

## Can Cruel and Unusual Punishment Exist by Reason of Subhuman Prison Conditions?

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SUBJECT(S): CONSTITUTIONAL LAW

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CONDITIONS

The Article's main objective is to resolve whether subhuman prison conditions can be considered as a violation to Section 21 of the 1973 Philippine Constitution which provides that, "[e]xcessive fines shall not be imposed nor cruel or unusual punishment inflicted."

Due to limited jurisprudence in the Philippines regarding the subject matter, the Author uses American case law as his basis. He traces that early U.S. court decisions reflect the view that supervision of internal prison affairs are beyond judicial control. He continues by stating that the passage of time show that the courts gradually viewed that even confinement can result in cruel and unusual punishment, especially citing the case of *Jackson v. Bishop*, a case that contains an express rejection of the view that prison conditions are not covered by the definition of cruel and unusual punishment.

In localizing the issue, the Author cites *People v. De Los Santos*. In this case, the Supreme Court took judicial notice of the observations of the trial judge and ruled that the government cannot escape responsibility for confining prisoners under subhuman conditions.

After a comparison of the two legal systems' respective views towards the issue, the Author concludes that the Philippine Supreme Court will be in a difficult situation because while it takes judicial notice of the problems in the country's national penitentiary, it is also aware that the said problems occur because of the country's financial difficulties and that even if it rules that the said subhuman conditions are cruel punishment, the country does not have the funds to enforce any order to improve the said conditions.