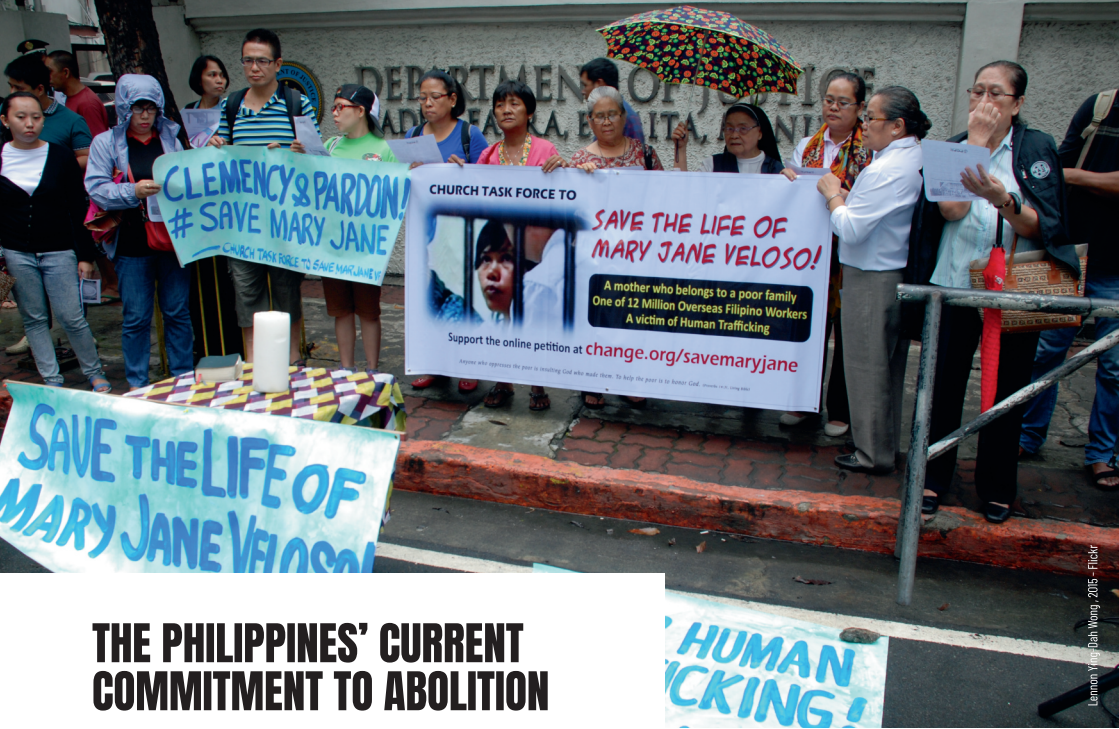


**KEEP THE
DEATH PENALTY
ABOLISHED
IN THE
PHILIPPINES!**



In partnership with





Protests for the release of Mary Jane Veloso.

Lennon Yung / Dian Wong, 2015 - Flickr

THE PHILIPPINES' CURRENT COMMITMENT TO ABOLITION

1986 The Philippines unconditionally ratified the International Covenant on Civil and Political Rights (ICCPR) in 1986.

1987 The death penalty was first abolished under the Constitution in 1987, but it was reinstated six years later in 1993. On 24 June 2006, Republic Act 9346: An Act Prohibiting the Imposition of the Death Penalty in the Philippines, was enacted, abolishing the death penalty for a second time.

2007 On 20 November 2007 the Philippines became the first country in Southeast Asia to ratify the Second Optional Protocol of the ICCPR (ICCPR-OP2). Through its ratification of this treaty, the Philippines affirmed its commitment to not execute any person within its jurisdiction and to abolish the death penalty without reservation. As a country that has abolished the death penalty, the Philippines is not permitted under the ICCPR-OP2 to impose a sentence of death.

2010 In April 2010, Mary Jane Veloso, a Filipino migrant working in Indonesia, was arrested in Indonesia on charges of smuggling heroin. Despite maintaining her innocence, she was sentenced to death in October 2010. Veloso is one of the millions of Filipino migrant workers who work in low-paid jobs abroad, making them vulnerable to international crime gangs seeking to recruit drug mules. A spokesman for the Department of Foreign Affairs of the Philippines has confirmed that the government continues to extend its assistance to Veloso and her family.

The Philippines provides support to Filipinos facing the death penalty abroad, in accordance with its aforementioned obligations under international law. The government has previously vowed to help any Filipino on death row “whether the person is guilty or not”.¹

¹ Rappler, 92 migrant Filipinos on death row: 3,800 jailed (2015) <https://www.rappler.com/nation/filipinos-death-row-abroad-statistics>.

A POSSIBLE RETURN TO THE DEATH PENALTY?

2016 Ever since President Duterte began his term in 2016, he has made numerous calls to reinstate the death penalty and reverse the progress made by previous administrations to abolish it. These calls have spurred rapid action among legislators, many of whom have filed bills to reinstate capital punishment for a wide range of crimes.

2020 On 27 June 2020, President Duterte delivered his fifth State of the Nation Address (SONA) and again called for Congress to reintroduce the death penalty by lethal injection for offences contained in the Comprehensive Dangerous Drugs Act (2002).

On 5 August 2020, debate began in the Committee on Justice of the House of Representatives regarding House Bill 741, to reinstate of the death penalty for drug offences. There are currently 13 draft bills before the House of Representatives and 11 draft bills before the Senate proposing the death penalty for a range of offences including (but not limited to) drug offences, treason, plunder, rape and murder.

The House Committee on Justice will need to approve the bills for the bills to proceed to the plenary. Once the bill is passed to the plenary, it will proceed to the Senate for consideration. The Senate may opt to adopt the House version in its entirety, to expediate the passage of the bill. If the bill is approved after the third reading at the Senate plenary without amendments, it will be presented to the President for his signature. After the President signs the bill, it will become law and the death penalty will be reintroduced.



President Rodrigo Duterte delivers his speech on the State of the Nation in July 2016.

Radio Television Malabarang
Presidential Photographers Division
Ace Norandante

Although previous attempts to pass bills in Congress faced numerous challenges and ultimately failed, these calls to reintroduce the death penalty are concerning every time they are made. The death penalty has been presented as a quick-fix solution to the rampant drug trade in the Philippines. However, this issue is a symptom of deeper problems that are rooted in poverty and socio-economic inequalities. It cannot be solved through the death penalty, which was never conclusively proven to be an effective deterrent to drug use.

Drug markets continue to thrive in countries that enforce the death penalty, such as Saudi Arabia, Iran, China, and Malaysia.

² Laws 2, The Use of the Death Penalty for Drug Trafficking in the United States, Singapore, Malaysia, Indonesia and Thailand: A Comparative Legal Analysis, (2013) <https://www.mdpi.com/2075-471X/2/2/115/html>.



Incarcerated individuals sleep in cramped, overcrowded conditions at a prison in Quezon City, Manila.

10 REASONS AGAINST REINSTATING THE DEATH PENALTY IN THE PHILIPPINES

1. No State should have the power to take a person's life.

In Article III – or the Bill of Rights – of the 1987 Constitution, **the Philippines has committed to ensuring that no person shall be deprived of life, liberty, or property without due process of law.** The government has also vowed to protect the life and liberty of all individuals, and to give the highest priority to the right of all people to human dignity.³

As the ultimate cruel, inhuman, and degrading punishment, the death penalty directly violates these Constitutional provisions.

2. It is irrevocable.

In 2004, the Supreme Court admitted in *People v Mateo* that **71.77% of death penalty convictions were wrong and were either modified or overturned.** In that eleven-year period since the re-imposition of the death penalty in 1993, approximately 1,493 cases of capital punishment were imposed, but only 230 of these were affirmed.

The Philippine justice system can make mistakes, and the imposition of the death penalty on innocent people has grave consequences that can never be reversed.

3. It is unfair and anti-poor.

If the death penalty is to be restored in the Philippines, people living in poverty will continue to bear the brunt of wrongful convictions and death sentences. **Before capital punishment was abolished in 2006, 81% of the 1,121 inmates on death row worked low-income jobs** (in the sales, service, factory, agricultural, transport, or construction sectors), and 73% earned less than 10,000 PHP⁴ a month.⁵

In the Philippines, defending a capital case can be conservatively estimated at 329,000 PHP a year⁶ – significantly more than what many inmates can afford. Leo Pilo Echegaray, the first person to be executed by lethal injection in the Philippines in 1999, was a fish vendor.⁷ His case at the Supreme Court demonstrates that Republic Act 7659: An Act to Impose the Death Penalty on Certain Heinous Crimes at that time was “militated against the poor and the powerless in society – those who

cannot afford the legal services necessary in capital crimes, where extensive preparation, investigation, research and presentation are required".⁸

4. It is inhuman, cruel, and degrading.

In 1994, prisoners sentenced to death in the Philippines could wait between 12 and 18 months for their execution, potentially exposing them to extreme psychological stress for a year or more. In other countries, such as the USA, prisoners can remain on death row for over a decade – sometimes well over 20 years.⁹ In addition to this, many of them suffer from inhumane conditions in prisons, where law enforcers would subject them to ill-treatment, torture, and verbal and/or physical threats. **Richard Ong, for example, was sentenced to death in 1996 and claims that he was blindfolded, tortured with electric shocks, and forced into confession by government officials.**¹⁰

People can also suffer from failed executions, which increases their suffering. In April 1950, Alejandro Carillo was sentenced to die via the electric chair. During his execution, an electric malfunction occurred, and he had to be electrocuted twice before being declared dead.¹¹

5. It denies any possibility of rehabilitation.

The decision to abolish the death penalty in 1987 was influenced by the argument that modern penal systems favored reformatory rather than vindictive punishment. The Philippines is currently a member country of the Commission on Crime Prevention and Criminal Justice and has recommended the adoption of the Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters. The government has also committed to establishing “a more enlightened and humane correctional system that will promote the reformation of offenders”.¹² The Bureau of Corrections and the Parole and Probations Board both aim to effectively rehabilitate and reintegrate offenders back into society – a goal that could not be achieved through the death penalty.

6. It is in direct violation of international standards and treaties.

The Philippines is a signatory to various international human rights instruments that ensure the protection of the right to life and abolition of the death penalty, including the ICCPR-OP2. **The Protocol has no clause for withdrawal, meaning that the Philippines vowed to keep the death penalty permanently abolished when it ratified this treaty in 2007.** If the death penalty were to be restored in the Philippines, it would constitute a severe violation of its international human rights and drug control obligations and damage its reputation in the international community.

In addition, restoring the death penalty could also result in the risk of losing the benefits the Philippines currently enjoys through the European Union's Generalized System of Preferences (GSP+).

Through the GSP+ program, the country's exports can have preferential access to European markets and enjoy a wide range of economic benefits, as long as it upholds and implements the ICCPR and many other core human rights instruments and drug policy conventions. The re-imposition of the death penalty can therefore endanger the qualifying status of the Philippines in the GSP+ program.

³ Official Gazette of the Philippines, The Constitution of the Republic of the Philippines (1987), <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

⁴ Equivalent to around 175 EUR (as of September 2020).

⁵ The Manila Times, Poor vulnerable to death penalty (2016), <https://www.manilatimes.net/2016/05/21/news/top-stories/poor-vulnerable-to-death-penalty/263381/>.

⁶ Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper (2019), 4, PHP 329,000 equivalent to around 5,810 EUR (as of September 2020).

⁷ Kasarinlan: Philippine Journal of Third World Studies, The Poor on Trial in the Philippine Justice System (1999).

⁸ The People of the Philippines vs. Leo Echegaray y Pilo (1997), https://lawphil.net/judjuris/juri1997/feb1997/gr_117472_1997.html.

⁹ Death Penalty Center, Time on Death Row (2019), <https://deathpenaltyinfo.org/death-row/death-row-time-on-death-row>.

¹⁰ Amnesty International, The Death Penalty: Criminality, Justice and Human Rights (1997).

¹¹ ABS-CBN News, How we kill: Notes on the death penalty in the Philippines (2019), <https://news.abs-cbn.com/spotlight/07/14/19/how-we-kill-notes-on-the-death-penalty-in-the-philippines-part-2>.

¹² Department of Justice of the Philippines, Restorative Justice (2017), <https://probation.gov.ph/restorative-justice/>.

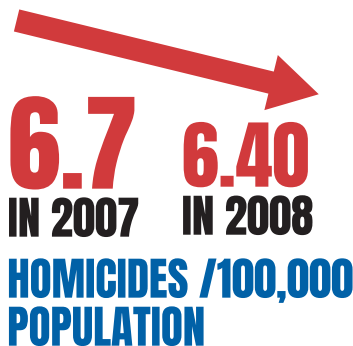
7. It creates more pain and suffering, particularly for the relatives of the person sentenced to death.

"I can affirm from my own experience as chaplain that this is true. When a person is imprisoned, it is the children who suffer. How much more for those put to death?" – Fr. Silvino Borres, Jr., S.J. Coalition Against the Death Penalty (CADP)

Not only does the loss of a family member result in severe emotional and psychosocial distress, it also entails financial strain on a family, especially when the defendant is poor. In the Philippines, the cost of defending an individual in a capital punishment case can reach up to 329,000 PHP¹³ – this excludes the loss of income that a family faces when a family member is in detention and unable to work.¹⁴

8. Contrary to popular belief, it is ineffective and does not keep society safer.

Crime statistics over the years do not conclusively show that the death penalty is an effective deterrent to crime. Crime rates in the Philippines were higher when the death penalty was in force and, in fact, went from 7.10 homicides per 100,000 population in 2006 to lower levels in the immediate years after its abolition (6.7 homicides per 100,000 population in 2007; and 6.40 homicides per 100,000 population in 2008).¹⁵



9. Not all murder victims' families want the death penalty.

Several family members of crime victims in the Philippines have also spoken up against the death penalty, despite having their loved ones murdered. Actress Cherry Pie Picache's mother was robbed and murdered in 2014 but she has remained a staunch advocate against the return of the death penalty in the country. She believes that **addressing the drug problem and ensuring the education of people are the solution to ending crime, rather than the revival of capital punishment.**¹⁶

10. Efforts to reinstate the death penalty are diverting public attention and government resources away not only from effective responses to the COVID-19 pandemic, but also from long-term solutions to the local drug problem.

During the COVID-19 pandemic, the Philippines' focus should be on preventing the spread of COVID-19 and saving lives instead of creating more pain and death by reintroducing the death penalty. The reintroduction of the death penalty should not be considered when there are thousands of Filipinos already suffering from COVID-19.

Moreover, resources associated with the use of the death penalty could be more effectively used when channeled into long-term solutions that target the root causes of the drug problem – improvements in public health, quality education for Filipinos, and inclusive economic growth, among many others.

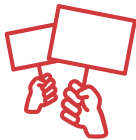
¹³ Equivalent to around 5,750 EUR (as of September 2020).

¹⁴ Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper on the Death Penalty (2019), <https://www.facebook.com/ANTI-DEATHPENITY/posts/2409684979291659>.

¹⁵ Philippines Crime Rate and Statistics 1990-2020 (2020), <https://www.macrotrends.net/countries/PHL/philippines/crime-rate-statistics>.

¹⁶ Inquirer Cherry Pie Picache: Address drugs, education issues instead of restoring death penalty (2019)

10 THINGS YOU CAN DO TO KEEP THE DEATH PENALTY ABOLISHED IN THE PHILIPPINES



2. Organize a demonstration

This option must be considered with the utmost care given the COVID-19 pandemic – please use public policy and common sense if you decide to hold a public demonstration.



5. Organize a gathering on a videoconference platform

It can take the shape of a webinar, remote workshop, conversation, a public debate or even a virtual film screening to create awareness.



8. Mobilize the media

to raise awareness on the issue of the death penalty.



3. Coordinate a letter/email writing campaign

and address it to your local representatives at the Senate or at the House of Representatives. If they have sponsored a bill that aims to reinstate the death penalty, briefly respond to their points and explain why it must remain abolished instead.



6. Participate in a TV show or within a community radio



9. Organize an art exhibition

(of artwork made by people sentenced to death, of photographs of death row, of drawings or posters) or a [virtual] theatre performance.



1. Join the events

prepared for the abolition of the death penalty worldwide. Follow and engage with groups that actively do work against the return of the death penalty in the Philippines, such as the Commission on Human Rights¹⁷ and the FLAG Anti-Death Penalty Task Force.¹⁸



4. Donate

to a group working to end the death penalty.



7. Follow the World Day Against the Death Penalty social media campaign

on Facebook, Instagram and Twitter: #nodeathpenalty



10. Participate in “Cities Against the Death Penalty/ Cities for Life”

on 30 November 2020.

¹⁷ <https://www.facebook.com/chrgovph>

¹⁸ <https://www.facebook.com/ANTIDEATHPENALTY/>

TO FIND OUT MORE :

The World Coalition Against the Death Penalty is an alliance of more than 160 NGOs, bar associations, local authorities, and unions. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives a global dimension to the sometimes-isolated actions taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

The World Coalition Against the Death Penalty created the World Day Against the Death Penalty on 10 October 2003. Find out everything about World Day Against the Death Penalty at :

<http://www.worldcoalition.org/worldday.html>



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World Coalition Against the Death Penalty

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The CHRP, as the national human rights institution (NHRI) of the Philippines, has the mandate vested by the 1987 Philippine Constitution and the Paris Principles to promote and protect the full range of human rights including civil and political rights, and economic, social and cultural rights. It has the responsibility to regularly report and monitor human rights situations and violations, and recommend steps in advancing the realization of human rights and dignity of all.

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