

Remedies after conviction

1. Motion for modification of judgment of conviction - for example, by reducing the penalty imposed in view of a mitigating circumstance (Rule 120, Sec.7).

2. Motion for reconsideration - pointing out errors of law or fact in the judgment, thus giving the court the opportunity to re-examine and correct its decision. (Rule 121, Sec. 1, 3 and 6)

3. Motion for new trial - based on two grounds: (a) errors of law or irregularities committed during the trial which were prejudicial to the substantial rights of the accused; and (b) new and material evidence which the accused could not with reasonable diligence have discovered and produced at the trial, and which if introduced and admitted, would probably change the judgment (Rule 121, Section 2).

4. Appeal to a higher court - the accused may seek to appeal a judgment of conviction. If the conviction carries with it either reclusion perpetua (“life imprisonment”) or the death penalty, then the case is automatically elevated to the Supreme Court. An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter. Upon the perfection of the appeal, the execution of the decision appealed from shall be stayed as to the party who appealed. (Rule 122)

Probation - this is available only if the penalty imposed is less than six years, the accused does not appeal the judgment and he has no prior conviction.

Motion to reopen - available only after either or both parties have presented their evidence (if the judgment has already been promulgated the proper remedy is a motion for reconsideration or new trial).

A judgment of acquittal generally cannot be appealed except to pursue the civil liability of the accused. Every person criminally liable is also civilly liable (Art. 100, Revised Penal Code). The judgment whether of acquittal or conviction should establish the civil liability of the accused (Rule 120, Sec. 2) unless the complainant has reserved his right to file a separate civil action (Rule 111, Sec. 2). If the offended party is not satisfied with the award or is not indemnified as he may be entitled under the facts proved, he may appeal (Rule 122, Sec. 11, b). Actual, moral and exemplary damages may be awarded (Rule 111, Section 1).

