

LEGAL COUNSELING

Potential Risks and Public Outrage: The Judicial Precedent Set by Gigi Reyes' Release

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I anticipate some crucial risks and public outrage against our justice system in connection with the release of Gigi Reyes who was charged with plunder during a major corruption scandal in the Philippines way back in 2013.

THE RELEASE OF GIGI REYES COULD POTENTIALLY SET EITHER A BENEFICIAL OR DANGEROUS JUDICIAL PRECEDENT.

Reyes's temporary liberty established a new legal principle wherein the Supreme Court and other lower courts are bound to apply in future cases with similar facts or legal issues. This means that the resolution made by the Supreme Court First Division may serve as a precedent, also known as "stare decisis", or a legal basis in subsequent cases involving similar circumstances. In *Fermin v. People*, the Supreme Court explained the doctrine as follows:

The doctrine of stare decisis enjoins adherence to judicial precedents. It requires courts in a country to follow the rule established in a decision of the Supreme Court thereof. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of stare decisis is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.

The writ of habeas corpus applies to all cases of illegal confinement or detention in which individuals are deprived of liberty. It was devised as a speedy and effectual remedy to relieve persons from unlawful restraint; or, more specifically, to obtain immediate relief for those who may have been illegally confined or imprisoned without sufficient cause and thus deliver them from unlawful custody.

The existing law and jurisprudence in the Philippines described the writ of habeas corpus as

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a high prerogative writ that is only available in cases specified by law. Concomitantly, if a person's liberty is restrained by some legal process, the writ of habeas corpus is unavailing.

It should be noted that Gigi Reyes was detained based on a court order. She has been in prison since July 2014 when the Sandiganbayan ordered her arrest. The Supreme Court adopted the same ruling in a plethora of cases and held that the most basic criterion for the issuance of the writ, therefore, is that the individual seeking such relief be illegally deprived of his freedom of movement or placed under some form of illegal restraint. That is not the case with Gigi Reyes as she was not placed in some form of illegal detention.

The resolution of the Supreme Court may be considered a development in the legal system in that it now makes it possible to move for the temporary release of a detainee who has been placed behind bars for several years considering the slow progress of his/her case, without prejudice to the resolution of the pending case against him/her. This remedy will be proven beneficial if a person has been committed to jail due to fabricated charges and his/her case proceeds at a glacial pace. For instance, Leila de Lima had been detained since 2017 on drug-related charges before she was released on bail in November 2023. She had endured nearly seven years in prison because court proceedings against her had been marked by undue delays without fault on her part, and her last case is still ongoing as the prosecution has not yet completed the presentation of its evidence, not to mention the fact that some of the said witnesses have already recanted their testimonies. Just like Gigi Reyes, she had been deprived of her freedom which made her prolonged custody **"vexatious, capricious and oppressive"**.

Time and again, the court has held that it is a very desirable and necessary judicial practice that when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. But there is still no guarantee that the Court will render a similar judgment in favor of other detainees since at the end of the day, the outcome would depend on how the justices would appreciate the factual and legal issues on a case-to-case basis.

However, said precedent could also be abused by some attorneys who would seek to have their clients released by simply invoking a violation of the constitutional right to a speedy trial. Offenders who have endured several years in prison may argue that they are also entitled to a writ of habeas corpus regardless of the gravity of the offense because even Gigi Reyes who was charged with a non-bailable offense was able to enjoy the privileged writ.

In general, the resolution could be a dangerous ju-

dicial precedent because it threatens to undermine the fundamental principles of justice and fairness in the legal system, and can be abused by those who are not legally entitled to it.

THE RESOLUTION COULD BE INTERPRETED AS AN INSTANCE OF UNFAIR AND BIASED TREATMENT UNDER THE LAW.

Apparently, the decision of the Court was frowned upon by the public who viewed it as partial and preferential treatment to powerful individuals, which could subvert public confidence in the judicial system. Some people were outraged by the news and pointed out how flawed the Philippine justice system is, favoring wealthy and influential people. If Reyes was similarly situated with the underprivileged who have less access to courts and no strong political links, she would have remained in jail until the final determination of her case.

The Philippines' criminal justice system is rife with impunity, allowing those who commit crimes against the public interest or even heinous crimes to get away with their accountability. Our law enforcement seems stringent to the poor but flexible to the powerful. If we could recall, an 80-year-old man was arrested for allegedly stealing 10 kilos of mangoes on land he used to own in Pangasinan, while VIPs, such as former first lady Imelda Marcos, manage to evade detention even when already convicted.

Generally, the length of a person's detention in the Philippines before they are exonerated depends on the nature of their case as well as the effectiveness of the legal system. But in reality, there have been cases of individuals who have been detained for several years without being convicted or acquitted, often due to factors such as the slow pace of court proceedings and lack of access to legal representation. But, were they able to argue that their right to a speedy trial has been violated? I guess not because that is just how the Philippine justice system works and they merely adhere to the judicial process.

If the writ of habeas corpus was granted to a person charged with plunder on account of her detention for several years, then other prisoners who have also been placed behind bars for several years may avail of that privileged writ, otherwise, this would just be another instance of how unfair and partial the justice system is.

In the words of Senate Minority Leader Aquilino Pimentel III, **"The latest decision of the Supreme Court in the case of Gigi Reyes should equally apply to all Filipinos who have been suffering from prolonged detention due to the country's slow justice system"**.

THE WRIT OF HABEAS CORPUS MAY BE PERCEIVED AS A SUBSTITUTE FOR BAIL IN CASE OF NON-BAILABLE OFFENSES.

Bail may be a matter of right or judicial discretion. Under Section 13, Article III of the 1987 Constitution, all persons are entitled to bail as a matter of right, except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong. The wording of the law as to when bail should be granted is clear and unequivocal. However, the Supreme Court on several occasions sort of expanded the coverage of those who may be granted bail for humanitarian considerations. In *Enrile v. Sandiganbayan*, the Supreme Court explained that bail for the provisional liberty of the accused, regardless of the crime charged, should be allowed independently of the merits charged, provided his continued incarceration is injurious to his health and endanger his life.

In *People v. Sandiganbayan and Jinggoy Estrada*, Jinggoy filed with the Court an Urgent Motion praying for an early resolution of his Petition for Bail on Medical/Humanitarian Considerations but it was opposed by the petitioner on the ground that Jinggoy was a flight risk. The Supreme Court, nonetheless, ruled that the grant of bail was proper as he did not seem to be a flight risk as identified by the Sandiganbayan. The likelihood of his escape was considered nil, given his election on May 10, 2004, as Senator of the Republic of the Philippines.

We see that these are the same public officials who were involved in the Pork Barrel Scam that caused Gigi Reyes' incarceration, but all of them are now enjoying temporary liberty.

According to the former Supreme Court spokesman, Theodore Te, "As a legal remedy, this widens the space and opportunities for freedom for those who are being tried for offenses where bail is discretionary and whose rights to a speedy trial are violated." People in the legal field may now resort to the interim writ if the offense is non-bailable provided that they could prove a violation of the right to a speedy trial.

THE FILIPINO PEOPLE ARE DEPRIVED OF JUSTICE

The Pork Barrel Scam which involved billions of pesos sparked widespread protests and indignation when some notable congressmen and senators and their cronies were identified to have amassed unjustified riches and led extravagant lives amidst a poverty crisis. The public demanded that the people involved in this high-profile case be made accountable for that monumental theft of public funds. The people demanded justice but a decade later, some of the accountable public officials walk freely while others are seated in Congress as they were permitted to seek public office in prior elections. Would justice be genuinely served to the

Filipinos who have been deceived and defrauded by accountable public officials?

INTERNATIONAL COMMUNITIES MAY CRITICIZE OUR JUSTICE SYSTEM.

Some international organizations, such as Human Rights Watch and Amnesty International, have already criticized the Philippine justice system for being flawed and for failing to provide fair trials and due process rights to those accused of crimes.

If the accused in a high-profile case in the Philippines, such as Gigi Reyes, were released due to legal proceedings, some countries may view the release as a sign of progress toward an effective legal system, while others may view it as a sign of an unfair justice system. On the other hand, if the accused were released due to political interference or corruption, other countries may view this as a negative development that undermines the integrity of the justice system and erodes public trust.

In general, the international community expects countries to uphold the rule of law and ensure that the judicial process is fair and impartial. The Philippines should therefore work towards the improvement of its justice system.

1 G.R. No. 157643, March 28, 2008, 550 SCRA 132.

2 Id.

3 Go and the People v. Dimagiba, G.R. No. 151876, June 21, 2005.

4 Velasco v. Court of Appeals, 245 SCRA 677, 679.

5 De Villa v. The Director, New Bilibid Prisons, 485 Phil. 368, 381 (2004).

6 In re: The Writ of Habeas Corpus for Reynaldo De Villa v. The Director, G.R. No. 158802, November 17, 2004.

7 Reyes v. Director, G.R. No. 254838, Resolution promulgated on 17 January 2023.

8 Lazatin v. Desierto, G.R. No. 147097, June 5, 2009.

9 Bail me out: Remedies after arrest | DivinaLaw

10 G.R. No. 213847, Aug. 18, 2015.

11 G.R. No. 158754, 10 August 2007.

12 Everything you need to know about human rights in Philippines - Amnesty International Amnesty International.



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