

Republic of the Philippines
SUPREME COURT
Manila

En Banc

Copy No. ____

**LENIDO LUMANOG and
AUGUSTO SANTOS,**
Petitioners,

- versus -

**G.R. No. 182555
(CA-G.R. CR HC No. 00667,
ABADILLA MURDER CASE)**

PEOPLE OF THE PHILIPPINES,
Respondent.

X -----X

ADDENDUM TO PETITION

PETITIONERS, through counsels, unto this Honorable Court, respectfully supplement their Petition filed on 5 May 2008, as follows:

1. They submit the attached copy of the **“Views” of the UN Human Rights Committee in Communication No. 1466/2006** (“Lenido Lumanog and Augusto Santos vs. The Philippines”) adopted on 20 March 2008 and released on 10 April 2008 [**Annex G**] for perusal and appropriate action.

2. The said Individual Communication under Optional Protocol to the 1966 *International Covenant on Civil and Political Rights* precisely **arose from what herein petitioners consider the undue transfer of their death penalty automatic review case, which was pending for five years and ripe for decision, in this Honorable Court (G.R. No. 141660-64) to the Court of Appeals by way of a Resolution dated 18 January 2005, pursuant to the 2004 Mateo ruling (433 SCRA 640) for intermediate review.** The main *ICCPR* rights invoked in the Individual Communication were the civil rights to an effective review by a higher tribunal (Art. 15[5]) and to be tried without undue delay (Art. 14[3][c]) as applicable likewise to appellate proceedings.

3. We call this Honorable Court’s **particular attention to the section on “Consideration of the merits” (paragraphs 8 to 11 in pages 10-11) in the aforesaid UN Human Rights Committee’s “Views” (Annex G).** This Committee is of the view, as stated in paragraphs 8.6 and 9, that herein Petitioners’ rights to be tried without undue delay have been violated with “the delay in the disposal of the appeal, more than eight years.” Paragraph 8.3 reinforces human rights jurisprudence that this right covers “also the time until the final judgment on appeal.” Paragraph 8.5 indicates a need to review the application of the *Mateo* ruling, which is also Relief Prayed For No. c) in p. 41 of the instant Petition, based on the experience in the case at

bar and other relevant cases. Paragraph 10 indicates the Philippine State's "obligation to provide the authors with an effective remedy, including the prompt review of their appeal before the Court of Appeals and compensation for the undue delay. The State party is also under an obligation to take measures to prevent similar violations in the future."

4. The CA, after more than three years, had finally come out with a Decision on April 1, 2008 (Annex A of the instant Petition) but, as the instant Petition shows, there was ***no real and honest review in the CA***, rendering its ***April Fools' Day Decision*** void. Thus, Reliefs Prayed For Nos. b) and c) in p. 41 of the instant Petition are for this Honorable Court to DECLARE AS VOID the CA Decision, and to FORTHWITH ITSELF SPEEDILY DECIDE, WITHOUT REMANDING TO THE COURT OF APPEALS, the appellate review of the trial court's judgment of conviction, i.e. the Joint Decision of July 30, 1999 in Crim. Case No. 96-66679 to 84, RTC Branch 103, Quezon City (Annex A of the Brief for Accused-Appellants Lenido Lumanog and Augusto Santos dated 1 October 2003). This prayed for speedy review and decision by this Honorable Court should in fact be one of the "measures to prevent similar violations in the future," as indicated by the UN Human Rights Committee - "the prompt review of their appeal" now pertains to this Honorable Court, the buck should stop here.

5. As for the "obligation to provide the authors [herein petitioners]... compensation for the undue delay," this is also reflected in Relief Prayed For No. f) in p. 42 of the instant Petition, though here the prayer is for both COMPENSATION AND REHABILITATION for nearly 12 years of cumulative grave violations of their constitutional and human rights, not just the undue delay, *including for one kidney transplant patient (Lumanog) of more than five years already while in prison.*

WHEREFORE, it is respectfully prayed that the foregoing Addendum to Petition be noted.

Quezon City, 9 May 2008.

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