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**SENATE**

P. S. Res. No. 81

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Introduced by Senator Ralph G. Recto

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**A RESOLUTION**

**URGING THE PRESIDENT OF THE PHILIPPINES TO ACTIVELY EXERCISE HIS PLENARY POWER TO GRANT EXECUTIVE CLEMENCY TO QUALIFIED AND DESERVING INMATES**

WHEREAS, it is provided under Section 19, Article VII of the 1987 Philippine Constitution that, except in cases of impeachment, or as otherwise provided in the Constitution, the President may grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction by final judgment;

WHEREAS, in accordance with the above-cited provision of the Constitution, the President has the plenary power to grant executive clemency, except in: (1) cases of impeachment; (2) cases involving elections laws, rules and regulations as provided under Section 5, Article IX-C of the 1987 Philippine Constitution without the favorable recommendation of the Commission on Elections; and (3) cases where the conviction is on appeal or has not become final and executory;

WHEREAS, under Executive Order No. 83 dated January 11, 1937, the Board of Pardons and Parole is mandated to assist the President in exercising the power to grant executive clemency;

WHEREAS, it is the intent of the law in creating the Board of Pardons and Parole to redeem and uplift valuable human resources to economic usefulness and prevent unnecessary and excessive deprivation of liberty;

WHEREAS, data from the Bureau of Jail Management and Penology as of September 2015 showed a National Congestion Rate of 397.65%, and data from the Bureau of Corrections as of June 30, 2016 showed a National Congestion Rate of 157.38%;

WHEREAS, overcrowding in Philippine correction systems could affect the security of custodians, provide opportunities for acts of corruption, and cause the violation of the normative standards of prison management;

WHEREAS, deteriorating living condition in our correctional institutions expose inmates to hazards like the onset of infectious disease epidemic, higher suicide rates, frequent inter-prisoner violence, and other similar predicaments;

WHEREAS, data from the Board of Pardons and Parole showed that from 2010 to June 2016, the Board recommended a total of 1,366 inmates for executive clemency broken down as follows:

Recommended for Conditional Pardon	124
Recommended for Commutation of Sentence	1,232
Recommended for Absolute Pardon	10;

WHEREAS, data from the Board of Pardons and Parole showed that from December 2010 to November 2015, there were only 67 inmates granted executive clemency broken down as follows:

Commutation of Sentence	23
Conditional Pardon with Parole Condition	11
Conditional Pardon without Parole Condition	4
Conditional Pardon with Voluntary Deportation	27
Absolute Pardon	1
Remission of Fine	1;

WHEREAS, our government must enforce measures to prevent inhuman or degrading treatment of inmates and promote the general welfare and safeguard the basic rights of every prisoner;

WHEREAS, there is a need to provide opportunities to qualified and deserving inmates in order to ease congestion in the correctional institutions;

WHEREAS, the executive clemency rests exclusively within the sound discretion of the President and is exercised with the objective of preventing miscarriage of justice or correcting a manifest injustice;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Philippine Senate to urge the President of the Philippines to actively exercise his plenary power to grant executive clemency to qualified and deserving inmates.

Adopted.



RALPH G. RECTO