

Justice and Forgiveness

Ten days before Christmas, the Supreme Court of the Philippines released a decision acquitting the accused in the 1991 Vizconde massacre due to the prosecution's failure to prove their guilt beyond a reasonable doubt.

Philippine newspaper accounts portray two contrasting stories and images: that of the Webb and other accused family members' rejoicing in the alleged vindication of their kin; and that of Mr. Vizconde's anguished reaction over the alleged injustice committed against his family.

Anyone could readily sympathize with Mr. Vizconde's deep sorrow over what he perceived to be another "massacre" committed against his wife and daughters who were mercilessly killed almost two decades ago.

For those who profess the innocence of the accused such as their families, it will be an equally grave injustice if Webb and his co-accused continued to be imprisoned after having already spent 15 years in jail for something that they believe they did not do.

It must be noted that the Supreme Court spokesperson himself clarified shortly after the ruling came out that the acquittal is not a declaration of the innocence of the accused. The acquittal was simply based on the justices' finding that the prosecution failed to discharge its burden of proving the guilt of the accused beyond a reasonable doubt. The highest court of the land pointed out serious inconsistencies in the testimony of Jessica Alfaro, which was the main evidence used by the lower court in convicting the accused. Since these inconsistencies were deemed to raise a "reasonable doubt" as to the guilt of the accused, the Supreme Court found that the conviction cannot be upheld.

The acquittal cannot be made subject of a motion for reconsideration either as it will violate the basic criminal law principle against "double jeopardy."

This may seem unfair especially to the families of the victims who may feel that too much "protection" is being given to the accused and a greater burden of proof falls on those who have already been seriously victimized in the first place. That is, while "double jeopardy" of the accused is prohibited, the victims' families feel that their "double victimization" is effectively tolerated.

Unfortunately this line of reasoning fails to consider that the basic criminal law principles of proving one's guilt beyond a reasonable doubt and the prohibition against double jeopardy form an important part of the due process requirements before anyone can be deprived of life, liberty or property. These very same principles are even enshrined in the Constitution's Bill of Rights to ensure not only that justice is served but also to avoid any potential abuse of power in the process.

We may well be reminded that in criminal prosecutions, the accused is going against an entire state machinery, i.e. the law enforcers, government investigators and the prosecutors, all of which are paid for by the government to ensure that perpetrators of crimes are punished in accordance with the law.

It is therefore reasonable to expect that these government agents will exercise their powers with the full government resources at their disposal, to gather all available evidence to prove the guilt of the accused with moral certainty, i.e. beyond a reasonable doubt. Ideally, this requires thoroughness and objectivity in achieving the goal of punishing the guilty and absolving the innocent.

Humans as we are, it is easy to be swayed by speculations based on media reports and other third hand information which tend to condemn suspected individuals in the court of public opinion even before they have been found guilty in the judicial courts.

Our criminal justice system however, is expected to rely on hard evidence that could overturn the presumption of innocence that anyone accused of a crime is rightfully entitled to. Hence this recent Supreme Court decision which effectively serves as an admission that a serious injustice may have been committed against both sides.

Sadly, fifteen long years had to pass before our criminal justice system could realize that justice was not achieved in this particular case. The prescriptive period for heinous crimes will prevent the filing of charges once the twenty-year mark (from the discovery of the crime) is reached by June 2011. By then, criminal justice will not only be statute-barred, but also becomes a lost opportunity.

When that occurs, the only option that may be left is forgiveness. This may seem naïve or even defeatist. But as human beings, we can only do so much. If human justice cannot be achieved, surely Divine justice will ultimately prevail.

A blessed merry Christmas and a prosperous new year to all!

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