

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

'04 JUN 30 P10:14

SENATE

S. No. 694

RECEIVED BY: Adler

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

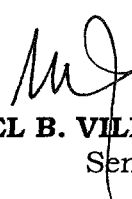
EXPLANATORY NOTE

Death, as a penalty for crime, has no place in a society that claims to strongly uphold freedom and human rights.

The death penalty, aside from being an inhuman, cruel and degrading punishment, has never been proven to deter the crime more effectively than other punishments. For countries with perverted justice system, the said penalty might even be imposed on the innocent.

Hence, it is but just to impose the penalty of *reclusion perpetua* instead of the death penalty in cases where the law prescribes death penalty.

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


MANUEL B. VILLAR, JR.
Senator

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SECRET
OFFICE OF THE SECRETARY

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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:*

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, without 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.

SECTION 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.

SECTION 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laws, decrees, rules and regulations or parts thereof, which are contrary to or inconsistent with this Act are hereby repealed or modified accordingly.

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 Articles 25, 40, 70, 71, and 74 of the Revised Penal Code are expressly repealed or modified insofar as they provide for the penalty of death as a principal penalty and for its accessory penalties under the Revised Penal Code.

SECTION 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.]

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

Approved,