

Written by Bobby Reyes

Tuesday, 24 August 2010 10:57 - Last Updated Tuesday, 24 August 2010 11:08

The Philippines Needs a Jury Structure as Part of a "Reinvention" of its Criminal-justice System

By Bobby M. Reyes

A tty. Batas Mauricio has a valid point in his latest commentary, as posted in several e-forums, that ". . . the bloody incident that claimed the life of (dismissed Police Major Rolando) Mendoza and eight Hong Kong nationals after a 12-hour hostage drama showed quite clearly the prevailing distrust that Filipinos are entertaining, deep in their hearts, that they could not really get justice here anymore, and that one could even get unjustifiably punished simply because of lack of money and lack of influence and connections."

While certainly Atty. Mauricio was not justifying or rationalizing the criminal conduct of Mr. Mendoza, perhaps the Filipino national policy-and-decision makers ought to hear opinions about the need to "reinvent" the nation's justice system.

In 2003, as a member of the core group that was planning for the presidential candidacy in 2004 of then Sen. Aquilino Q. Pimentel, Jr., I wrote a memo about the need to reinvent the

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criminal-justice system. Senator Pimentel chose not to run for the presidency and my proposal was forgotten. The article was eventually published in this website on April 11, 2007, as per this link:

[Reinventing the Philippine Criminal-justice System](#)

It may interest the current Aquino Dispensation and the members of the 15th Philippine Congress to know of Part Two of my suggestion in the said article of introducing the "Jury System" by first applying it among the members of the Philippine military and police and to all government employees. I wrote:

QUOTE.

2.4 Step Two is my suggestion of commissioning all public officials and civil servants into the Armed Forces of the Philippines (AFP) and all cases for graft, corruption and/or criminal misconduct (filed against any public servant by any person, including civilians) be heard and decided within 60 to 90 days by a Court Martial.

2.4.1 The AFP's Judge Advocate General's Office (JAGO) will have to be "reinvented," so that a military version of the Jury System (JS) will be in place, with a civilian-controlled OPD (Office of the Public Defender) handling the defense for the accused public servant(s).

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2.4.2 For the jurors' pool, my suggestion was to tap not only the AFP's four branches (army, air force, navy and marines) but also law students and former law students, so that the Court-martial experience will further train them for the eventual introduction of the JS in the civil courts

UNQUOTE.

To read the article in its entirety, please click on this link,

[Reinventing the Philippine Criminal-justice System](#)

If my suggestion was adopted into law, then the criminal complaints against Mr. Mendoza and five other police officers in 2008 could have been decided by a jury in a Court Martial within 60 to 90 days. The *Los Angeles Times* reported about the Mendoza Hostage-taking Incident in this link , as written by John M. Glionna and Al Jacinto,

[8 hostages killed in Manila bus hijacking](#)

The *Los Angeles Times* report said that "Mendoza was among five officers charged with

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robbery and extortion after a Manila hotel chef filed a complaint alleging the policemen falsely accused him of using drugs to extort money, according to 2008 newspaper reports.

Mendoza

denied the allegations against him."

Here is the latest commentary from Atty. Batas Mauricio:

"Hostage-taking: Indictment of RP's Justice System?"

By Atty. Batas Mauricio

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HOSTAGE TAKING AN INDICMENT OF RP'S JUSTICE SYSTEM? Among many people, Police Major Rolando Mendoza's hostage taking caper at the Luneta Monday, 23 August 2010, represented some sort of a major indictment against the country's administrative, justice and prosecutorial systems.

The view was that, the bloody incident that claimed the life of Mendoza and eight Hong Kong nationals after a 12-hour hostage drama showed quite clearly the prevailing distrust that Filipinos are entertaining, deep in their hearts, that they could not really get justice here anymore, and that one could even get unjustifiably punished simply because of lack of money and lack of influence and connections.

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FEELING OF HELPLESSNESS PUSHED POLICE OFFICER TO HOSTAGE CHINESE TOURISTS: Mendoza knew the grim results that waited for him as he hostaged (sic) the hapless passengers of the Hong Thai tourist bus, but then, it would seem he pushed through with it, perhaps believing it was the only way he could force the authorities to listen to his pleas that he was innocent of the accusations against him before the Ombudsman, and that his

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dismissal from the service was totally unjust and unfair.

If a ranking police official like Mendoza could feel so helpless and so all alone in his quest for justice, many are asking, what then is in store for ordinary and poor and marginalized Filipinos who feel they are themselves similarly deprived of a fair opportunity to defend themselves simply because they are poor?

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WARNING: JUSTICE MUST BE EVENLY SERVED: If at all, this incident should serve as a warning to those who have been entrusted with the responsibility of administering justice, that they should better be discharging their duties more sensibly.

For, someone who will in the future feel he has also been unjustly deprived of his rights, like Mendoza, may no longer be minded to involve innocent people in his quest for justice, but focus on the perceived source of his sorry plight instead.

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MENDOZA EXAMPLE MAY ENCOURAGE VIOLENT BEHAVIORS BY OTHERS: Of course, this is already happening, even if only sporadically at the moment, as shown in the number of judges and prosecutors being waylaid one after the other, but the example of Mendoza may have encouraged others to be more daring in taking the law into their own hands, considering that they really have nothing more to lose in the meantime.

We must never forget, and must always remember, even God wanted justice to prevail and be observed, especially by judges and fiscals. The Bible in *Leviticus 19:15* says:

{xtypo_quote} Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly ...{/xtypo_quote}

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"HOW COME HELP DIDN'T COME MUCH EARLIER?" Indeed, the police and other officials of the Aquino government have a lot of explaining to do, in answering the question of one of the women-hostages who survived the ordeal but whose husband was unlucky as he decided to sacrifice himself for the other Chinese nationals: how come help didn't come much earlier?

If I were in a position of authority, I would have immediately ordered the reinstatement of

Postscript to Batas Mauricio's Commentary: "Hostage-taking: Indictment of RP's Justice System? - Mabu

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Mendoza into the Philippine National Police, as he demanded prior to his death, because that would have surely resulted in a peaceful resolution of the hostage stand off. Reinstatement should have been no big deal, because that would not have meant an exoneration of the charges against him anyway. Why was this not done? # # #

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