

04 JUN 30 PM 07

13th Congress of the Republic)
of the Philippines)
First Regular Session`)

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SENATE

S. B. No. 1143

Introduced by Senators Aquilino Q. Pimentel Jr.

EXPLANATORY NOTE

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.

The Constitution prohibits cruel and unusual punishment. For instance, no law may be passed that will mandate the lopping off the male member of a rapist or the severing of the hand of a murderer or the legs of a kidnapper. Neither may our courts impose any sentence prescribing such acts.

The reason is that these would constitute cruel and unusual punishments that are prescribed by the Constitution.

If it is a cruel and unusual punishment to cut off parts of the body of a convict, why is it not cruel and unusual punishment to take his very life?

Moreover, the death penalty has not proven to be a deterrent to crime. And if the death penalty is seen as a retributive act of society, keeping a convict in jail for the rest of his life can very well be a civilized substitute for it. Death, by its finality, completely eliminates all hopes for rehabilitation.

Even as an act of retributive justice, the death penalty may be faulted because it rests on the principle of *Lex Talionis*, "an eye for an eye; a tooth for a tooth" principle. Pushed to its logical conclusion, it means that the convict must also suffer the indignities, the torture and the pain to which he might have subjected his victim.

Moreover, the ultimate nightmare is the probability of the State killing an innocent person for a crime he or she did not commit. It has happened in the US. It can happen here.

This bill proposes to correct this grave moral wrong. It seeks to abolish the death penalty. In its stead, *reclusion perpetua* or a 30 years without parole be imposed in the cases where the law provides for the death penalty.

The approval of this bill is urgently recommended.


AQUILINO Q. PIMENTEL, JR.

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SENATE

1143

S. B. No. _____

Introduced by Senators Aquilino Q. Pimentel Jr.

**AN ACT
PROVIDING FOR THE IMPOSITION OF THE PENALTY OF IMPRISONMENT
FOR THIRTY YEARS (30) YEARS INSTEAD OF THE DEATH PENALTY IN
CASES WHERE THE LAW PRESCRIBES THE DEATH PENALTY**

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 thirty years 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 shall be sentenced by final judgment to *reclusion perpetua* by the virtue of this Act shall serve it for the rest of his natural life, without entitlement to any allowance for good conduct, special time allowance for loyalty, or parole save only as the President of the Philippines may allow in the exercise his power to grant reprieves, commutation of sentence or pardon under the Constitution.

Section 3. Any person who has been meted out the death penalty by the final judgment shall have his sentence commuted and serve it in accordance with the provisions of this Act.

section 4. This Act shall take effect immediately.