A Critique of *People v. Mateo*

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I. INTRODUCTION

Death penalty, life imprisonment, and *reclusion perpetua* are grave punishments imposed upon a person depriving him of life and liberty. It is due to this reality that the United Nations (UN) adopted human rights standards that specifically apply to those charged with capital crimes. The United Nations Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty[1] requires that capital punishment be only carried out pursuant to a final judgment by a competent court. Further, defendants therein are entitled to adequate legal assistance at all stages of the proceedings, and have the right to appeal to a higher court and the right to seek pardon or commutation of sentence.

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1. Adopted by the UN Economic and Social Council (ECOSOC) in 1984 (Resolution 1984/50) and endorsed by the General Assembly in the same year.

In accordance with the principles of the UN Resolution,[2] the Philippine judicial process provides for an automatic review by the Supreme Court when the sentence of death is imposed. However, in the case of *People v. Mateo*,[3] the Supreme Court set a groundbreaking precedent. It required that a review be conducted by the Court of Appeals before a death penalty case could be elevated to the Supreme Court. The Court elucidated that the new requirement was due to "wise and compelling reasons."[4] The reasons forwarded are the following: (1) a prior determination by the Court of Appeals on, particularly, the factual issues, would minimize the possibility of an error of judgment;[5] (2) cases where the judgment of death have either been modified or vacated consist of an astounding 71.77% of the total of death penalty cases directly elevated before the Supreme Court on automatic review.[6]

The Supreme Court, thus, amended the pertinent provisions of the Revised Rules of Criminal Procedure pursuant to its rule-making power insofar as the latter provide for direct appeals from the Regional Trial Courts to the Supreme Court in cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment.

This Comment shall examine the legal ramifications of the change that the doctrine in *People v. Mateo* brought to fore.

II. FACTS OF THE CASE

In the Regional Trial Court of Tarlac, ten (10) informations, one for each count of rape, were filed by Imelda Mateo against appellant, her common law father, Efren Mateo. The trial ensued following a plea of "not guilty" entered by appellant to all the charges. At the conclusion of the trial, the court *a quo* issued its decision, dated 23 January 2001, finding appellant guilty beyond reasonable doubt of ten (10) counts of rape.

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2. Criminality, Justice and Human Rights, *at* http://web.amnesty.org/library/Index/ENGASA350091997?open& of =ENG-PHIL (last accessed November 4, 2004).
3. People v. Mateo, 433 SCRA 640 (2004).
4. *Id.* at 656.
5. *Id.*
6. *Id.* at 657.

The Supreme Court nonetheless heard the appeal of Efren Mateo due to the discrepancies in the testimony of Imelda Mateo. The Court said that while it is generally sufficient to convict an accused for rape solely on the basis of the victim's testimony as she is the only witness to the incident, in addition to the fact that "the shy and demure character of the typical Filipina would preclude her from fabricating that crime," [7] nevertheless, the testimony must be convincing and straightforward to avoid doubts on the veracity of the account given. Imelda Mateo, according to the Court, had not satisfied this crucial requirement.

The Supreme Court noted that it "has assumed the direct appellate review over all criminal cases in which the penalty imposed is death, *reclusion perpetua* or life imprisonment (or lower but involving offenses committed on the same occasion or arising out of the same occurrence that gave rise to the more serious offense for which the penalty of death, *reclusion perpetua*, or life imprisonment is imposed)." This finds basis in the Constitution which empowers the Court to "review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts … in all criminal cases in which the penalty imposed is *reclusion perpetua* or higher."[8] However, the decision stressed that "the constitutional provision is not preclusive in character, and it does not necessarily prevent the Court, in the exercise of its rule-making power, from adding an intermediate appeal or review in favor of the accused."[9]

The Court took note of the marked absence of unanimity on the crucial point of guilt or innocence of Efren Mateo during the deliberations among the members of the Court; and that this best demonstrates the typical dilemma, *i.e.*, the determination and appreciation of primarily factual matters, which the Supreme Court has had to face in automatic review cases. The decision, thus, held:

> [w]hile the Fundamental Law requires a mandatory review by the Supreme Court of cases where the penalty imposed is *reclusion perpetua*, life imprisonment, or death, nowhere, however, has it proscribed an intermediate review. If only to ensure utmost circumspection before the penalty of death, *reclusion perpetua* or life imprisonment is imposed, the Court now deems it wise and compelling to provide in these cases a review by the Court of Appeals before the case is elevated to the Supreme Court.

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7. *Mateo*, 433 SCRA at 648.
8. PHIL. CONST. art. VIII §5.
9. *Mateo*, 433 SCRA at 655.

> Where life and liberty are at stake, all possible avenues to determine his guilt or innocence must be accorded an accused, and no care in the evaluation of the facts can ever be overdone.
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> In the Supreme Court, the cases where the judgment of death has either been modified or vacated consist of an astounding 71.77% of the total of death penalty cases directly elevated before the Court on automatic review that translates to a total of six hundred fifty-one (651) out of nine hundred seven (907) appellants saved from lethal injection.[10]

The Court justified such pronouncement by citing Section 5, Article VIII of the Constitution which granted to the Court the power to "[p]romulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts...." Further, the Court stated that procedural matters, first and foremost, fall more squarely within the rule-making prerogative of the Supreme Court than the law-making power of Congress. It provided that "the rule of additionally allowing an intermediate review by the Court of Appeals, a subordinate appellate court, before the case is elevated to the Supreme Court on automatic review, is such a procedural matter."[11]

Pursuant to this power, the Supreme Court modified the pertinent provisions of the Revised Rules of Criminal Procedure particularly Sections 3 and 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125, and any other rule insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme Court, in cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment. The resolution of the Supreme Court *en banc*, dated 19 September 1995, in "Internal Rules of the Supreme Court" in cases similarly involving the death penalty was similarly modified.[12]

Accordingly, the Supreme Court remanded the case to the Court of Appeals for appropriate action and disposition.

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10. *Id.* at 656.
11. *Id.* at 657.
12. *Id.* at 658.

III. AUTOMATIC REVIEW DOCTRINE

A. Constitutional Basis of the Supreme Court's Automatic Review of Death Penalty Cases

The automatic and exclusive jurisdiction of the Supreme Court over judgments of lower courts imposing death penalty has been well-entrenched in Philippine Constitutional Law; but even prior to the ratification of the 1935 Constitution, such was already the rule as embodied in Section 50 of General Orders No. 58,[13] as amended:

> The records of all cases in which the death penalty shall have been imposed by any Court of First Instance, whether the defendant shall have appealed or not, and of all cases in which appeals shall have been taken shall be forwarded to the Supreme Court for investigation and judgment as law and justice shall dictate.

It was enshrined in the 1935 Constitution[14] with the intent that the Supreme Court directly review on appeal the final judgments and decrees of inferior courts over criminal cases wherein the penalty imposed is death or life imprisonment.

The 1973 Constitution did not alter the provisions of the 1935 Constitution as to the appellate jurisdiction of the Supreme Court in "all criminal cases in which the penalty imposed is death or life imprisonment."[15]

While the 1987 Constitution amended the minimum review power of the Supreme Court, no substantial change was made. The intent of the

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13. General Orders No. 58 (1900).

14. 1935 PHIL. CONST. art. VIII, § 5 (superseded 1971): The Congress shall have the power to define, prescribe and apportion the jurisdiction of various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, *certiorari*, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in: (1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question; (2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto; (3) All cases in which the jurisdiction of any trial court is in issue; (4) All criminal cases in which the penalty imposed is death or life imprisonment; (5) All cases in which an error or question of law is involved.

15. 1973 PHIL. CONST. art. X, § 5, ¶ 2(d) (superseded 1987).

framers of the present Constitution is for the Supreme Court to have exclusive appellate jurisdiction on all criminal cases imposing a penalty of *reclusion perpetua* or higher, as provided in all laws governing the same.

B. Statutory Basis of Automatic Review

The direct and mandatory review of criminal cases imposing capital punishment is based on a solid statutory foundation built for more than a century. General Orders No. 58[16] primarily established in the Philippines the accusatorial system and likewise provided for the automatic review of death penalty cases.[17] Republic Act No. 296[18] on the other hand, was enacted by the Congress pursuant to its power to define, prescribe, and apportion the jurisdiction of the various courts under the 1935 Constitution. It thus defined the appellate jurisdiction of the Supreme Court as exclusive to "review, revise, reverse, modify or affirm on appeal, certiorari or writ of error: All criminal cases involving offenses for which the penalty imposed is death or life imprisonment...."[19] Thereafter, R.A. No. 5440[20] amended R.A. No. 296 such that the Supreme Court shall have "exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal all criminal cases involving offenses for which the penalty imposed is death or life imprisonment."[21]

This law was further amended by The Judiciary Act of 1980[22] by removing the direct appellate jurisdiction of the Supreme Court over decisions of quasi-judicial agencies of the Government, but retained the exclusive appellate jurisdiction of the Supreme Court over all criminal cases involving offenses for which the penalty imposed is death or life imprisonment.

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16. General Orders No. 58 (1900).
17. United States v. Samio, 3 Phil. 691 (1904).
18. The Judiciary Act of 1948, Republic Act No. 296 (1948).
19. *Id.* §17(4).
20. An Act Amending Sections Nine and Seventeen of the Judiciary Act of 1948, Republic Act No. 5440 (1968).
21. *Id.* §17(1).
22. An Act Reorganizing the Judiciary, Appropriating Funds Therefore and for Other Purposes, Batas Pambansa Blg. 129 (1981).

The Legislature also specifically enacted a R.A. No. 52[23] whereby the Supreme Court shall review the Court of Appeals' decisions when the latter imposes a penalty higher than *reclusion perpetua* or life imprisonment, reversing a judgment rendered by the Regional Trial Court imposing a penalty of *reclusion perpetua* or life imprisonment. The Revised Administrative Code[24] as amended by R.A. No. 52 reads:

> [W]herever in any criminal case submitted to a division the said division should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal.[25]

After the death penalty was abolished by the 1987 Constitution, former Pres. Fidel V. Ramos reinstated it by signing into law R.A. No. 7659,[26] restoring the same on 13 crimes. Section 22 of this law amended the Revised Penal Code by providing for an automatic review by the Supreme Court of all criminal cases in which death penalty is imposed.[27]

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23. An Act to Repeal Executive Order No. Thirty-seven, dated the Tenth of March, Nineteen Hundred and Forty-Five, and to Revive with Certain Amendments, Section One Hundred Forty-Five-A to One Hundred Forty-Five – Q of the Revised Administrative Code as herein amended, so as to Recreate the Court of Appeals (1946).

24. An Act Amending the Administrative Code [REVISED ADMINISTRATIVE CODE].

25. REVISED ADMINISTRATIVE CODE, § 145-K.

26. An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, and for Other Purposes, Republic Act No. 7659 (1993).

27. An Act Revising the Penal Code and Other Penal Laws (1930) [REVISED PENAL CODE] art. 47 provides: The death penalty shall be imposed in all cases in which it must be imposed under existing laws, except when the guilty person is below eighteen (18) years of age at the time of the commission of the crime or is more than seventy years of age or when upon appeal or automatic review of the case by the Supreme Court, the required majority vote is not obtained for the imposition of the death penalty, in which cases the penalty shall be *reclusion perpetua.* In all cases where the death penalty is imposed by the trial court, the *records shall be forwarded to the Supreme Court for automatic review* and judgment by the Court *en banc*, within twenty (20) days but not earlier than fifteen (15) days after promulgation of the judgment or notice of denial of any motion for new trial or reconsideration. The transcript shall also be forwarded

An inference can then be made that Congress recognized the importance of automatic review as exercised by the Supreme Court. The Legislature considers this process necessary for the protection of the rights of an accused facing capital punishment by incorporating it into the Revised Penal Code, a primarily substantive statute. The inescapable reason for this mode of review is the expeditious disposition of the criminal case. A delay in the finality of the case would prolong the mental anguish of the accused.[28]

C. Jurisprudence on Automatic Review

The Supreme Court has consistently construed the automatic review doctrine as requiring a direct review of both questions of fact and law. The Court does not appreciably deviate from the policies laid down by the Legislative branch on the constitutional mandate with regard to the appellate jurisdiction of the Supreme Court.

United States v. Laguna[29] has set the precedent on the matter by ruling that the review of the Court is necessary for the finality of the lower court's judgment.[30] The case also held that the object of the automatic review by

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within ten (10) days from the filing thereof by the stenographic reporter. (Emphasis supplied.)

28. Criminality, Justice and Human Rights, *at* http://web.amnesty.org/library/Index/ENGASA350091997?open& of =ENG-PHIL (last accessed November 4, 2004) ("As aptly described during the debates of the 1986 Constitutional Commission by one Bishop recalling a former parishioner who had been erroneously sentenced to death for rape before being acquitted by the Supreme Court:...just the thought that he was going to be electrocuted, that he was among the dumb, so to speak, was such a terrible torment, not only for him but to his family. It was probably like dying two times, and when you consider his family, the death that they die, dying many times for something which proved in the end to be wrong.").

29. United States v. Laguna, 17 Phil. 532 (1910).

30. *Id.* at 537-538 ("It is apparent from these provisions that the judgment of conviction and sentence thereunder by the trial court does not, in reality, conclude the trial of the accused. Such trial is not terminated until the Supreme Court has reviewed the facts and the law as applied thereto by the court below. The judgment of conviction entered on the trial is not final, cannot be executed, and is wholly without force or effect until the cause has been passed upon by the Supreme Court.").

the Supreme Court is simply and solely for the protection of the accused.[31] Having received the highest penalty, the accused is entitled under the law to have the highest Court of the land review the sentence and all the facts and circumstances upon which the penalty is founded. The main purpose is for its justice and legality to be conclusively determined. Since such procedure is merciful, neither the courts nor the accused can waive it.[32] In placing great emphasis on the direct review of the highest Court on death penalty cases, the Supreme Court should rule *en banc*[33] as an additional safeguard to the right of an accused to life and liberty.

With regard to decisions of the Court of Appeals imposing *reclusion perpetua* or higher, the rule is clear that after the discussion of the evidence and the law involved, it must render a judgment imposing the penalty, but it must refrain from entering judgment and forthwith certify the case and elevate the entire record of the case to the Supreme Court for review.[34] The procedure is, thus, the same as when the Regional Trial Court imposes the penalty.

A relatively recent and interesting case is *People v. Veneracion*[35] describing the provision on automatic review by the Supreme Court as serving "equally the interests of both the defense and the prosecution through protective features established by case law."[36] Even if the latter had unnecessarily appealed from the judgment imposing the penalty of death and he thereafter withdraws his appeal, the automatic review of the case shall nonetheless

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31. The favorable nature of automatic review by the Supreme Court on the part of the accused is bolstered by the case of People v. Bocar, etc., and Castelo, 97 Phil. 398 (1955). In this case, the Court ruled that "the whole purpose of the automatic review is to find and correct errors committed by the trial court against the accused such as finding him guilty of a crime deserving the death penalty when in fact the offense committed was less serious, or a finding against him of the existence of aggravating circumstances or a qualifying circumstance, not supported by the record."

32. *Laguna*, 17 Phil. at 540.

33. R.A. No. 296 § 9: "The presence of six Justices shall be necessary to constitute a quorum except when the judgment of the lower court imposes the death penalty, in which case the presence of eight Justices shall be necessary to constitute a quorum until such time as the requisite number shall be present."

34. People v. Esparcia, 187 SCRA 282 (1990).

35. People v. Veneracion, 249 SCRA 244 (1995).

36. *Id.* at 258.

proceed, albeit without the benefit of briefs or arguments from the accused.[37] In addition, the Supreme Court held that the automatic review of the case shall proceed even if the death convict shall escape.[38]

It is to be noted that these are not granted to the accused in an ordinary appeal to the Supreme Court.

The rulings of the United States Supreme Court are no different from the rulings of the Philippine Supreme Court.[39] The automatic review doctrine in the United States is best illustrated by the leading case of *Gregg v. Georgia*.[40] The case involves the constitutionality of a Georgia statute which was amended to comply with the *Furman v. Georgia*[41] decision.[42] Capital trials in Georgia had two steps. First, the jury would consider whether the accused committed a capital felony. The jury then moves to the penalty phase, where it has to find that the capital felony committed was accompanied by one of the listed aggravating circumstances, and then considers whether there were mitigating circumstances.[43] In addition to this conventional appellate process available in all cases, provision is made for

37. People v. Villanueva, 93 Phil. 927, 931 (1953).

38. People v. Vallente, 144 SCRA 495, 499 (1986).

39. Death Penalty in the United States, http://www.amb-usa.fr/irc/political/DeathP.htm (last accessed Nov. 4, 2004), stating that thirty-seven (37) states with capital punishment statutes at the end of 2002, thirty-six (36) provided for automatic review of all death sentences.

40. Gregg v. Georgia, 428 U.S. 153 (1976).

41. Furman v. Georgia, 408 U.S. 238 (1972). In this case, the United States Supreme Court held that "the imposition of the death sentence under Texas (and Georgia) statutes constituted cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments because under such statutes the juries had untrammeled discretion to impose or withhold the death penalty."

42. The companion cases of Gregg v. Georgia are Proffitt v. Florida, 428 U.S. 242 (1976) and Jurek v. Texas, 428 U.S. 262 (1976). These cases also involve state statutes that inflict death penalty and provide for automatic review of a death sentence. In *Proffitt*, the Florida statute provides for automatic review by the Supreme Court of Florida to ensure that similar results are reached in similar cases while in *Jurek*, the Texas statute requires an expedited review on appeal of all death sentences. It can then be seen from these cases that the purposes of automatic review by the highest Tribunal in a state are for the prompt disposition of appeals and the protection of the accused against arbitrary judgment in the trial court.

43. MARK TUSHNET, CONSTITUTIONAL ISSUES: THE DEATH PENALTY 60 (1994).

special expedited direct review by the Supreme Court of Georgia of the appropriateness of imposing the sentence of death in the particular case.[44] The automatic appeal to the State's Supreme Court under Georgia statutory scheme is an important additional safeguard against arbitrariness and caprice.[45]

Consequently, *State of Oregon v. Quinn,*[46] an American case, would have indubitably resolved the principal issue in the *Mateo* case. The case involves an appeal by the defendant to the Court of Appeals from a sentence of death imposed by the trial court. The Court of Appeals dismissed the appeal on the ground that it had no jurisdiction because Oregon Revised Statutes 163.116 (5) provided for automatic review by the Supreme Court as the sole means of appeal in such a case. The issue involved is whether, in addition to automatic Supreme Court review, a defendant sentenced to death is entitled to an appeal to the Court of Appeals and discretionary Supreme Court review under the general appeal statutes.[47] The Supreme Court examined the wording of ORS 163.116 (5), which reads:

> The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court within 60 days after certification of the entire record by the sentencing court, unless an additional period not exceeding 30 days is extended by the Supreme Court for good cause. The review by the Supreme Court shall have priority over all other cases, and shall be heard in accordance with rules promulgated by the Supreme Court.[48]

The Court held that the provision contained no words implying that the Supreme Court's review is a review of the Court of Appeal's decision rather than the judgment of the trial court. Nor does the law imply that the Supreme Court review is to duplicate an appeal to the Court of Appeals either simultaneously or thereafter. Moreover, the provision mandates direct review of capital cases by the Supreme Court within 60 or 90 days from certification of the record. This time limitation for appeals which are likely to be comprehensive and difficult is stringent for review by one court and utterly impracticable for a two-level appeal.[49] The highest Court, thus,

44. *Gregg,* 428 U.S. at 166.

45. *Id.* at 198.

46. State of Oregon v. Quinn, No. C 79-02-30576 (1980).

47. *Id.* at 412.

48. *Id.* at 413 *citing* Oregon Revised Statutes 163,116 (5).

49. *Id.*

followed the intent and spirit of the state legislature which is to provide for one complete and expeditious appellate review in the court of last resort.

IV. THE RULE-MAKING POWER OF THE SUPREME COURT

The *Mateo* case invoked the rule-making power of the Supreme Court in amending the pertinent provisions of the Revised Rules of Criminal Procedure[50] insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme Court in cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment, and the Internal Rules of the Supreme Court in cases similarly involving the death penalty. This power is vested by Section 5 Article VIII of the 1987 Constitution which provides:

> Section 5. The Supreme Court shall have the following powers:
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> (5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

Such is auxiliary to the Supreme Court's broad judicial power. It is also a traditional power of the Supreme Court[51] as in fact, the 1935[52] and 1973[53] Constitutions vests such into the Supreme Court's rule-making power.

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50. *See* RULES ON CIVIL PROCEDURE Rule 45, Rule 57 and Rule 65 on the jurisdiction and modes of appeal to the Supreme Court.

51. JOAQUIN G. BERNAS, THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY 969 (2003).

52. 1935 PHIL CONST. art. VIII, § 13 (superseded 1971): "The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same."

53. 1973 PHIL CONST. art. X, § 5(5) (superseded 1987): "Promulgate rules concerning pleading, practice, and procedure in all courts, the admission to the practice of law, and the integration of the bar, which, however, may be

However while this is the case, its grant of power is not without limitations. The Supreme Court must "provide a simplified and inexpensive procedure for the speedy disposition of cases;"[54] such rules must be "uniform for all courts of the same grade;"[55] and that they "shall not diminish, increase, or modify substantive rights."[56]

The last-mentioned limitation concerns the principal controversy regarding the rule-making power of the Supreme Court as it focuses on the issue that the exercise of the authority touches substantive rights, contrary to the third limitation of the constitutional grant. It is thus necessary to understand the distinction between substantive and procedural rights. The Supreme Court attempts to delineate the boundary between the two but a review of jurisprudence shows that the Court failed to clarify the concept. In the case of *Bustos v. Lucero*,[57] a landmark decision on the matter, stated,

> As applied to criminal law, substantive law is that which declares what acts are crimes and prescribes the punishment for committing them, as distinguished from the procedural law which provides or regulates the steps by which one who commits a crime is to be punished.[58]

The Court, however, made the twin concepts ambiguous by adding:

> *It is difficult to draw a line in any particular case beyond which legislative power over remedy and procedure can pass without touching upon the substantive rights of parties affected, as it is impossible to fix that boundary by general condition.* This being so, it is inevitable that the Supreme Court in making rules should step on substantive rights, and the Constitution must be presumed to tolerate if not to expect such incursion as does not affect the accused in a harsh and arbitrary manner or deprive him of a defense, but operates only in a limited and substantial manner to his disadvantage. [59]

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repealed, altered or supplemented by the Batasang Pambansa. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights."

54. PHIL CONST. art VIII, § 5, ¶ 5.

55. PHIL CONST. art VIII, § 5, ¶ 5.

56. BERNAS, *supra* note 51.

57. Bustos v. Lucero, 81 Phil. 640 (1948).

58. *Id.* at 650.

59. *Id.* at 652 *citing* State v. Pavelick, 279 P. 1102 (emphasis supplied).

Thus, the Supreme Court recognized the impossibility of drawing a line between substantive and procedural rights. The case of automatic review presents a challenge to the application of the concept since the framers of the Constitution, the Congress and even the Supreme Court has been united for more than a century in holding that the special right of appeal granted to the accused facing the capital punishment can be considered a substantive right.

The Supreme Court has exercised its rule-making power in many instances. And in such instances the rule-making power has been liberally construed by the Supreme Court as can be seen from the cases of *First Lepanto Ceramics, Inc. v. Court of Appeals*,[60] *Fabian v. Desierto*,[61] *St. Martin Funeral Homes v. NLRC*.[62] Such liberal construction on the rule-making

60. First Lepanto Ceramics, Inc. v. Court of Appeals, 231 SCRA 30 (1994). This case involved the conflicting provisions of Executive Order No. 226 and Supreme Court Circular No. 1-91. The Executive Order provides for direct appeal to the Supreme Court of decisions rendered by the Board of Investments (BOI), a quasi-judicial agency, while the Circular requires an intermediate appeal of decisions of any quasi-judicial agency to the Court of Appeals. The Supreme Court held that "the question of where and in what manner appeals from decisions of the BOI should be brought pertains only to procedure or the method of enforcing the substantive right to appeal granted by E.O. 226." Consequently, the Court said that "Circular 1-91 effectively repealed or modified Article 82 of E.O. 226 as the Circular is a proper exercise of its rule-making power." The case, nevertheless, recognized that the Supreme Court entertains ordinary appeals only from decisions of the Regional Trial Courts in criminal cases where the penalty imposed is *reclusion perpetua* or higher.

61. Fabian v. Desierto, 295 SCRA 470 (1998). Here, the Court held that Section 27 of Republic Act No. 6770 providing that decisions of the Office of the Ombudsman may be appealed to the Supreme Court is invalid for contravening Section 1 of Rule 45 of the 1997 Rules of Civil Procedure and Article VI, Section 30 of the 1987 Constitution. Furthermore, the opinion said: "...a transfer by the Supreme Court, in the exercise of its rule-making power, of pending cases involving a review of decisions of the Office of the Ombudsman in administrative disciplinary actions to the Court of Appeals which shall now be vested with exclusive appellate jurisdiction thereover, relates to procedure only."

62. St. Martin Funeral Homes v. NLRC, 295 SCRA 494 (1998). This case shows the considerable extent of the Supreme Court's rule-making power. The Court therein ruled that "since there is no provision for appeals from the decision of the National Labor Relations Commission under the Labor Code and the intent of the Judiciary Reorganization Act of 1980 is to confine the jurisdiction of the

power of the Supreme Court must not be taken as a blanket rule to apply in all instances as liberality must conform to constitutionality. The power is only granted and thereby limited by the Philippine Constitution. It is likewise worth noting that the cases which showcased such liberal application of the Supreme Court's rule making power does not rule out the possibility that the direct and automatic review by the Supreme Court of death sentences imposed by the lower court is not a purely procedural matter as the above rulings are also based on unconstitutionality of the statute under consideration or violations of provisions and intent of the law such as the Judiciary Reorganization Act of 1980.

V. ANALYSIS

A. The Review of Sandiganbayan Decisions

People v. Mateo specifically applies to decisions of the Regional Trial Court in all criminal cases in which the penalty imposed is *reclusion perpetua* or higher. However, the Supreme Court in *Mateo* failed to take into consideration the fact that the Sandiganbayan also has authority to inflict the penalty of death and life imprisonment on government officials and private individuals, especially in case of conviction for economic plunder.[63] It must be stressed that the Rules of Court promulgated by the Supreme Court apply to all cases and proceedings filed with the Sandiganbayan[64] and the *Mateo* decision would then imply that the decisions of the Sandiganbayan shall be reviewable by the Court of Appeals. Put differently, a literal application of the *Mateo* case to death sentences imposed by the Sandiganbayan would require an intermediate review by the Court of Appeals. This is in violation of Presidential Decree No. 1606[65] and the 1987 Constitution as a court

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Supreme Court over labor cases only to special civil actions for *certiorari*, all labor cases decided by the NLRC should initially be filed in the Court of Appeals."

63. An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the Purpose Presidential Decree No. 1606, as Amended, Providing Funds Therefor, and for Other Purposes, Republic Act No. 8249 (1997).

64. An Act to Strengthen the Functional and Structural Organization of the Sandiganbayan, Amending for that Purpose Presidential Decree No. 1606 § 9, as amended by Republic Act. 7975, § 4.

65. Revising Presidential Decree No. 1486 Creating a Special Court to be known as Sandiganbayan and for other purposes, Presidential Decree No. 1606 (1978).

cannot review cases coming from a co-equal court[66] like the Sandiganbayan *vis-á-vis* the Court of Appeals. The specific provision of law violated is Section 7 of P.D. No. 1606 as amended by R.A. No. 8249 governing the appellate review of Sandiganbayan decisions. It reads:

> Decisions and final orders of the Sandiganbayan shall be appealable to the Supreme Court by petition for review on *certiorari* raising pure questions of law in accordance with Rule 45 of the Rules of Court. *Whenever, in any case decided by the Sandiganbayan, the penalty of reclusion perpetua, life imprisonment or death is imposed, the decision shall be appealable to the Supreme Court in the manner prescribed in the Rules of Court.*
>
> Judgments and orders of the Sandiganbayan shall be executed and enforced in the manner provided by law.
>
> Decisions and final orders of other courts in cases cognizable by said courts under this decree as well as those rendered by them in the exercise of their appellate jurisdiction shall be appealable to, or be reviewable by, the Sandiganbayan in the manner provided by Rule 122 of the Rules of Court.
>
> In case, however, the imposed penalty by the Sandiganbayan or the Regional Trial Court, in the proper exercise of their respective jurisdiction, is death, *review by the Supreme Court shall be automatic*, whether or not the accused filed an appeal.[67]

This section of the law has not been amended. The provision is contemplated by Section 4, Article X of the Constitution: "[t]he present anti-graft court known as the Sandiganbayan shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law." As the Rules of Court is expressly modified by the *Mateo* decision, thus, the decisions of the Sandiganbayan shall likewise be affected as Section 7 of P.D. 1606 provides, "... in the manner prescribed in the Rules of Court."

B. The Equal Protection Clause

Even assuming *arguendo* that the review of Sandiganbayan decisions inflicting *reclusion perpetua* or higher still falls exclusively within the jurisdiction of the

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66. P.D. 1606, § 1: "A special court, *of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice*, to be known as the Sandiganbayan is hereby created composed of a Presiding Justice and eight Associate Justices who shall be appointed by the President." (Emphasis supplied.)

67. Emphasis supplied.

Supreme Court, such interpretation creates a possible violation of the equal protection clause under the Constitution. The ground for the objection is hinged upon the resulting stricter mode of review on the part of individuals convicted by the Regional Trial Court *vis-à-vis* those convicted by the Sandiganbayan. If the *Mateo* case only applies to convictions of death sentences from decisions of the Regional Trial Court, two levels of appellate review will be made available to the accused, unlike in the Sandiganbayan which grants only one level of review. A discussion of the equal protection clause is thus appropriate.

The guarantee is immortalized by Section 1 Article III of the Constitution which provides that "[n]o person shall be deprived of life, liberty or property without the due process of law, *nor shall any person be denied the equal protection of the laws.*"[68] According to a long line of Supreme Court decisions, equal protection simply requires that all persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed.[69]

Using this basic test for compliance with the equal protection clause and applying it to the *Mateo* case, it can be argued that the decision contravenes the guarantee. The subsequent modification of the Rules of Court will result in an unequal grant of rights between an accused convicted by the Regional Trial Court and a public official or private individual convicted by the Sandiganbayan.

The Legislature is allowed to classify the subject of legislation because the Constitution only requires equality among equals.[70] This classification must be reasonable, so it must conform to the following requirements: (1) it must be based upon substantial distinctions; (2) it must be germane to the purposes of the law; (3) it must not be limited to existing conditions only; and (4) it must apply equally to all members of the class.[71]

One may argue that public officers fall under a different classification as it was held by the Supreme Court in *Nuñez v. Sandiganbayan*.[72] Here, the Court held that public officers and private citizens subject to the jurisdiction of the Sandiganbayan are justifiably given distinct treatment as to the right to

68. Emphasis supplied.

69. Ichong v. Hernandez, 101 Phil. 1155 (1957).

70. ISAGANI A. CRUZ, CONSTITUTIONAL LAW 126 (2000).

71. People v. Cayat, 68 Phil. 12 (1939).

72. Nuñez v. Sandiganbayan, 111 SCRA 433 (1982).

appeal.[73] The Court reasoned out that the constitutional command mandating the creation of the special court in recognition of the pervasiveness of crime in public office was itself authority for making a distinction between prosecution for dishonesty in public service and prosecution for crimes not connected with public service.[74]

Nevertheless, the ruling in *Nuñez* is not consistent with the repercussions of the *Mateo* decision because prior to it, the extent of review of criminal cases that imposed the penalty of *reclusion perpetua,* life imprisonment or death was the same regardless of the court which rendered the decision, whether it be the Regional Trial Court, the Court of Appeals or the Sandiganbayan. The law, thus, did not classify the review of these types of criminal cases.

The *Mateo* decision, however, abolishes the non-classification of the law with regard to capital cases by adding another level of review only to decisions rendered by the Regional Trial Court imposing *reclusion perpetua,* life imprisonment or death. This is impermissible under the equal protection clause since the classification is not based upon substantial distinctions. As stated, persons facing the penalty of death, *reclusion perpetua* or life imprisonment are considered as a class by the law to which there are no substantial distinctions regardless of whether the Regional Trial Court, Court of Appeals or Sandiganbayan imposed such penalties.

The other ground for invalidating the classification in the *Mateo* case is its violation of the fourth requisite for valid classification: it does not apply to all members of the same class. The legislature and the framers of the past and present Constitutions have considered persons facing permanent deprivation of life or liberty as a class by itself negating the Supreme Court's power to arbitrarily abolish the like treatment of subjects in this class without violating the equal protection clause.

VI. SUPREME COURT'S GRAVE ABUSE OF RULE-MAKING POWER

In drastically changing the law and settled jurisprudence on automatic and direct review of decisions of lower courts imposing *reclusion perpetua*, life imprisonment or death, the Supreme Court forwarded its rule-making power as justification. After examining the automatic review doctrine, jurisdiction of the Sandiganbayan, equal protection clause and the extent of

73. *Id.* at 446.

74. *Id.* at 445.

the highest court's rule-making power, the author believes that the Supreme Court abused its power to amend procedural rules.

Initially, the construction of the constitutional provision on automatic review is necessary due to the ambiguity brought about by the opinion in *Mateo* that the provision is permissive which does not proscribe a prior review by the Court of Appeals. The primary source from which to ascertain constitutional intent or purpose is the language of the Constitution itself. The presumption is that the words with which the constitutional provisions are couched express the objective sought to be attained.[75] Applying this rule, it is apparent that the language of the Constitution requires direct appeal to the Supreme Court. The Constitution provides that:

> The Supreme Court shall have the following powers:
>
> x x x
>
> (2) Review, revise, reverse, modify, or affirm on appeal or *certiorari*, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:
>
> x x x
>
> (d) All criminal cases in which the penalty imposed is *reclusion perpetua* or higher. [76]

While the provision speaks of "power" to review, the Constitution, nonetheless, uses the adjectival phrase "shall have," obviously to emphasize not only the *mandatory nature of the conferment of the power* but also that the exercise thereof is obligatory. The "review" power vested in the Supreme Court is so comprehensive as it includes *revision, reversal, modification* or *affirmance* of a lower court's final judgment or order. The phrases "final judgments or orders of lower courts" and "the penalty imposed" should be accorded capital significance. These phrases are crystal-clear.

Lower courts include the Regional Trial Court, the Court of Appeals and the Sandiganbayan since the Constitution provides in part: "The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law."[77] Consequently, when the Regional Trial Court renders a judgment imposing *reclusion perpetua* or higher, the Supreme

75. J.M. Tuason & Co., Inc. v. Land Tenure Administration, 31 SCRA 413 (1970).

76. PHIL. CONST., art. VIII §5 ¶ 2(d).

77. PHIL. CONST., art. VIII §1 ¶ 1.

Court must directly review it on appeal without an intermediate review by the Court of Appeals. No other interpretation can be made from the constitutional provision.

Although the Constitution provides that review may be made "as the law or the Rules of Court may provide,"[78] there appears to be no requirement that the same must be done in a piecemeal or staircase style. To do so will not be in keeping with the constitutional purpose that the process shall be "simplified and inexpensive" in order to speed up the disposition of cases.

Even assuming for the sake of argument that the constitutional intent does not appear in the wording of the provision on automatic review, the proceedings of the 1934 to 1935 Constitutional Convention and the 1986 Constitutional Commission confirm the direct appellate review by the highest Court of the land.

Contemporaneous construction of specific constitutional provisions by the Legislative department, especially if long continued, may also be resorted to resolve ambiguities.[79] As regards the provision under consideration, the Philippine legislature construed it as vesting into the Supreme Court *exclusive* jurisdiction over decisions of lower courts imposing the penalty of *reclusion perpetua*, life imprisonment or death. Varying the language of this provision only to the extent necessary to carry out its intention, the Congress under the first subdivision of the third paragraph of Section 17 of the Judiciary Act of 1948 made exclusive the appellate jurisdiction of the Supreme Court, in the following words:

> The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm on appeal as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in –
>
> (1) All criminal cases involving offenses for which the penalty imposed is death or life imprisonment;

The constitutional duty of the Supreme Court to review the specific type of lower court decisions was thus given contemporaneous construction by the Philippines Congress. Subsequent amendments to the Judiciary Act of 1948,

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78. PHIL. CONST., art. VIII §5 ¶ 2.

79. Roman Catholic Apostolic Administration of Davao, Inc. v. Land Registration Commission, 102 Phil. 596 (1957).

specifically the Judiciary Reorganization Act of 1980 and R.A. No. 5440, maintained the legislative construction so it is entitled to great weight.

Law and judicial rulings existing before the ratification of the Constitution by the Filipino people are also an extrinsic aid in constitutional construction. Courts are bound to presume that the people adopting a constitution are familiar with the previous and existing laws and judicial doctrines upon the subjects to which they express their judgment and opinion in its adoption.[80] In the case of the 1935 Constitution, the construction of the provision therein on the direct appellate review by the Supreme Court should take into consideration the well-settled operation of laws and jurisprudence rulings on automatic review such as General Orders No. 58 and the case of *United States v. Laguna*.[81] The application of these precedents unequivocally acknowledges the exclusive appellate jurisdiction of the Supreme Court over decisions rendered by inferior courts imposing the penalty of *reclusion perpetua,* life imprisonment, or death.

The absence of any substantial change in the phraseology of the constitutional provision indicates the reenactment in the new Constitution of the old provisions of the 1935 and 1973 Constitution. This is a recognition that the framers did not intend a change in meaning, and if the old provision had previously received a judicial construction from the highest Court of the land, it is presumed that such construction has been adopted by the framers as integral part of the reenacted provision.[82] Indeed, the language of Section 5(2) Article VIII of the 1987 Constitution is substantially unchanged since the 1935 Constitution and the framers did in fact took into consideration the previous judicial construction of the old provisions. And where a constitutional provision is susceptible of more than one interpretation, that construction which would lead to absurd, impossible or mischievous consequences must be rejected.[83] In the *Mateo* case, the Supreme Court construed the constitutional provision on its exclusive appellate jurisdiction as permissive so much so that the Court of Appeals could also review the decision of the Regional Trial Court when the latter imposes the penalty of *reclusion perpetua* or higher. The consequence of this construction is absurd and impractical because such a procedure will only result in a duplication of review as both the Supreme Court and the Court

80. RUBEN E. AGPALO, STATUTORY CONSTRUCTION 451 (2003).

81. United States v. Laguna, 17 Phil. 532 (1910).

82. Montelibano v. Ferrer, 97 Phil. 228 (1955).

83. Marcelino v. Cruz, 121 SCRA 51 (1983).

of Appeals review both the questions of fact and law of the criminal case. This is different from ordinary criminal and civil cases wherein the Supreme Court only reviews questions of law on petitions for review on *certiorari* under Rule 45[84] of the Rules of Court; while the Court of Appeals reviews questions of fact, mixed questions of fact and law, or question of law on appeal by petition for review under Rules 42 and 43 of the Rules of Court.

Further, the repetitious and unnecessary intermediate review of the Court of Appeals is highlighted by the fact that the two highest Courts do not have the capacity to observe the demeanor of witnesses presented in the trial court. In *People v. Bocar and Castelo*,[85] "the rule is that the Supreme Court will not interfere with the judgment of the lower court in passing upon the credibility of the opposing witnesses unless *there appears in the record some fact or circumstances of weight and influence* which has been overlooked or the significance of which has been misinterpreted."[86] On the other hand, "the trial judge is not a party in the automatic review, and any effort on his part to inform the high Court of his doubts and of his conviction that he had erred in according credibility to an important witness for the prosecution would be regarded as mere meddling and officious interference."[87]

A careful reading of the *Mateo* opinion reveals that the "automatic" review of facts by the Supreme Court of a decision of the Court of Appeals in the latter's exercise of intermediate review of criminal cases under consideration contradicts itself. According to *Mateo*, "If the Court of Appeals should affirm the penalty of death, *reclusion perpetua* or life imprisonment, it could then render judgment imposing the corresponding penalty as the circumstances so warrant, refrain from entering judgment and elevate the entire records of the case to the Supreme Court for its final disposition."[88] Hence, the Supreme Court stated: "In this instance, then, the Supreme Court may exercise its *exclusive appellate jurisdiction* over all cases

84. RULES ON CIVIL PROCEDURE (1997) Rule 45, §1: Filing of petition with Supreme Court. – A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court, a verified petition for review on *certioran.* The petition shall raise only questions of law which must be distinctly set forth.

85. People v. Bocar and Castelo, 97 Phil. 398 (1955).

86. *Id.* at 407.

87. *Id.* at 407-408.

88. People v. Mateo, 433 SCRA at 656 (2004).

where the penalty of death, *reclusion perpetua* or life imprisonment is imposed by lower courts, under applicable laws like Republic Act No. 296 and B.P. Blg. 129."[89] Exclusive jurisdiction, as defined, means confinement to a particular tribunal or grade of courts and possessed by it to the exclusion of all others.[90] Using this definition, the Supreme Court cannot concurrently exercise appellate jurisdiction with the Court of Appeals on decision of lower courts, specifically the Regional Trial Courts, inflicting sentences higher than *reclusion perpetua.* The Supreme Court cannot alter its exclusive jurisdiction because of the rudimentary rule that jurisdiction is conferred by the sovereign authority which organizes the court.[91] Article VIII, Section 2 of the 1987 Constitution then provides: "The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5."

The foregoing analysis aided by the rules on constitutional construction of the provision of the 1987 Constitution pertaining to review of special criminal cases indubitably establishes that the Supreme Court cannot allow an intermediate review by the Court of Appeals.

The reasons forwarded by the Supreme Court in providing for the two-level appeal can also be debunked. First is that the prior determination by the Court of Appeals primarily on factual issues would minimize the possibility of an error of judgment which is said to be favorable to the accused. The author believes that the modified mode of review is prejudicial to the interests of the accused because a review of facts by two appellate courts will result in intolerable delay in the final disposition of the criminal case. In an attempt of the Supreme Court to unclog its dockets, the Court's decision in *Mateo* will be an additional burden to the Court of Appeals, which already reviews all decisions of quasi-judicial agencies. It is of public notice that the disposition of a case by the Court of Appeals usually takes a year or even longer. In addition, the review of the Court of Appeals is only by a division of three Justices,[92] unlike the review of the Supreme

89. *Id.*

90. JOSE Y. FERIA & MARIA CONCEPTION S. NOCHE, CIVIL PROCEDURE ANNOTATED 131 (2001).

91. U.S. v. Dela Santa, 9 Phil. 22 (1907).

92. An Act Reorganizing the Judiciary, Appropriating Funds Therefore and for Other Purposes, Batas Pambansa Blg. 129 § 4, as amended by Republic Act No. 8246 § 2.

Court in capital sentences which is e*n banc*, as required by R.A. No. 7659 and Resolution of the Court *En Banc* dated November 18, 1993.

The second reason forwarded by the Court is based on the fact that the cases where the judgment of death has either been modified or vacated consist of an astounding 71.77% of the total of death penalty cases directly elevated before the Supreme Court on automatic review.[93] Plain statistics, however, cannot stand against the right of the accused to an expeditious appeal. The statistics only show the importance of the automatic and direct review of capital sentences.

An examination of the dispositive portion of the *Mateo* case also discloses that it only modified the following rules:

> Pertinent provisions of the Revised Rules of Criminal Procedure, more particularly Section 3 and Section 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125, and any other rule insofar as they provide for direct appeals from the Regional Trial Courts to the Supreme Court in cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment, as well as the resolution of the Supreme Court en banc, dated 19 September 1995, in "Internal Rules of the Supreme Court" in cases similarly involving the death penalty.[94]

The Supreme Court in the decision, therefore, failed to repeal the existing provisions of various statutes requiring automatic and direct appeal to the Court in capital cases, such as Section 17 of the Judiciary Act of 1948 and Article 47 of the Revised Penal Code, as amended by R.A. No. 7659. Hence, the *Mateo* case will result in a conflict between rules of procedure and laws enacted by the Legislature. Even assuming that the Supreme Court impliedly amended the pertinent laws, amendment by implication is neither presumed nor favored.[95] Also, the Supreme Court, in the exercise of its rule-making power or of its power to interpret the law, has no authority to amend or change the law, such authority being the exclusive authority of the Legislature.[96] Lastly, the Supreme Court itself held in *People v. Reyes*[97] that "it is not for this Court, by judicial legislation, to amend the pertinent

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93. People v. Mateo, 433 SCRA at 656 (2004).

94. *Id.* at 658.

95. People v. Olarte, 108 Phil 651 (1950).

96. Philippine National Bank v. Asuncion, 80 SCRA 321 (1977).

97. People v. Reyes, 212 SCRA 402 (1992).

provisions of the Revised Penal Code, much less the Constitution."[98] The stand of the author is that the *Mateo* decision not only amended the laws promulgated by the legislature but also the 1987 Constitution by allowing the Court of Appeals to conduct an intermediate review.

The contention that parts of statutes which deal with procedural aspects can be modified by the Supreme Court by virtue of its constitutional rule-making power is untenable because the constitutional mandate of the Supreme Court with regard to decisions of lowers courts imposing the capital punishment is direct, exclusive and automatic; and, the rule-making power of the Supreme Court is derived from and granted by the fundamental law of the land. The Constitution, as accepted and followed by the Legislature, certainly considered the accused facing the penalty of *reclusion perpetua*, life imprisonment or death as a class by itself or *sui generis*.

The preceding arguments thus accomplished the objective of this Comment, that is, to demonstrate that the Supreme Court's decision in the *Mateo* case exceeded its rule-making prerogative under the Philippine Constitution by resorting to impermissible judicial legislation. This does not even include the violation of the principle of co-equal courts, equal protection clause and the law granting jurisdiction to the Sandiganbayan, all of which has been expounded early on.

VI. CONCLUSION AND RECOMMENDATION

In promulgating the *Mateo* decision, the Court definitely had good intentions. However, the intent and spirit of the Constitution and the law in granting an accused facing permanent deprivation of life and liberty a special right to directly have the decision of the lower court reviewed by the Philippine Supreme Court *en banc,* cannot be compromised. This automatic review is with noble reasons for the speedy and inexpensive resolution of the criminal proceedings. These reasons are also recognized by the United States Supreme Court. Therefore, the Supreme Court must follow its constitutional duty. The Court cannot amend the rules of procedure, purportedly in the exercise of its rule-making power, to allow the Court of Appeals to conduct an intermediate review. The rule-making power should be exercised within the bounds of the Constitution as a power is only sound inside the parameters decreed by the authority allowing the

98. *Id.* at 410.

exercise thereof. Any use of such power outside the limits set forth by the grantor is clearly *ultra vires,* therefore without effect.

The *Mateo* decision stretched the literal meaning of Article VIII, Section 5(2) of the Constitution and pertinent statutory provisions by saying that these are permissive. However, as discussed earlier, the constitutional rule is mandatory and proscribes an intermediate review by the Court of Appeals. An accused facing the capital punishment has a special right of appeal so much so that the automatic review by the Supreme Court is inviolable and *sui generis.* Instead of delegating the utmost circumspection of judgments inflicting *reclusion perpetua* or higher to a Court of Appeals division, the Supreme Court *en banc* should be the sole court which has the duty to review such judgments. Indeed, a careful scrutiny by the highest Court can ensure the protection of the accused against an erroneous judgment rendered by the Regional Trial Court. A prior review thereof by the Court of Appeals only gives rise to clogging of the latter's dockets and consequent unnecessary delay in the disposition of cases. The Constitution requires that the rules of procedure promulgated by the Supreme Court shall provide a simplified and inexpensive procedure for the speedy disposition of cases. In connection with this, an intermediate review translates into increased expenses on the part of the accused and the State. The financial aspect is especially important if the persons facing the capital punishment are indigents; on the other hand, the Philippine Government is also cash-strapped.

Since the Supreme Court in *Mateo* abused its rule-making power under the Constitution, the author recommends the reversal of the ruling therein by restoring the previous rules of procedure on the review of decision rendered by the Regional Trial imposing the penalty of *reclusion perpetua*, life imprisonment or death. Additionally, it is recommended that review by the Supreme Court shall have priority over all other cases, and the trial of the accused facing capital punishment shall be heard strictly in accordance with rules promulgated by the Supreme Court, the Constitution and Article 14 of the International Covenant on Civil and Political Rights.[99]

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99. G.A. Res. 2200A (XXI), U.N. GAOR, Supp. No. 16, at 52, U.N. Doc. A/6316 (1966). Standards for fair trial set forth in ICCPR Article 14 include: the right of anyone facing a criminal charge to a fair and public hearing by a competent, independent and impartial tribunal; the right to be presumed innocent until proved guilty; the right to be informed promptly of the nature and cause of crimes with which the defendant is charged; the right to have adequate time and facilities for the preparation of a defence; the right to

When life and liberty are at stake, the Supreme Court should not abuse its rule-making power to the disadvantage of the accused. No court is more supreme than the fundamental law and as former Supreme Court Justice Claudio Teehankee Jr. once said, the rule of law shall always prevail.

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communicate with counsel of defendant's choosing; the right to free legal assistance for defendants unable to pay for it; the right to examine witnesses for the prosecution and to present witnesses for the defence; the right to free assistance of an interpreter if the defendant cannot understand or speak the language of the court.