

SC ADMINISTRATIVE CIRCULAR NO. 6-92, October 08, 1992

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TO

:

THE PRESIDING JUDGES OF THE REGIONAL TRIAL COURTS

SUBJECT

:

CORRECT APPLICATION OF THE PENALTY OF RECLUSION PERPETUA

The Court has observed that in judgments of conviction for such serious offenses as Murder, Robbery with homicide and Rape with homicide under the Revised Penal Code and Violation of Section 4, Art. II, RA 6425, as amended by P. D. 1675 (Dangerous Drugs Act), some trial judges erroneously impose the penalty of Life Imprisonment rather than Reclusion Perpetua under the Revised Penal Code.

In *People vs. Baguio*, April 30, 1991 (196 SCRA 459), the Court emphasized that reclusion perpetua is not the same as life imprisonment, as 'the Code (Revised Penal Code) does not prescribe the penalty of life imprisonment for any of the felonies therein defined, the penalty being invariably imposed for serious offenses penalized not by the Revised Penal Code but by special laws. Reclusion Perpetua entails imprisonment for at least thirty (30) years after which the convict becomes eligible for pardon. It also carries with it accessory penalties, namely: perpetual special disqualifications, etc. It is not the same as "life imprisonment" which, for one thing does not carry with it any accessory penalty, and for another, does not appear to have any definite extent or duration..."

"As noted from the dispositive portion of the challenged decision, the trial court imposed the penalty of reclusion perpetua or life imprisonment. Evidently, it considered the latter as the English translation of the former, which is not the case. Both are different and distinct penalties. In the recent case of *People vs. Baguio*, this Court held:

The Code does not prescribe the penalty of life imprisonment for any of the felonies therein defined, that penalty being invariably imposed for serious offenses penalized not by the Revised Penal Code but by special laws. Reclusion perpetua entails imprisonment for at least thirty (30) years after which the convict becomes eligible with it accessory penalties, namely: perpetual special disqualifications, etc. It is not the same as life imprisonment which for one thing, does not carry with any definite extent or duration.

"As early as 1948, in *People vs. Mobe*, reiterated in *PP vs. Pilonas* and in the concurring opinion of Justice Ramon Aquino in *People vs. Sumadic*, this Court already made it clear that reclusion perpetua is not the same as

imprisonment for life or life imprisonment. Every Judge should take note of the distinction and this Court expects that, henceforth, no trial judge should mistake one for the other." (Underscoring supplied).

Strict compliance with this Administrative Circular is hereby enjoined

October 8, 1992.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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