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SENATE

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P.S. RESOLUTION NO. 968

Introduced by:

Senator Francis N. Pangilinan

***A RESOLUTION DIRECTING THE PROPER SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
ON THE PROCEDURE OF THE BOARD OF PARDONS AND PAROLE
IN LIGHT OF ITS RECOMMENDATION TO HAVE THE MASTERMIND OF
THE COCHISE-BEEBOM DOUBLE MURDER CASE
GRANTED EXECUTIVE CLEMENCY BY
THE PRESIDENT OF THE PHILIPPINES***

WHEREAS, Section 19, Article VII of the 1987 Philippine Constitution provides that except in cases of impeachment, or as otherwise provided in the Constitution, the President may grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgment;

WHEREAS, under the Amended Guidelines for Recommending Executive Clemency, the Board of Pardons and Parole may consider cases for executive clemency upon petition, or referral by the Office of the President, or motu proprio. The President may also review, revise, amend, revoke or affirm the recommendation of the Board and may refer any matter pertaining to executive clemency to the Board or to any other agency;

WHEREAS, the President has the power to grant executive clemency to convicts. Upon the recommendation of the Board of Pardons and Parole, the President may grant pardons, commute sentences, or defer the implementation of sentences;

WHEREAS, last 01 July 1992, a trial court in Quezon City found Rodolfo Manalili, Roberto Lising, Felimon Garcia, Robin Manga and Enrico Dizon guilty of the murders of Ernesto "Cochise" Bernabe II and Ana Lourdes "Beebom" Castanos and sentenced each of them to double life imprisonment in 1992. The ruling was affirmed by the Supreme Court on 16 January-1998;

WHEREAS, on 26 March 2009, President Gloria Macapagal-Arroyo granted executive clemency to Rodolfo Manalili, the mastermind of the "Cochise-Beebom" double murder in April 1990. The President commuted the double life sentence of Rodolfo Manalili;

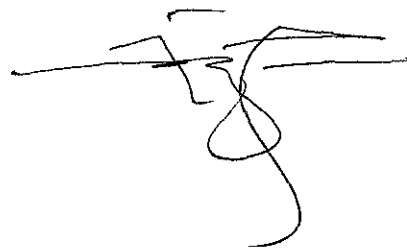
WHEREAS, while the power to grant executive clemency is provided under the Constitution, the President of the Philippines must at all times exercise it with great caution and extreme transparency so as not to undermine the faith of the Filipino in the judicial process and its ability to bring justice, by the simple expediency of wanton and unfettered grant of mindless pardon, reprieve and commutations. It cannot be more emphasized that the exercise of the power to grant executive clemency is not a ministerial duty of the President in the event that the Board of Pardons and Parole recommends a commutation of sentence of a convict. On the contrary, it involves the exercise of sound judgment and discretion on the part of the President, taking into consideration all circumstances of each case before granting executive clemency;

WHEREAS, the Board of Pardons and Parole should have been more circumspect in its review and recommendation to the President as to the entitlement of the convicts of the "Cochise-Beebom" double murder. By any measure and standard set forth in the Amended Guidelines for Recommending Executive Clemency, there was not a single circumstance in the present case which would justify the recommendation by the Board of Pardon and Parole for the grant of executive clemency to the convicts;

WHEREAS, there should have been prior exhaustive consultation with the family and relatives of the victims, who at the very least being the aggrieved party has the right to be heard and be given an opportunity to express their opinion on the issue for the Board of Pardons and Parole as well as the President to consider in the grant of executive clemency to Rodolfo Manalili;

NOW, THEREFORE, be it resolved, as it is hereby resolved, to direct the proper Senate Committee to conduct an inquiry, in aid of legislation, on the procedure of the Board of Pardon and Parole in light of its recommendation to have the mastermind of the Cochise-Beebom double murder case granted executive clemency by the President of the Philippines.

ADOPTED,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the top.