

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
1st Regular Session

House Bill No. 258



Introduced by **RODRIGUEZ D. DADIVAS**

Explanatory Note

The imposition of death penalty has never been and never will be a deterrent to the commission of crime. It has proven time and again that heinous crimes continue to increase despite the death penalty law. In the meantime, some 21 prisoners in the death row of the New Bilibid Prison in Muntinlupa City would surely die by lethal injection once they are scheduled and nobody knows if these people are indeed guilty of the crime.

This bill seeks to abolish the death penalty as prescribed in Republic Act No. 7659 or the Death Penalty Law, Act No. 3815, otherwise known as the Revised Penal Code and other special laws for the simple reason that the Constitution prohibits cruel and unusual punishment. There is no law that provides the severing of any parts of the body of a murderer, a rapist or a kidnapper because it constitutes cruel punishment how much more the taking of his very life.

We believe that a right when abused is forfeited just as a delinquent borrower loses his right to borrow or a flying voter loses his right to vote but the problem is until now our judicial system is vulnerable to mistakes and I am afraid that the imposition of death penalty would cost the lives of innocent people. What if some or all of these death row convicts awaiting their fate in the New Bilibid Prison in Muntinlupa City are victims of miscarriage of justice? What would our government do if some years after the death penalty was carried out to these death convicts the real perpetrators suddenly surface and acknowledge the crime they committed or new evidences were found proving those convicted felons who died by lethal injection were wrongfully accused and therefore not guilty?

Although we are moved when we see relatives and friends of victims of rape and murder who are crying out for justice against the perpetrators, we cannot discount the possibility that these people are not guilty after all. If at all, some of them are indeed guilty as charged, the death penalty eliminates all hopes for rehabilitation and this would constitute an act of retribution on the part of the government in particular and in our society in general. *Reclusion Perpetua* or the keeping of the convicts in jail for the rest of his life instead of by death is more than enough and is civil. In view of the foregoing, the approval of this bill is earnestly sought.

RODRIGUEZ D. DADIVAS

Representative
1st District, Capiz

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AN ACT
PROVIDING FOR THE IMPOSITION OF THE PENALTY OF RECLUSION
PERPETUA INSTEAD OF THE DEATH PENALTY IN CASES WHERE THE LAW
PRESCRIBES THE DEATH PENALTY, AND FOR OTHER PURPOSES

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

Section 1. The provision of any law, rule or regulation to the contrary notwithstanding, the penalty of *reclusion perpetua* or life imprisonment, as the case may be, with entitlement to any allowance for good conduct, special time allowance for loyalty, or parole, instead of the death penalty, shall henceforth be imposed in cases where the law prescribes the imposition of the death penalty for the violation of its provisions.

Sec. 2. Any person who has been meted out the death penalty by final judgment shall have his sentence commuted and serve it in accordance with the provisions of the Act.

Sec. 3. Republic Act No. 7659, as amended by Republic Act No. 8177, and all other laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

Sec. 4. Articles 25, 40, 70, 71 and 74 of the Revised Penal Code are expressly repealed 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.

Sec. 5. 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. 6. This Act shall take effect immediately after its publication in two (2) national newspapers of general circulation.

Approved,