

Towards an Accountability Framework for the Exercise of Prosecutorial Discretion in Plea Bargaining

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One of the most controversial issues in the Philippines' recent history involving plea bargaining was brokered by the Office of the Ombudsman with Gen. Carlos F. Garcia, a former military comptroller accused of plunder before the Sandiganbayan. After widespread public condemnation, an explicit order from President Benigno S. Aquino III to rescind the Plea Bargain Deal, and the dismissal of Chief Special Prosecutor Wendell Bareras-Sulit, the Plea Bargain Deal was nonetheless upheld. Through the terms of the agreement, Garcia was allowed to walk away from plunder charges by pleading to guilty to two lesser bailable offenses in exchange of returning half the amount allegedly stolen by him.

The outcome of the entire controversy highlighted, among others, the alarming lack of clear rules and guidelines for prosecutors, particularly those working in the Office of the Ombudsman and necessarily handling cases imbued with public interest, when it comes to plea bargaining. The Article examines the existing framework in plea bargaining in the Philippines, delving into the apparent tendency of prosecutors to rely on personal discretion guided by indistinct guidelines and undeniable public pressures to aid in their decision-making process.

The Authors view this fact as disconcerting, particularly in light of the Garcia Plea Bargain Deal. As such, the Authors conclude the need for a new framework for the exercise of prosecutorial discretion in plea bargaining from the point of view of public accountability. This creates conditions and processes in the criminal justice system that relocates the prosecutor's tendency from relying on personal subjective moralities to aid in their decision-making, to "being more sensitive to the needs of the community and the greater public interest."