

Title: People of the Philippines v. Francisco Salle Jr. & Ricky Mengote: Conditional Pardon Amidst Pending Appeal

#### Facts:

- **Crime and Trial:** Francisco Salle Jr. and Ricky Mengote, along with ten unidentified accomplices, were charged with the compound crime of murder and destructive arson. On 18 November 1991, the Regional Trial Court (RTC) of Quezon City, Branch 88, found them guilty beyond reasonable doubt. Both were sentenced to reclusion perpetua and ordered to pay jointly an indemnity of P50,000 to the victim's heirs.
- **Appeal:** The accused filed a timely Notice of Appeal. The Supreme Court accepted the appeal on 24 March 1993.
- **Motion to Withdraw Appeal:** On 6 January 1994, Francisco Salle Jr. filed an "Urgent Motion to Withdraw Appeal," believing it was necessary for his early release after being granted a conditional pardon on 9 December 1993 by the President. He was released from New Bilibid Prison (NBP) on 28 December 1993.
- **Verification of Motion's Voluntariness:** Atty. Ida May La'ò of FLAG verified Salle's motion to withdraw his appeal, ensuring it was made without coercion. She also reported that Ricky Mengote received a conditional pardon and was released at the same time but did not consult her or withdraw his appeal.
- **Supreme Court Action:** On 23 March 1994, the Supreme Court granted Salle's motion and considered his case closed and terminated. Mengote had not filed a motion to withdraw his appeal.
- **Documents Submitted:** On 3 June 1993, the Bureau of Corrections submitted copies of the conditional pardons and certificates of release for Salle and Mengote. It was unclear when they accepted these pardons.
- **Solicitor General's Comment:** On 17 August 1994, the Solicitor General asserted that acceptance of the conditional pardon implied guilt admission and sentence acceptance, advocating for the dismissal of the appeal.
- **Memoranda Requested:** The Supreme Court required memoranda on the enforceability of the conditional pardon and the recommendation processes considering the constitutional requirement for final judgment before executing presidential pardons.

- **Procedural Errors:** Assistant Chief State Prosecutor Nilo C. Mariano clarified a standing agreement with FLAG about addressing appeals in pardon cases. He contended Mengote's records erroneously did not show a pending appeal, explaining the recommendation process oversight.

**Issues:**

1. **Can the President grant a conditional pardon to an accused whose conviction is under appeal?**
2. **Does acceptance of such a pardon during a pending appeal make the conviction final?**

**Court's Decision:**

1. **Grant of Conditional Pardon:** The Court held that Section 19, Article VII of the 1987 Constitution requires conviction by final judgment before the President can grant a pardon. Since Mengote received the conditional pardon while his appeal was still pending, the pardon should not have been enforced. The Court emphasized the constitutional mandate that prevents judicial decisions from being undermined by executive clemency.

2. **Finality through Pardon Acceptance:** The Court dismissed the argument citing *Monsanto vs. Factoran Jr.*, stating that while that case articulated pardon acceptance rendered pending appeals moot, it was an obiter dictum and not applicable under the 1987 Constitution. Acceptance of a conditional pardon does not terminate an active appeal or make a conviction final during a pending appeal.

**Doctrine:**

- **"Conviction by Final Judgment" Requirement:** Presidential pardons can only be issued after a conviction by final judgment, reinforcing the separation of powers doctrine that maintains judicial authority over appeals until resolved. Acceptance of a pardon does not equate to the withdrawal of an appeal or finality of conviction while the appeal is pending (Section 19, Article VII, 1987 Constitution).

**Class Notes:**

- **Key Elements and Concepts:**
- **Final Conviction:** A conviction must be final (no pending appeals) before pardon, parole, or commutation can be considered.
- **Relevant Statutes:** Section 19, Article VII of the 1987 Constitution.
- **Separation of Powers:** Prevents the executive branch from interfering with judicial processes before they are completed.

- **Enforcement of Pardons:** Agencies must require proof of finality before processing pardons.

**Historical Background:**

- **Evolution of Clemency Provisions:**

- **Jones Law:** Allowed pardons anytime after the offense.

- **1935 Constitution:** Required conviction but not final conviction.

- **1973 Constitution:** Initially required final conviction, later amended to not specify finality.

- **1987 Constitution:** Restored the conviction by final judgment requirement to ensure judicial processes are not bypassed by executive actions.

This context reinstates rigorous adherence to judicial finality before executive intervention, reflecting the Philippine Constitutional framework's careful balance of powers.