

**ROLANDO PAGDAYAWON, EDDIE SERNADILLA, FILEMON SERRANO,
ALFREDO NARDO, JIMMY JACOB, RAMIL RAYOS, RODERICK
LICAYAN, ROBERTO LARA, ROMEO NAVARETTE, ROLLY
ABULENCIA, SANDY HINTO, CA...**

G.R. No. 154569. September 23, 2002

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-154569/>

PER CURIAM:

At bar is the petition filed by thirty (30)[1] death row inmates which seeks (1) to enjoin the execution of their respective death sentences in view of the possible repeal of laws authorizing the imposition of the death penalty by Congress and (2) a re-examination of RA 76592[2] and RA 81773[3] with the end in view of declaring them unconstitutional.

It is well-settled that the Supreme Court has the power to control the enforcement of its decisions, including the issuance of a temporary restraining order (TRO) to stay the execution of a death sentence which is already final. In the case of *Echegaray vs. Secretary of Justice*[4] this Court, quoting from an early case[5] held that:

“This Supreme Court has repeatedly declared in various decisions, which constitute jurisprudence on the subject, that in criminal cases, after the sentence has been pronounced and the period for reopening the same has elapsed, the court cannot change or alter its judgment, as its jurisdiction has terminated. When in cases of appeal or review the case has been returned thereto for execution, in the event that the judgment has been affirmed, it performs a ministerial duty in issuing the proper order. But it does not follow from this cessation of functions on the part of the court with reference to the ending of the cause that the judicial authority terminates by having then passed completely to the Executive. The particulars of the execution itself, which are certainly not always included in the judgment and writ of execution, in any event are absolutely under the control of the judicial authority, while the executive has no power over the person of the convict except to provide for carrying out of the penalty and to pardon.

Getting down to the solution of the question in the case at bar, which is that of execution of a capital sentence, it must be accepted as a hypothesis that postponement of the date can be requested. There can be no dispute on this point. It is a well-known principle that notwithstanding the order of execution and the executory nature thereof on the date set or at the proper time, the date therefore can be postponed, even in sentences of death. Under the common law this postponement can be ordered in three ways: (1) by command of the King; (2) by discretion (*arbitrio*) of the court; and (3) by mandate of the law. It is sufficient to state this principle of the common law to render impossible that assertion in absolute terms that after the convict has once been placed in jail the trial court can not reopen the case to investigate the facts that show the need for postponement. If one of the ways is by direction of the court, it is acknowledged that even after the date of the execution has been fixed, and notwithstanding the general rule that after the (court) has performed its ministerial duty of ordering the execution ... and its part is ended, if however a circumstance arises that ought to delay the execution, and there is an imperative duty to investigate the emergency and to order a postponement. “(*italics ours*)

However, this Court is of the considered view that the petitioners cannot validly invoke our resolutions in the foregoing case of *Echegaray vs. Secretary of Justice* in support of their application for the issuance of a temporary

restraining order. Certain portions of our Resolution dated January 4, 1999 cited by herein petitioners give the impression that the possibility that Congress might rethink its position on the death penalty appears to be the primordial basis for staying Echegaray's execution. That is certainly no more than an initial impression. A close look at the peculiar circumstances obtaining at that time will put the matter in its proper perspective.

In our subsequent Resolution dated January 19, 1999, we took extra effort to emphasize the fact that Congress was not in session and this Court was on its traditional recess until January 18, 1999 when Echegaray, through counsel, filed his Very Urgent Motion for Issuance of Temporary Restraining Order on December 28, 1998. Hence, on January 4, 1999, moments before his scheduled execution, we issued a temporary restraining order during a special session called by Chief Justice Hilario Davide, Jr. to deliberate on petitioner's very urgent motion. Extreme caution, not haste, had to be taken for fear that any error of the Court in not stopping the execution of the petitioner would preclude any further relief. In other words, time constraints necessitated the issuance of a temporary restraining order in that case.

The mere pendency of a bill in either or both houses of Congress should not per se warrant outright issuance of a temporary restraining order to stay the execution of a death sentence that has become final. In fact, being speculative, it is not and should not be considered as a ground[6] for a stay of a death sentence. While newspaper reports indicate the supposed acquiescence of a number of senators and congressmen to the abolition of the death penalty, such is by no means an assurance that these same legislators will eventually vote for the modification or repeal of the law.

Consequently, the petition for the issuance of a temporary restraining order should be denied.

Regarding the prayer for a re-examination of RA 7659 and RA 8177, suffice it to state that the constitutionality of the said Acts has been amply passed upon by this Court in *People vs. Echegaray*[7] and sustained in the later case of *People vs. Mercado*[8] wherein the following rulings were made:

1. The death penalty is not a "cruel, unjust, excessive or unusual punishment." It is an exercise of the state's power to "secure society against the threatened and actual evil."
2. The offenses for which RA 7659 provides the death penalty satisfy "the element of heinousness" by specifying the circumstances which generally qualify a crime to be punishable by death.
3. RA 7659 provides both procedural and substantial safeguards to insure its correct application.
4. The Constitution does not require that "a positive manifestation in the form of a higher incidence of crime should first be perceived and statistically proven" before the death penalty may be prescribed. Congress is authorized under the Constitution to determine when the elements of heinousness and compelling reasons are present, and the Court would exceed its own authority if it questioned the exercise of such discretion.

Three justices of this Court maintain that RA 7659 is unconstitutional insofar as it prescribes the death penalty; nevertheless, they submit to the majority view that the law is constitutional and that the death penalty can be lawfully imposed.

To be sure, the specific grounds raised by the petitioners in the instant petition, viz., that RA 7659 does not comply with the constitutional requirement of "compelling reasons involving heinous crimes" under Section 19(1) Article III of the 1987 Constitution and that it promotes arbitrariness for lack of objective standards. In determining whether a crime is heinous or not, are a rehash of the arguments already ruled upon by this Court in the two above-cited cases.

Neither does the substantial change in the composition of the Court since the promulgation of *People vs. Muñoz*[9] and *People vs. Echegaray*[10] warrant the re-examination of RA 7659 and RA 8177. The validity or the

constitutionality of a law cannot be made to depend on the individual opinions of the members who compose the Court. The Supreme Court, as an institution, has already determined what the law is (e.g. RA 7659 and RA 8177 are constitutional) in the subject cases and therefore the same remains to be so regardless of any change in its composition. Otherwise, we shall see the specter of the same or similar petition every three or four years as new members are appointed to the Court.

In the meantime, perhaps the remedy lies not in the Supreme Court but in the Office of the President to which any plea for reprieve (or even pardon) ought to be properly addressed.

WHEREFORE, the instant petition is hereby DISMISSED.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Morales, and Callejo, Sr., JJ., concur.

[1] It appears from the Petition that there were 29 petitioners but the same was amended through a manifestation to include Roberto Palero who was inadvertently left out. Rollo, pp. 36-39.

[2] Heinous Crimes Law.

[3] Lethal Injection Law.

[4] G.R. No. 132601, January 4, 1999, 301 SCRA 97, 107-108 [1999] .

[5] Director of Prisons vs. Judge of First Instance, 29 Phil. 267 , 270 [1915] .

[6] For instance, under Article 79 of the Revised Penal Code, A death convict who becomes insane after his final conviction cannot be executed while in a state of insanity. Likewise, Article 83 of the same Code provides that the death sentence shall not be inflicted upon a woman while she is pregnant or within one (1) year after delivery.

[7] 267 SCRA 682 [1997] .

[8] 346 SCRA 256, 273 [2000] .

[9] 170 SCRA 107 [1989] .

[10] 267 SCRA 682 [1997] .

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.