

### Case Title:

Albert Wilson vs. The Honorable Executive Secretary Eduardo Ermita, et al.

### Facts:

Albert Wilson, a British national, was accused and charged with the rape of his live-in partner's 12-year-old daughter on September 16, 1996. After being found guilty by the Regional Trial Court (RTC) of Valenzuela and sentenced to death, Wilson appealed to the Supreme Court, which acquitted him on December 21, 1999, due to inconsistencies in the evidence.

Post-acquittal, Wilson moved to the United Kingdom and sought compensation from the Philippine Board of Claims (BoC) under R.A. No. 7309. Initially awarded PHP 14,000, he contested for the maximum compensation of PHP 40,000. This request was granted, but when attempting to return to the Philippines to claim the compensation, he was denied a visa due to being on the Bureau of Immigration (BI) watch list.

Wilson petitioned the United Nations Human Rights Committee (Committee), which recommended further compensation for violations of his rights under ICCPR Articles 7, 9, and 10. Wilson solicited the Philippine government for compliance with the Committee's View but received no actionable response. Consequently, Wilson filed a petition for Mandamus in the Philippine Supreme Court on September 9, 2009.

### Issues:

1. Does a writ of mandamus lie to compel the Philippine government to enforce the Committee's View recommending additional compensation for Wilson?
2. Is there a ministerial duty on the part of the respondents to comply with the Committee's recommendations?

### Court's Decision:

The Supreme Court denied the petition.

1. **\*\*Ministerial Duty and Clear Legal Right\*\***:

- The Court found that for mandamus to lie, a mandamus writ must compel a clear legal duty and establish a compelling legal right. Wilson's situation did not suffice this criteria.
- The award provided by BoC-DOJ under R.A. No. 7309 was deemed sufficient, and Wilson chose not to claim it. There's no national law indicating an obligation for further compensation beyond this statute.

2. **Transformation Doctrine**:

- The Court confirmed that for an international treaty to become applicable domestically, it must undergo a constitutional process of transformation. Despite the ICCPR and the Optional Protocol being ratified, they did not explicitly oblige domestic enforcement of the Committee's Views.
- The Committee's recommendations possess characteristics of a judicial decision but do not constitute enforceable legal obligations in the Philippines. The recommendations are advisory and thus non-binding.

**Doctrine**:

- **Ministerial Duty and Legal Right**: Mandamus cannot compel discretion; it requires a duty specified without personal judgment.
- **Transformation Doctrine**: International treaties must be transformed into domestic law via legislative processes to become enforceable domestically.

**Class Notes**:

- **Ministerial Act or Duty**: An act performed based on prescribed facts without personal judgment.
- **Clear Legal Right**: Established, irrefutable entitlement to the claimed relief.
- **Transformation Doctrine** (Philippine Constitution, Article VII, Section 21): Treaties must be ratified and transformed into local legislation.
- **Mandamus** (Rules of Court, Rule 65, Section 3): Compels performance of a duty or enforcement of a right clearly stipulated by law.

**Historical Background**:

Wilson's case illustrates the interplay between domestic law and international treaty obligations. The case brings to light the limited power of international treaty bodies in directly influencing domestic legal processes unless transformed into local legislation. This decision highlights the Continuous development of human rights law regarding detention practices and state obligations under international human rights treaties.