

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

House Bill No. 06



Introduced by **SALACNIB F. BATERINA**

EXPLANATORY NOTE

The Philippine Penal System's method of retributive justice is vengeful and barbaric. Reminiscent of the *Lex Talionis*, which enunciates the old system of sanction simplified as "eye for an eye", a tooth for a tooth", is blatantly contradictory to the higher values of law and justice. The state surely must NOT answer the criminal with his own weapon: Destruction. Punishment for punishment 's sake is repugnant to civilized men. And whether it be the ultimate or most minor penalty, it has to be the by-product to our society's system of control and not its purpose.

As a Catholic country, we know the value of human life; that it is precious as to be worth a lifetime job of rehabilitation. Since it is wrong to kill, the State should not set the example and be the first to respect human life, for an execution of a convict is a self-mutilation of the State. It is not empowered to eliminate a citizen, for when it does, it does not to erase a crime but rather repeats it.

The existence of the death penalty in our penal system debases justice, for it falsifies criminal proceedings by taking on the character of a tragi-comedy. Capital punishment is a form of cruelty and inhumanity unworthy of a society which claims to be humane. Since the death penalty is irrevocable, and judicial error is always possible, the penalty appears as an unpardonable crime committed by society on its citizens. It is no more than a lazy answer which hinders the search for effective means of curbing crime and for a rational system of prevention.

Again, for our being a Christian country, we should remember that murder of Cain and Abel was not punished with death, for as it was written in the Gospel, vengeance is not ours but God's.

A segment of our people may say that the crimes that have proliferated are now too heinous to be meted with just an imprisonment for life. "The arguments goes back to the old absolute theory of retribution or expiation as a means of sanction for an offense (*quia peccatum est*). The Anglo-American criminalists have abandoned the idea of retribution and punishment and substituted it with treatment, based on a study of the personality of the convict." (Aquino, RC THE REVISED PENAL CODE, Vol. I, p. 586, 1997) A crime is not the end result of just one environmental circumstance in the life of a felon. It is the multi-excrescence of the environment and society working on a misplaced individual.

It is likewise further argued that there are more than 500 death convicts now housed in our national penitentiary, therefore to support these convicts during his natural lifetime is too uneconomical. And therefore their elimination can save a lot of public

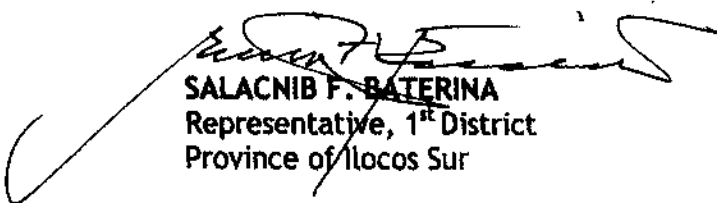
money which could fund priority programs of government. We say this is the worst argument that can be leveled against the abolition of capital punishment. It is the argument of materialism and does not sit well with all the religions, whether Christian or of other beliefs in our country.

People further ask: "How can you reform a rapist of his child?" We say "Could it not be that the criminal act was the outcome of the felon's illegal drugs?" Therefore he still can be rehabilitated. Yet rehabilitation is not the answer. Killing by the state as we herein before stated is w\answering the criminal with his chosen weapon.

Consistent, therefore with the Government's aim of lifting up the dignity and intrinsic value of the Filipino through its various rehabilitation programs, convicted criminals, being by-products of their environment, should also be given the opportunity for rehabilitation, but by considering his potentials for reformation and rehabilitation. It is for this reason, and parallel to the aspirations of the Macapagal-Arroyo administration in enhancing the poor Filipino's worth, (as it is well known that the vast majority in the convicts are the poor.) towards his neighbors and with himself. That the government should apply a punishment which does not prevent a convict from ever coming to a realization of ethical and moral values, even if he may realize them only through strenuous work and the fulfillment of duties within the narrow confines of prison community.

Not only for the aforementioned reasons must we regard the proposal to abolish the capital punishment as urgent, but more so because it precludes reparation for a wrongful conviction; it hampers preventive and remedial action; it dares , rather than deters hardened criminals; it glamorizes crime for eh mentally unstable; it feeds some debased press with brutal material, and breeds callous judges and counsels, but more importantly, capital punishment is incompatible with the self-respect of a civilized nation.

Approval of this bill is urgently and anxiously solicited.



SALACNIB F. BATERINA
Representative, 1st District
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Introduced by Rep. **SALACNIB F. BATERINA**

**AN ACT ABOLISHING THE DEATH PENALTY, REPEALING FOR THIS PURPOSE
REPUBLIC ACT NUMBERED 7659, AND AMENDING CERTAIN PROVISIONS OF
LAW THAT IMPOSE DEATH AS A PENALTY FOR CRIMES COMMITTED**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 SECTION 1. It is hereby ordained that no court in the Philippines shall
2 impose death as a penalty for any crime or offense committed.

3 SEC. 2. In lieu of death penalty, courts must impose the maximum penalty
4 of *reclusion perpetua* or life imprisonment. Republic Act Numbered 7659 is
5 hereby repealed. All laws, decrees, rules and regulations or part thereof, which
6 are contrary to or inconsistent with this Act are hereby repealed accordingly.

7 SEC. 3. If any of the provisions of this Act is declared unconstitutional, the
8 remaining parts not affected thereby shall be in full force and effect.

9 SEC. 4. This Act shall take effect fifteen (15) days from its publication in at
10 least two newspapers of general circulation in the Philippines.

Approved.