

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 230



Introduced by Reps. Rene M. Velarde, Christian M. Señeres and Eduardo C. Zialcita

EXPLANATORY NOTE

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

1. The individual is the most important element of the state. The key to the continued development and stability of the Republic is the protection and improvement of life of its citizen from the time of his or her birth all the way to his or her natural death. The death penalty violates the right to life. It is the ultimate cruel, inhumane and degrading punishment that can befall an individual.
2. The Deterrence Argument states that the death penalty is a deterrent to crime. This is not the case as has been proven by scientific studies (Amnesty International 2003). The most recent United Nations sponsored survey of research findings on the relation between the death penalty and homicide rate has concluded that "it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment." A study made by the University of the Philippines Department of Sociology affirms this theory – that the death penalty is not a deterrent to crime.
3. In recent years, governments have adopted international treaties committing themselves to not having the death penalty. Four such treaties now exist: The Second Optional Protocol to the International Covenant on Civil and Political Rights, which has now been ratified by 49 states; the Protocol to the American Convention on Human Rights to Abolish the Death Penalty; Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms; and Protocol No. 6 to the European Convention on Human Rights. The Second Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol to the American Convention on Human Rights provide for the total abolition of the death penalty but allow

states wishing to do so to retain the death penalty in wartime as an exception. Protocol No. 13 to the European Convention on Human Rights provides for the total abolition of the death penalty in all circumstances (Amnesty International 2003).

4. It is irrevocable and can be inflicted on the innocent. In the United States, more than a hundred prisoners have been released from death row since 1973 after evidence emerged of their innocence of the crimes for which they were sentenced to death. The statistics would further show that other American prisoners have gone to their deaths despite serious doubts over their guilt.
5. Over half the countries in the world or a total of 112 countries have now abolished the death penalty in law or practice. During the past decade, more than three countries a year on the average have abolished the death penalty.

Accordingly, approval of this measure is earnestly sought.



RENE M. VELARDE

CHRISTIAN M. SEÑERES

EDUARDO C. ZIALCITA

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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 and 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.

