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THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY:

SENATE

S. No. 226

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

On December 13, 1993, Congress passed Republic Act No. 7659, or the Death Penalty Law as the strongest deterrent against heinous crimes. Today, some eight years hence, there is no indication that the incidence of crime, especially crimes of violence has been reduced as a result of this deterrent.

Any punishment designed to deliver justice should address two objectives: a) that of recompensing the victims for injuries inflicted, and b) of reforming the criminal. Capital punishment serves neither of these ends: the injuries inflicted by heinous crimes are as a rule irreversible, and the opportunity of reforming the criminal is lost permanently when he is put to death. Perversely, a society which seeks to protect itself from crimes of violence through capital punishment ends up party to the propagation of violence by its sanction of the act of the taking of life, even as a punishment.

The far weightiest argument against capital punishment is that in the event that an innocent person is by error convicted of a heinous crime and put to death, there is no way that the mistake can ever be corrected. In a society where there is a gaping chasm between the resources available to the rich and poor, where funding for public defendants is always inadequate, where the justice system is known more for its defects and weaknesses rather than its reliability, our adoption of capital punishment runs the risk of perpetuating an extremely unjust system.

The effectiveness of deterrents against crime rests not only on the weight of the deterrent itself, but also on the probability of being apprehended and punished for any crime committed. In the Philippines, the well-known weakness of the law enforcement system renders any deterrent ineffective, no matter how fearsome it may be. It is proposed that life imprisonment without the possibility of parole, combined with a more faithful enforcement of the law, would be a far more effective deterrent to crime than what we have at present.

We Filipinos have always taken pride in being the only Christian nation in Asia. Our acceptance of capital punishment stands out as a blatant contradiction to the Christian values of forgiveness, compassion and respect for human life that we claim to uphold.

In view of the foregoing, early passage of this bill is earnestly requested.


SERGIO OSMEÑA III
Senator

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

1 **SECTION 1.** The provision of any law, rule or regulation to the contrary
2 notwithstanding, the penalty of *reclusion perpetua* or life imprisonment, as the case may
3 be, without entitlement to any allowance for good conduct, special time allowance for
4 loyalty, or parole, instead of the death penalty, shall henceforth be imposed in cases
5 where the law prescribes the imposition of the death penalty for the violation of its
6 provisions.

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

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

13 **SEC. 4.** Articles 25, 40, 70, 71, and 74 of the Revised Penal Code are expressly
14 repealed or modified insofar as they provide for the penalty of death as a principal
15 penalty and for its accessory penalties under the Revised Penal Code.

1 **SEC. 5.** Article 63 of the Revised Penal Code is hereby amended to read as
2 follows:

3 “Article 63. *Rules for the Application of Indivisible Penalties.* – In all
4 cases in which the law prescribes a single indivisible penalty, it shall be
5 applied by the courts regardless of any mitigating or aggravating
6 circumstances that may have attended the commission of the deed.
7

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

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

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

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

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

23 **SEC. 6.** This Act shall take effect immediately after its publication in two (2)
24 national newspapers of general circulation.

Approved,