

SC ADMINISTRATIVE CIRCULAR NO. 6-A-92, June 21, 1993

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TO

:

THE COURT OF APPEALS, SANDIGANBAYAN, AND REGIONAL TRIAL COURTS

SUBJECT

:

THE CORRECT APPLICATION OF THE PENALTIES OF RECLUSION PERPETUA AND LIFE IMPRISONMENT

The Court has observed that several trial judges, in their 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), fail to appreciate and observe the substantial difference between Reclusion Perpetua under the Revised Penal Code and Life Imprisonment when imposed as a penalty by special law.

For the guidance of all concerned, the admonition by the Court on the subject in *People vs. Penillos*, January 30, 1992 (205 SCRA 546), is reproduced hereunder:

"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*, (April 30, 1991, 196 SCRA 459), this Court held:

"The Code (Revised Penal Code) does not prescribe the penalty of life imprisonment for any of the felonies therein defined, that 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 law. 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 disqualification, 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 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 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."

Strict compliance with this Administrative Circular is hereby enjoined.

June 21, 1993.

(Sgd.) ANDRES R. NARVASA

Chief Justice

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