# A justice system that evolves

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As reviled as it is by many who have experienced being on the bad side of the law, there is hope yet for the justice system in the Philippines, one that is exemplified by the extraordinary tale of a coconut farmer from the Visayas.

Pedro Amarille earned a humble living by harvesting coconuts to produce copra, or sun-dried coconut meat used to make oil. For years, he had mistakenly believed the plantation in Bohol province, where he gathered coconuts, was owned by his grandfather Eufemio. Unbeknownst to him, the land had passed into the hands of other heirs.

For “stealing” P2,000 worth of coconuts on the property, the man was found guilty of qualified theft in 2011 and sentenced to six years in prison, a punishment that anyone would agree did not fit the crime.

The reason is a peculiarity in the antiquated Revised Penal Code (RPC), under Article 310, which imposes penalties two degrees harsher for stealing coconuts within a plantation than for other types of theft. As absurd as it sounds now, there was a perfectly valid explanation for the tougher punishment in that bygone colonial era: Coconuts were highly prized, being one of the country’s top exports.

## No longer aligned with beliefs

“That’s why coconuts were so highly valued, and stealing them was considered a serious crime back then,” University of the Philippines (UP) Diliman chancellor Edgardo Vistan II said, adding: “But now, times have changed, and it reflects on us. We need to update our laws because they no longer align with our current beliefs.”

The RPC was enacted in December 1930 and took effect on New Year’s Day of 1932.

Amarille appealed the decision in higher courts until finally, in August 2023, the farmer’s legal battle ended in his favor when the Supreme Court acquitted him upon finding his actions to be in good faith. In his concurring opinion, Senior Associate Justice Marvic Leonen criticized the RPC provision as anachronistic and discriminatory, stating that it violated the principle of equal protection.

As Leonen noted, the law “discriminates not only against other food products but also the poor,” a stark reminder of how outdated legislation could perpetuate inequality.

This inconsistency in the law is not unique to coconut theft.

Other outdated provisions in the RPC, enacted nearly a century ago, remain in force. For instance, dueling—an act that has all but disappeared from modern society—is still considered a crime under the code.

Now, a new collaborative effort between the Department of Justice (DOJ) and UP aims to reignite the push for reform. Last month, the two institutions signed a memorandum of understanding to draft a modern criminal code, with the goal of submitting a proposal to Congress by June 2025.

Justice Undersecretary Raul Vasquez underscored the importance of the project, saying: “The direction of our laws now leans more toward the protection and promotion of human rights. The right to liberty is paramount.”

## Rehabilitation over retribution

One of the most significant aspects of this reform effort is its emphasis on rehabilitation over retribution. Just as important are factors like the mental health of inmates and the overcrowding in prisons and jails, according to UP College of Law dean Darlene Marie Berberabe. The current system, she argued, often fails to address the root causes of criminal behavior, perpetuating cycles of poverty and crime.

This shift in perspective is crucial in a country where the poor are disproportionately affected by the criminal justice system. Amarille’s case serves as a poignant example: a farmer struggling to make ends meet, caught in the web of an outdated legal system that turned a minor offense into a major one. Even worse, he received justice over a decade later.

Efforts to modernize the RPC are not new. In 2016, then Sen. Leila de Lima filed a bill seeking to repeal the RPC, simplify the categorization of crimes, eliminate discriminatory provisions, and adopt international best practices. Her initiative, though promising, stalled in Congress—a fate that has plagued similar efforts over the years.

## Beyond correcting injustice

The Supreme Court’s decision in Amarille’s case is a welcome sign that the judiciary recognizes the need for change. But legislative action is essential to institutionalize this. And while the DOJ-UP initiative is an encouraging step, its success will largely depend on political will and public support.

The benefits of modernizing the criminal code extend beyond correcting past injustice. It will provide clarity for law enforcement, reduce the burden on courts, and ensure that penalties are commensurate with the offenses committed. Most importantly, it will uphold the dignity and rights of every individual, especially the vulnerable and marginalized.

Justice is not static; it must evolve with society. By embracing these reforms, the Philippines can take a significant step toward a future where laws uplift rather than oppress, and where justice is a reality for all.