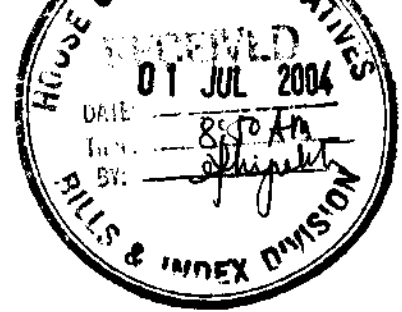


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 10



Introduced by **HONORABLE EDCCEL C. LAGMAN**

EXPLANATORY NOTE

Justice, even in heinous crimes, should not equate with killing the offender.

This bill seeks to abolish the death penalty for the following reasons:

1. The death penalty is the most "cruel, inhuman or degrading" punishment and has no place in civilized society. Hence, the campaign of the United Nations to persuade member-states to abolish capital punishment. To date more than half of the countries in the world have done away with the death penalty except for crimes against the State like treason or espionage.
2. Experience in countries which impose the death penalty has shown that this severest punishment has failed as a deterrent to crime. Dr. Peter Albrecht, Presiding Judge of the Criminal Circuit Court in Basel, Switzerland unequivocally asserted that "neither on the basis of crime statistics nor by any other method has it been possible to demonstrate convincingly that the death penalty has a greater deterrent effect than long prison sentences. Nowhere, for example, has a rise in homicide rate been observed as a result of the abolition of the death penalty for murder, nor do I personally know of any empirical studies which would indicate that executions have been able to reduce the level of drug abuse."

The US FBI Preliminary Uniform Crime Report 2002 revealed that murder rates in southern states increased by 2.1% even though they account for 82% of all executions in the United States since 1976 while murder rates in northeastern states which account for less than 1% of all executions have actually decreased by almost 5%.

What prevents people from committing crimes is the certainty of apprehension, speedy prosecution and if warranted, conviction.

3. Execution is a violent act that has a "brutalizing effect" which incites the violent tendencies of criminals and even of the public. This was demonstrated by the enraged clamor for the death of Leo Echagaray in 1999.

Dr. Iur Margrith Bigler-Eggenberger, Judge of the Federal Court of Switzerland, in her Statement on the Death Penalty for Drug Offences posited that the death penalty "increases the likelihood that drug dealers will endanger law officers in the attempt to avoid capture. It even entails

the danger that drug addicts—children and young people included—who often deal to support their own habits, will themselves be executed.”

4. The death penalty is retrogression to public vengeance even as it shuts out rehabilitative justice. It forecloses the opportunity for the offender to reform and be able to contribute to the good of society once he or she is released from prison.
5. The death penalty, in its ruthless disregard for human life, places the government in an inconsistent position with regard to its commitment to the rule of law and the protection and promotion of human rights.
6. The act of killing is final. Thus, a miscarriage of justice is irrevocable. A judicial error that confines the accused in prison for years can still be rectified. Based on statistics on death convicts from the Bureau of Corrections as of July 2001, forty-three (43) were acquitted, four hundred twenty-six (426) had their death penalty modified to reclusion perpetua and twelve (12) cases were remanded to the lower courts or set aside.
7. The death penalty is anti-poor. Failure to hire adequate legal counsel due to poverty contributes to unwarranted conviction of the accused and the meting out of death sentences. A study on the socio-economic background of 1010 death convicts in 2001 reveals that 481 (47.62%) are industrial and service workers, 316 (32.24%) agricultural workers, 116 (11.49%) other low income earners and 24 (2.38%) are jobless constituting a total of 937 (93.73%).

Accordingly, approval of this measure is earnestly sought.



EDCEL C. LAGMAN

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Introduced by **HONORABLE EDCCEL C. LAGMAN**

AN ACT
ABOLISHING THE DEATH PENALTY IN THE PHILIPPINES

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

SECTION 1. Death, as a penalty, is hereby abolished in the Philippines. For this purpose, Articles 25, 40, 70, 71, 74 of the Revised Penal Code are expressly repealed, amended or modified insofar as they provide for the penalty of death as a principal penalty and for its accessory penalties under the Revised Penal Code. All other special statutes that provide for the penalty of death shall be considered amended or modified accordingly. Should the penalty of death be provided as the sole and mandatory penalty in the special penal statute or the Revised Penal Code, the penalty shall be substituted with that of *reclusion perpetua* or life imprisonment, as the case may be.

SEC. 2. Article 63 of the Revised Penal Code is hereby amended to read as follows:

"Article 63. Rules for the Application of Indivisible Penalties. – In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed."

[In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.

2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

3. When the commission of the act is attended by some mitigating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

4. When both mitigating and aggravating circumstances attended the commission of the act, the court shall reasonably allow them to offset one another in consideration of their number and importance, with the preceding rules, according to the result of such compensation.]

SEC. 3. Republic Act No. 7659, as amended by Republic Act No. 8177, and all other laws inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of national circulation.

Approved,