

A Fair and Impartial Trial

Conrado V. Sanchez

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SUBJECT(S): CONSTITUTION, BILL OF RIGHTS

KEYWORD(S): SPEEDY TRIAL, IMPARTIAL TRIAL

The increasing awareness of the inviolable character of the human person makes relevant application in the administration of justice in criminal cases. In fact, it has been the resolve of most countries to include in their laws appropriate safeguards to shield the accused from a biased prosecution. In the Philippines, such safeguards find their basis in the Constitution, which provides for the guaranty of a speedy and public trial. Nonetheless, developments in jurisprudence seem to present that the right to a fair and impartial trial is only subordinated to other constitutional prerogatives, which then raises the issue on the necessity to put such right in express terms so that it can be accorded with greater importance.

Consequently, resolving the issues require a study on the manner by which the judge, as the one arguably playing the most vital role in a trial, responds in an atmosphere filled with a proliferate manifestation of emotions. For instance, it is not unlikely for the judge to be influenced by local prejudices that may very well affect the right of the accused against an impartial trial. It has also been observed that the judge may dispense altogether with the practice of reasonable patience in his desire towards a speedy administration of justice.

In light of these and all other possibilities and especially because it is the right of the accused not to be subject to a biased conviction, the Author deems it necessary to include in the laws in express terms the right of the accused to a fair and impartial trial.