

SC CIRCULAR NO. 9, May 20, 1987

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ADMINISTRATIVE SUPERVISION OF COURTS

TO :

THE PRESIDING JUSTICES/JUDGES OF THE COURT OF APPEALS, SANDIGANBAYAN, COURT OF TAX APPEALS, REGIONAL TRIAL COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS, SHARI'A DISTRICT COURTS AND SHARI'A CIRCUIT COURTS

SUBJECT: Non-Imposition of the Death Penalty

Section 19(1), Article III of the 1987 Constitution, provides as follows:

"x x x Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. "Any death penalty already imposed shall be reduced to reclusion perpetua."

In line with said Article, the Court En Banc issued a resolution dated April 30, 1987 in Administrative Matter No. 87-5-3173-0, relative to pending cases before the Court wherein the death penalty has been imposed. The full text of said resolution is quoted hereunder, for your information :

"Administrative Matter No. 87-5-3173-0, Re: Abolition of Death Penalty. - The Court took note of the recent decision at the Cabinet Meeting of April 8, 1987 whereby

- The President and the Cabinet agreed to refer the matter of defining "heinous crimes" to Congress;
- The President agreed to issue a statement officially commuting to life imprisonment the sentence of those already imposed with death penalty, in accordance with the letter and spirit of the 1987 Constitution; and
- The President instructed the Secretary of Justice to prepare the necessary documents implementing this pronouncement.'

in consonance with the provision of Section 19(1), Article III of the Constitution.[1]

The Court, since the ratification of the 1987 Constitution, has likewise in its automatic review of all death sentences imposed by the trial courts reduced the death penalty to reclusion perpetua even in those cases where it found the death sentence to have been properly imposed in accordance with the law then in force and the evidence of record.

Considering that by virtue of the foregoing, the death penalty is no longer imposable, and hence there is no longer any need for automatic review of the death penalty imposed in those cases presently under automatic review by the Court[2] , the Court Resolved (1) that notices be given to all the accused in the pending cases before the Court

wherein the death penalty has been imposed, advising said accused that the death penalty imposed upon them has been officially commuted to reclusion perpetua (life imprisonment) by virtue of the abolition of the death penalty under the 1987 Constitution and that with such abolition of the death penalty their cases are no longer subject to automatic review by this Court, and (2) to GRANT said accused a period of thirty (30) days from notice within which to file a written statement, personally signed by them with the assistance of their counsel, stating whether or not they wish to continue with their said cases as an appealed case:

(a) If they file such statement that they wish to continue with this Court's reviewing their conviction as an appealed case, the Court will do so, rendering a judgment of affirmance, modification of the penalty or reversal as may be warranted by the evidence and applicable law, and

(b) If they file a statement that they are satisfied with the judgment of the trial court whose death penalty has now been commuted to reclusion perpetua, or if they fail to file any statement within the 30-day period herein given, the Court will dismiss the case and remand the same to the trial court for execution of judgment."

In consonance with the above-quoted Article of the Constitution and the Court's above-quoted Resolution, the death penalty is no longer imposable now. All judges are, therefore, hereby enjoined, until such time as Congress provides by law for the definition of "heinous crimes" wherein the death penalty may be imposed, to impose only the penalty of reclusion perpetua even it. those cases wherein the Revised Penal Code or other special laws provide for imposition of the death penalty under the circumstances therein defined, since the Constitution has abolished such penalty for now

May 20, 1987.

(Sgd.) CLAUDIO TEEHANKEE

Chief Justice

[1] The pertinent provision reads:

"xxx Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it.

Any death penalty already imposed shall be reduced to reclusion perpetua."

[2] As per the records submitted by the Clerk of Court, the cases pending before the Court wherein the death penalty has been imposed by the trial courts total 258 as of March 31, 1987, broken down as follows:

Submitted for decision

37

Complete briefs already filed but

pending calendaring for deli-

beration

117

Pending filing of briefs

104

Total

258

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