (c) Sheriff's Return
- (d) original copy of the receipts

I, _____, of legal age, with office address at _____, hereby states THAT:

- a. I have caused the preparation and filing of the foregoing document; and
- b. I have read the data contained therein and the same are true and correct of my own personal knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ of _____ at _____, Philippines.

 Affiant

A.M. No. 04-7-02-SC

PHILIPPINE SUPPLEMENT PHILIPPINE BULLETIN

ANNEX "A-3"

Form No. SB-04-2004

JOINT DEED OF UNDERTAKING

KNOW ALL MEN BY THESE PRESENTS:

This Joint Undertaking, executed on this ____ day of _____ in the City of _____, Philippines, by:

_____, president and general manager of _____, a domestic corporation duly organized and existing under and by virtue of Philippine laws, with principal office at _____,

- and -

(Use separate sheef, if necessary)

Filipinos, of legal age and the duly recognized agents of the said corporation as further evidenced by their herein attached Personal Information Sheets (see Annex "A-4");

WITNESSETH:

WHEREAS, the herein mentioned corporation and its authorized agents bind themselves jointly and severally for any liability that may be incurred by them in connection with judicial bonds in any courts within the Philippines.

IN WITNESS WHEREOF, the parties hereto have signed their names on this ____ day of _____ in _____, Philippines.

President and General Manager
T.I.N. No. _____

Agent
C.T.C. No. _____

Agent
C.T.C. No. _____

Agent
C.T.C. No. _____

Agent
C.T.C. No. _____

Agent
C.T.C. No. _____

Agent
C.T.C. No. _____

SIGNED IN THE PRESENCE OF :

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MANILA) S.S.

BEFORE ME, a Notary Public for and in the City of Manila, this ____ day of _____, personally came and appeared _____ president and general manager of the herein named corporation, and its agents _____, _____, _____, _____, _____, _____, _____, with Community Tax Certificate Numbers stated below their names, known to me and to me known to be the same persons who executed the foregoing instrument and they acknowledged to me that the same is their free act and voluntary deed.

WITNESS MY HAND AND NOTARIAL SEAL on the place, day, month and year first above-written.

NOTARY PUBLIC

Doc. No. _____:
Page No. _____:
Book No. _____:
Series of _____:

Form No.SB-05-2004

ANNEX "A-4"

PERSONAL INFORMATION SHEET
(For Authorized Agents of Bonding Companies)

Black and White
Photo
2"x2"

Surname First Name Middle Name

Date of Birth Sex Civil Status Citizenship

Residential Address

Telephone Number Business Address

Name of Insurance Company represented

Address and telephone number of the Insurance Company

I declare that the answers given above are true and correct.

Name & Signature of the Agent

Date

Community Tax Certificate No. _____

Issued at _____

Issued on _____

T.J.N. No. _____

A.M. No. 04-7-02-SC

ANNEX "B"

Form No. SB-06-2004

Court Station _____
 City/Municipality _____

MONTHLY REPORT OF THE CLERK OF COURT ON SURETY COMPANIES WITH OUTSTANDING OBLIGATIONS

(to be submitted to the Docket and Clearance Division, Legal Office, OCA, on or before the 15th day of the succeeding month)

Name of Insurance Company	Bond Number	Case Title	Case Number	Name of the Accused or Party posting bond	Date of Confiscation Order and Reason for the Confiscation	Court issuing the order or judgment of confiscation	Amount of Bond	Status/ Action Taken

***Attachments.**
 (a) Judgments of forfeiture with corresponding writs of execution
 (b) Subsequent motions or orders relative thereto
 (c) Sheriff's Return

Subscribed and sworn to before me this ____ day of _____, 20____, with affirm
 exhibiting to me his Community Tax Certificate as indicated herein.

Community Tax Certificate No _____
 Issued at _____ on _____

Certified true and correct

 Clerk of Court

 (Person administering oath)

ANNEX "C"

Form No. SB-07-2004

Court/Branch _____

City/Municipality _____

**OFFICE OF THE CLERK OF COURT
EVALUATION OF APPLICATION FOR SURETY BOND**

Application No. _____

I

Name of applicant for bail/judicial bond _____

Case title _____ Case Number _____

Court _____

Purpose of the bond _____ Amount of bond _____

Name of bonding Company _____

Name of authorized agent _____

II

Evaluation of Application for bail/judicial bond based on the documents submitted:

1) Status of the bonding company:

- Accredited
- Not Accredited

2) Authenticity of the signature of the Bonding Officer:

- Authentic
- Not authentic due to the following reasons:

A.M. No. 04-7-02-SC

3) Compliance of the surety company with the following requirements:

- Certified copy of the Certificate of Accreditation and Authority issued by the Office of the Court Administrator;
- Copy of Certificate of Compliance with Circular No. 66 of the Insurance Commission
- Proof of Payment of legal fees under the Rules of Court and the documentary stamp tax (P.030 on each P4.00 or fractional part thereof, of the premium charged, pursuant to Section 187, Title VII of Rep. Act. 8424) and Value Added Tax (VAT) under the National Internal Revenue Code

In criminal cases, the following additional documents shall be submitted

- Photographs (2x2, black and white) of the accused;
- Original copy of the Waiver of Appearance of accused under oath;
- Original copy of the Certificate of Detention;
- Certified true copy of the Information.
- Certification from the Barangay Captain attesting to the real name of the accused, his actual residence in the barangay and attaching a location plan showing the residence of the accused.

III

Findings of the Clerk of Court

(Fill-in the appropriate box)

- Respectfully referred to Judge _____ for his appropriate action, having complied with the formal requisites prescribed by the law and rules.
- Application for bail/judicial bond shall not be processed or acted upon for failure to comply with the following requirements:

_____, 20__.

Clerk of Court

ANNEX "D"

Form No. SB-08-2004

SWORN REQUEST FOR WITHDRAWAL OF CASH DEPOSIT

TO THE COURT ADMINISTRATOR
SUPREME COURT, MANILA

Honorable Court Administrator:

The undersigned authorized representative of _____, hereby requests for the withdrawal of the One Million Pesos (P1,000,000.00) cash deposit/the remaining balance of P _____ (_____, *amount in words*) deposited with the Finance Division, Office of the Court Administrator.

Attached herewith is the Board Resolution authorizing the undersigned to effect the withdrawal of said cash deposit/remaining balance.

Authorized Representative
T.I.N. No. _____

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)
CITY OF MANILA) S.S.

BEFORE ME, this _____ day of _____, 20__ personally appeared _____ with Community Tax Certificate No. _____, issued at _____ on _____, known to me to be the same person who executed the foregoing Deed of Undertaking and acknowledged to me that the same is his own free act and deed and that of the company he represents.

WITNESS MY HAND AND SEAL on the date and place first above written.

NOTARY PUBLIC

Doc. No. _____:
Page No. _____:
Book No. _____:
Series of _____:

3rd Floor, Supreme Court Centennial Building
Padre Faura St. cor. Taft Ave., Manila, Philippines

2005 Upcoming PHILJA Events

<i>Date</i>	<i>Seminars / Activities</i>	<i>Venue</i>
April 4-8 2005	Basic Seminar Workshop on Mediation (Metro Manila Mediation Program)	SC Training Rm., G/F Centennial Bldg.
April 7-8	Judicial Reform Advocacy: Orientation-Workshop on the Code of Conduct for Court Personnel	Oasis Hotel, Angeles City
April 13-15	Convention and Seminar of the Court Stenographic Reporters Association of the Philippines	Central Philippine University, Jaro, Iloilo City
April 19-22	Training of Trainers for Mediation Program	Crown Regency Hotel, Lapu-Lapu City, Cebu
April 27-29	Regional Judicial Career Enhancement Program (Level 4) for Judges, Clerks of Court and Branch Clerks of Court of the Regional Trial Courts and First Level Trial Courts of Region VII	Crown Regency Hotel, Lapu-Lapu City, Cebu
April 27-29	Convention and Seminar of the Sheriffs' Confederation of the Philippines	Quezon Convention Center, Lucena, Quezon
May 18-20	Convention and Seminar of the Regional Trial Court Clerks of Court Association of the Philippines	Guimaras Tourism Center, Jordan, Guimaras
May 7-9	Roundtable Discussion for Bangko Sentral Hearing Officers	Meralco Management and Leadership Development Center, Antipolo City

Chancellor, Philippine Judicial Academy
JUSTICE AMEURFINA A. MELENCIO HERRERA

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