

Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)

HUMAN RIGHTS ADVISORY
CHR-A15-2000

"ON THE ABOLITION OF THE DEATH PENALTY LAW"

The Commission on Human Rights had opposed the enactment of any law re-imposing the death penalty law in the Philippines on the ground that it offends the dignity of the human person and human rights. Article II, Section 11 of the 1987 Philippine Constitution states:

*"The State values the dignity of every human person
and guarantees full respect for human rights."*

The aforesaid provision is in accordance with the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights, which the Philippines had ratified, guarantee that every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The Congress of the Philippines, nevertheless, enacted Republic Act No. 7659 imposing death sentence with the motivation that the law will be a deterrent to the commission of heinous crimes, as enumerated in the aforesaid statute. Statistics, however, show that the expectation of

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the Philippine Congress has not been realized. Despite the enactment of the death penalty law and the execution of seven convicts, more heinous crimes have been committed. From January to October 1999, the reported cases of rape, which is considered as a heinous crimes under the statute, have substantially increased.

Only recently, the President of the Philippines expressed his second thoughts on the imposition of the death penalty. He has commuted to life imprisonment the death sentence of prisoners in Muntinlupa. House Bill Nos. 6083, introduced by Representative Salacnib F. Bateria, and 8844, introduced by Representative Roan L. Libarios, have proposed the repeal of Republic Act No. 7659.

Indeed, the Philippines, known as a predominantly Christian country, by enacting the death penalty law, has returned to the ancient era of *Lex Talionis* – "life for a life, tooth for a tooth" – a system blatantly contradictory to the higher values of law and justice. Pope John Paul II, in his Encyclical "*Evangelium Vitae: (Gospel of life)*" issued on 25 March 1995, has said that modern society now has all the means of effectively suppressing all crimes by rendering harmless without definitely denying them the chance to reform. Moreover, the concept of heinous crimes is now limited to grievous offenses like genocide or international terrorism when the security of the state is placed in danger.

The Commission on Human Rights, since the enactment of Republic Act No. 7659 and the execution of the first death sentence of Leo Echegaray, recommended to the Philippine Senate to ratify the Second Optional Protocol to the Covenant on Civil and Political Rights

Aiming the Abolition of Death Penalty. The said Protocol states that the abolition of the death penalty contributes to the enhancement of the dignity and progressive development of human rights. Criminality can be fought with sincere and effective law enforcement and impartial administration of justice. The said Protocol has already been ratified by more than one-half of all the countries and territories. It is about time that the Philippines join the trend in the United Nations to eliminate death penalty statutes and local statutes.

The Commission on Human Rights issues this Human Rights Advisory addressed to the President and the Congress of the Republic of the Philippines for their appropriate action and all persons who value the dignity of the human persons and the preservation and sanctity of life.

19 December 2000, Quezon City.

A. Navarrete
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Commissioner

Jorge R. Coquia
JORGE R. COQUIA
Commissioner

Vicente P. Sibulo
VICENTE P. SIBULO
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*I concur in conformity
with my separate opinion dated
the 19th of December 2000.*
NASSER A. MAROHOMSALEH
Commissioner