

**PANATILYAN YANG
E MIPAPATUPAD
ING PARUSANG
KAMATAYAN
KETI P  LIPINAS!**

**WORLD
COALITION**
— AGAINST THE DEATH PENALTY —





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ING KASALUNGSUNGANG PANGAKU NING PILIPINAS KING E PAMITUPAD NING PARUSANG KAMATAYAN

1986 Anyang 1996, alang pasubali neng petibayan ning Pilipinas ing International Covenant on Civil and Political Rights (ICCPR).

1987 Minuna yang milako ing parusang kamatayan ketang 1987 a Saligang Batas, mupin pasibayan yang mibalik iti anyang 1993. A-24 ning Oktubri 2006, mebalangkas ya ing Republic Act 9346: An Act Prohibiting the Imposition of the Death Penalty in the Philippines nung nu pasibayu yang milako ing parusang bite.

2007 Anyang a-20 ning Nubiembri 2007, ing Pilipinas ing pekamunang bangsa keti Mawling-aslagang Asya karing migatibe king batas a Second Optional Protocol of the ICCPR (ICCPR-OP2). Pauli ning pamipatibeng iti, antina mong pepakit o papamasalang pasibayu ning Pilipinas ing e ya dapat miparusan o mabite ing metung a tau keti bangsa ampo alang pasubaling makanyan neng milako ing parusang bite. At antimong metung a bangsang e sasalig keng pamipatupad ning parusang bite, ing Pilipinas king lalam ning ICCPR-OP2 ing e mu naman mipaintulutang magpatupad parusang bite.

2010 Anyang Abril 2020, i Mary Jane Veloso, metung a migrating Filipina a magobra king Indonesia ing mearestu karin king kasung pamagdalang iligal a droga king kayang maleta. King sumangid ning pamagtapat nang Veloso a inosenti ya, mesintensya yang parusang bite anyang Oktubri 2010. I Veloso metung ya mu karing milyun-milyung migrating Filipinu a makipagobra't sasalud mung mababa king abroad. Alang patugut ne pa muring sosopan ning gubyernu ning pamilya nang Veloso, iti agpang na murin king kumpirmasyon ning metung karing talapagsalita ning Kagawaran ning Pisasabyang Pang-dayu (Department of Foreign Affairs) ning Pilipinas.

Mamyé ya namang suporta ing Pilipinas karing Filipinung paka-abrod a mamarap king parusang bite, iti agpang karing minunang mesabing obligasyon king lalam ning pangmetoyatung batas. Makanyan mu naman, ing gubyernu mengaku yang sopan no ring Filipinung pakapila na king parusang bite o death row "tutu ya mang mikasala o ali".¹

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

ING POSIBLING PAMIBALIK NING PARUSANG BITE

2016 Mula anyang milukluk ne i Presidenti Duterte anyang 2016, dakal nang besis nang sinabing ibalik ne ing parusang bite at baligtaran no ring meging deisisyun ning milabas a administrayun. Ing kayawsan a iti migdala yang agaran a kimut karing mambabatas, nung nu dakal kareting panukalang batas ing maglaman king pamibalik ning parusang bite karing miyaliwang krimen, agyang pang ding tungkul king ilegal a droga.

2020 Anyang a 27 ning Hunyu 2020, pasibayu neng inaus Presidenti Duterte ing Kongresu ketang kayang panlimang State of the Nation Address (SONA) ban ibalik ing parusang bite gamit ing lethal injection para karing pamaglabag a makasulat king Comprehensive Dangerous Drugs Act (2002).

Metung a dibati ing megumpisa keng Committee on Justice of the House of Representatives anyang a-5 ning Agosto 2020 parikil king House Bill 741, nung nu babalik ya ing parusang bite karing opensang dala ning ilegal a droga. King kasalungungan, atin 13 a draft da ring panukalang batas king Mábabang Kapulungan ampo 11 a draft da ring panukalang batas king Senadu a susubung king pamibalik ning parusang bite karing kasung pamaglabag anti (at e lalabis) king kasung ilegal a droga, kataksilan (o treason), pamagdarambung (o plunder), pamanyamantalang puri (o rape), ampo pamamate.

Kaylagan neng apruban ning House Committee on Justice ing panukalang batas ban milub ya king plenary. At nung iti mipasar ya king plenary, iti taglus ne king Senadu para king pamangilala. Ing Senadu magsilbi ne mu namang gamitan namu ing kabilugang bersyun ning Mábabang Kapulungan, ban bilis ya ing pamipasar niti. At nung ing panukalang batas a iti meapruba ne king katlung pamamamasa king plenary ning Senadu a alang pamibayu kalamnan, iti miprisinta ne king Presidenti para mapirman. At kaybat nang mipirman niting panukalang batas king Presidenti, iti magin neng ganap a batas at ing parusang bite makanyang neng mibalik pasibayu.



Radio Television Malacanan Presidential Photographers Division Ace Norandante

Agyang pang dakal a megin sabagkal at pamibagsak ning panukalang batas karing ya iti king Kongresu, iti megsilbi ya pa murin metung a kayawsan king pamibalik ning parusang bite. King malilyari, ing parusang bite ing lalto mabilis a panulu king maragulan a problema keng pamangimut ning ilegal a droga keti Pilipinas. Mupin, ing isyung iti metung yang sintomas ning mas malalam a problema a pakayamut king kakaluluwan ampo e pamipantepante da kabilyan at kabyayan ding tau. Iti e ne agyung solusyunan ning parusang bite, uling iti e mu rin mipatunayan a ustu o angkup a paralan ban sagkan ing ilegal a pamangamit droga. Deng magtindang iligal a droga deng alang patna pa mu ring akakit karing dakal a bangsa a magpatupad parusang bite anti karing bangsang Saudi Arabia, Iran, China, ampo Malaysia.²

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>.



Agence France Presse

10 A SANGKAN LABAN KING PAMIBALIK NING PARUSANG BITE KETI PILIPINAS

1. Alang Estadu ing maki-karapatan ban kunan ne bie ing metung a tau.

Ketang Artikulu III - o ing Bill of Rights - ning 1987 a Saligang Batas, ing Pilipinas pangaku na ing kasiguradwan a alang ninuman ing mipagkaymutan a bie, kalayan, ampo pibandian king lalam ning ustung prosesu ning batas. Ing gubyernu makanyan na mu namang panagakung ingatan at lingkapan ne bie at kalayan ding balang memalen, at dinan pekamatas a pamangilala king karapatan ding sablang tau at keyang dangalan.³

Ing tiktakan a karokan, ing e makataung dapat, at makababang puri ning pamamarusa, ilang malino sangkan ning pamilabag king Saligang Batas ning parusang bite.

2. E ya ababalik.

Banwang 2004, ing Korti Suprema inamin na ketang People v Mateo a 71.77% ding medesisyunang parusang bite deng linto mali at ding aliwa makanyan lang miliya o mipayalag sala. At ketang milabas a 11 a banwa mula king pamibalik ning parusang bite anyang 1993, kulang-kulang king 1,493 a kasung parusang kamatayan deng miatulan, dapot 230 la mu ding mekumpirma.

Ing sistemang panghustisya ning Pilipinas makagawa ya namang pamagkamali, at ing pamipatan ning parusang bite karing alang pamikasala o inosenting tau deng mendalang masiring ipektu a e na malyari pang aibalik iti kapilanman.

3. E ya patas at laban ya karing pakakalulu.

Nung ing parusang bite mibalik yang pasibayu keti Pilipinas, deng pakakalulung memalen ing manatiling mangapalasa mu king kamalyan ning atul at sintensyang kamatayan. Bayu ya milako ing parusang bite anyang 2006, 81% da ring 1,121 a pakasukul para mabite deng manibat karing mababang uri ding obra (pamagtinda, seserbisyu, pabrika, pang-agrikultura, transportasyon, at karing konstraksyon), ampo 73% deng manakitan mung e titas king 10,000 PHP bulanan.⁴

Keti Pilipinas, ing pamagtanggul king kasung parusang bite dudurut ya king 329,000 PHP balang banwa⁵ - palak yang matas kesa king agyu ning metung a pakasukul. I Leo Pilo Echegaray, ing minunang taung mebite gamit ing lethal injection keti Pilipinas anyang 1999, ing metung mung magtindang asan.⁶ Ing kasu na king Korti Suprema a linto king Republic Act 7659: An Act to Impose the

Death Penalty on Certain Heinous Crimes ketang panaun a ita, ing metung yang "bili laban karing pakakalulu at karing maynang memalen – detang e ra agyung makapamayad serbisyung legal a kaylangan karing malalam a kasung krimen, nung nu ing masusing pamagsadya; pamanyaliksik ampo pamagprisinta ing kaylangan".⁷

4. E ya makatau, masakit, at makababa lawe.

Anyang 1994, deng pakasukul a mesintensyang kamatayan keti Pilipinas deng menayang 12 anggung 18 a bulan para mabite; ila deng kabud milulublub king matinding sakit pamiyisip king kilub ning pabanwa o migit pa. karing aliwang bangsa, anti king USA, deng pakasukul malyari lang manatili migit pa king metung a dekada (o apulung banwa) – nengkayi migit pa king 20 a banwa.⁸ Dagdag pa kaniti, dakal karela ding magdusa dala ning e makataung kabilyan karing sukulan, nung nu deng pang mismung taung manibala kareti deng babye pamagmaltratu, mamasakit/torturyr, at maging ning miyaliwang kapalmuran. **Alimbawa keti i Richard Ong, a mesintensyang bite anyang 1996, ing sinabing piniringan de pa o tekap a lupa, kinuryenti, ampo pinwersa deng mamin ding opisyalis ning gubyrnu.**⁹

Deng tau magdusa la naman karing pamagkamaling pamagbite, nung nu makaradagdag pang lalu king karelang pamagsalbat. Anyang Abril 1950, i Alejandro Carillo misintensyan yang mabite keng silya elektrika. At kabang bitayan de, ing kuryenti miglokwan–lokwan ya anya kinaylangan pang kuryentyan deng adwang besis bayu de rugu dineklarang mete.¹⁰

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

⁴ The Manila Times, Poor vulnerable to death penalty (2016), <https://www.manilatimes.net/2016/05/21/news/top-stories/poor-vulnerable-to-death-penalty/26338/>.

⁵ Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper (2019).

⁶ Kasarinlan: Philippine Journal of Third World Studies, The Poor on Trial in the Philippine Justice System (1999).

⁷ The People of the Philippines VS. Leo Echegaray y Pilo (1997), https://lawphil.net/judjuris/juri1997/feb1997/gr_117472_1997.html.

⁸ Death Penalty Center, Time on Death Row (2019), <https://deathpenaltyinfo.org/death-row/death-row-time-on-death-row>.

⁹ Amnesty International, The Death Penalty: Criminality, Justice and Human Rights (1997).

¹⁰ 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>.

¹¹ Department of Justice of the Philippines, Restorative Justice (2017), <https://probation.gov.ph/restorative-justice/>.

5. Mipapagkaymutan ya pang tsansang makapagbayu.

Ing desisyun a ilako ne ing parusang bite anyang 1987 milyari ya dala ning sangkan a keng modernung sistemang pamamarusa o penal, papabur ya iti king repormasyon kesa king gaganting pamagparusa. King kasalungungan, ing Pilipinas kayanib ya king Commission on Crime Prevention and Criminal Justice at makanyan na namang rerekomenda king pamananggap king Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters. Ing gubyrnu mu rin ing mangakung italakad ne ing "mas makabuklat a kaisipan at makataung paralan ning pamanulid kamalyan ning tau a magpasyag king pamagbayu ding mikasala".¹¹ Ing Bureau of Corrections ila ning Parole and Probations Board ding paintungul a mie epektibung rehabilitasyon at reintegrasyon karing mikasala ban makapagbayung bie, at makauli king lipunan dang ibatan – metung a pilayun a e mayakwa mu kabud gamit ing parusang kamatayan.

6. Metung yang diretsang pamaglabag king pang-metoyatung tuntunan at pamikasundu.

Ing Pilipinas metung ya karing pinirma karing miyaliwang pangmetoyatung kasunduang pangkarapatang pantau, paralan a manyiguru king proteksyun para mie ampo ning pangalako ning parusang bite, kayabe ing ICCPR-OP2. Ing Protokol ala yang dake a sasabing mako (o mamako), mangabaldugan a ing Pilipinas tututu yang panatilyan nang ing parusang bite kapilan man e ne mibalik pa keti bangsa agpang na mu rin ketang meratipika ketang kasunduan anyang 2007. Nung mibalik ya ing parusang bite keti Pilipinas, iti magdala yang maragul a pamaglabag karing pang-metoyatung karapatang pantau at ing pamikontrol karing droga at pangasira king reputasyon king internasyunal a komunidad.

Kayabe kaniti, ing pamibalik ning parusang bite malyari yang muli king pangawala ding benepisyung tatamanan ning Pilipinas mula king European Union's Generalized System of Preferences (GSP+).

King kapamilatan ning GSP+ program, atin yang permisung malyaring piburyanan na ing bangsa karing e-export na papunta karing merkadu ning Europa at tamasang mayap deng benepisyung pang-ekonomiku, kabang tutukyan at patupad ne ing ICCPR ampo ring aliwa pang maulagang

instrumentung pangkarapatang pantau at mimiral a patakaran dikil king iligal a droga. Nung sakali man, ing pamibalik ning parusang bite mu rin ing mamate keng masanting nang kabilyan ning Pilipinas king programang GSP+.

7. Makagawa yang masiring sakit at pamagdusa, lalu na karing kamaganak ning taung mesintensyang kamatayan, nung nu kayabe keti deng anak, a kabud mangapilitan la namang magluksa at magmalun kabang atyu la pamu king mura dang kaisipan.

"Patutwanan ku naman agpang king sarili kung karanasan bilang metung a pari a tutu ya. A potang ing metung a tau masukul ya, deng anak na ila deng mumunang magdusa. Anya iti mas igit yang masakit karing mismung taung miyayatulan kamatayan?" – Padre Silvino Borres, Jr., S.J., ning Coalition Against the Death Penalty (CADP)

Aliwa mu magbunga yang masiring sakit emosyonal at sayko-sosyal ding taung kematen, iti atin ya namang makapatuking problemang pinansyal, lalu na karing pakakalulung melakwan. Keti Pilipinas, ing gastus ning pamagdipensa salang king kasung parusang bite miraras anggang 329,000 PHP- e pa kayabe keti ding pangalako king obra o kapanintunan a arapan ning pamilya potang ing katubale ra masukul ne at e ne makapagobra.¹²

8. Salang king mekilalang kapanwalan, e ya meging epektibu iti ban aingatan no ring memalen.

Karing milabas a banwa, e meging konklusibu a paralan ing parusang bite antimong epektibung paralan laban keng krimen agpang king resultang istatistika ning krimen. Ing bilis ning pamidagdag ning kasung krimen keti Pilipinas mas matas ya karetang panaun a mipapatupad ya ing parusang bite, katunayan, mula king 7.10 a kasu ding homicide balang 100,000 a populasyon anyang 2006 migbaba ya iti anyang milako ne ing parusang bite (6.7 homicide balang 100,000 a populasyon niang 2007; ampong 6.40 a homicide balang 100,000 a populasyon anyang 2008).¹³

9. Ali eganagana karing pamilya ding megin biktima deng bisang mikaparusang kamatayan.

Dakal karing miembru ding pamilya ding mebiktima keti Pilipinas deng sinabing kontra la king parusang bite, agyang pang deng mismung karelang katubale na ing mete kaniti. Ing mismung aktres a Cherry Pie Picache nung nu ing kayang ima ing penakawan da ampo pete anyang 2014 ing sinabing e ya pabor a mibalik ing parusang kamatayan keti bangsa. **Manwala ya naman a ing pamanyupil king problemang droga ampo ing pamamye edukasyon karing tau ing solusyun ban mituknang ing krime, kesa king pamibalik ning parusang bite.**¹⁴

10. Dakal a kimutan ban mibalik ya ing parusang bite deng maglili keng atensyun ning maldang (o publikw) at pondu ning gubynu ing e mu maglaut keng epektibung pakibat keng pandemyang COVID 19, nunge maging keng pang-malwatang solusyun king problemang droga.

King kasalungsungang pandemyang COVID-19, ustumung mitutuk ing pangsin ning Pilipinas keng pamanyagka keng pamikalat ning COVID-19 at king pamanyagip bie kesa king pamandagdag pang kasakitan at bilang ding mangamate pauli namu ning pamibalik ning parusang bite. Ing pamibalik ning parusang kamatayan e ya mayap a pigagap ngening panaun a libu-libu nong Filipino deng kasalungsungang magdusa na king COVID-19.

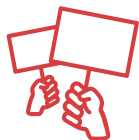
Dagdag pa kaniti, deng pondu ampo kagamitan a sakaling magamit para king parusang bite ding malyari namang magamit karing aliwang programa, karing pang-malwatang solusyun anti ing pamanyugpu king pekayamut ning problemang droga – pamanyulung king serbisyung pangkalusugan, dekalidad a edukasyon para karing Filipino, at maging king pamagpalabung king ekonomya.

¹² Free Legal Assistance Group, FLAG Anti-Death Penalty Task Force Position Paper on the Death Penalty (2019), <https://www.facebook.com/ANTIDEATHPENITY/posts/2409684979291659>.

¹³ Philippines Crime Rate and Statistics 1990-2020 (2020), <https://www.macrotrends.net/countries/PHL/philippines/crime-rate-statistics>.

¹⁴ Inquirer Cherry Pie Picache: Address drugs, education issues instead of restoring death penalty (2019)

10 BAGE A MALYARING GAWAN BAN MANATILING E NE MIBABALIK PA ING PARUSANG KAMATAYAN KETI PILIPINAS



2. Mitatag a demonstrasyon

Ing bage a iti dapat yang gawan a makimitung kaingatan ngening panaun ning pandemyang COVID-19 – pakisabing mayap a gamitan ya ing matning pamisip ampo mitukyan la ring polisiyang pang-malda nung mitatatag metung a pang-malda (pampublikung) demonstrasyon.



5. Mibuung metung a pamitipun gamit ing metung a paltapormang videoconference

Iti magsilbi ya king metung mong webinar, remote workshop, pamitalamitam, pampublikung dibati o maging ning metung a virtual film screening ban manikwang pangsin.



8. Pakimutan ya ing media

ban makapamye ya namang pangsin king isyu ning parusang bite.



3. Makikontakan gamit ing kampanyang sulat/email

at ipayabut ya iti king kekong lokal a ketawan o representanti king Senadu o ning Mabayang Kapulungan. Mayagap a pamakibat at pamamye munikala nung bakit e ya mayap mibalik ing parusang bite nung ing lokal a ketawan menisponsor yang panukalang batas para mibalik ya pin iti.



6. Makiyabe king metung a piyalben keng TV o king metung a palatuntuntuan king radyu



9. Mibuung metung a art exhibition

(nung nu deng obra gawa do ring taung mesintensyang kamatayan, o litratu ding mabibite, drawing o poster) o metung a [virtual] a palabas pang-teatru o pang-entabladu.



1. Makiyabe karing piyalben o pusyunan

a mebuu para king pamilako ning parusang bite mabilug a yatu. Taluki at makiadwangan karing grupu o aguman a masigasig a kikumut laban king pamibalik ning parusang bite keti Pilipinas, anti ing Commission on Human Rights¹⁵



4. Sumaup

o makiadwangan karing grupu o aguman a kikumut para masupil ne ing parusang bite.



7. Talukyan ya ing World Day Against the Death Penalty social media campaign

keng Facebook, Instagram ampo Twitter: #nodeathpenalty



10. Makiyabe king “Cities Against the Death Penalty/ Cities for Life”

keng a-30 ning Nubyembri 2020.

¹⁵ <https://www.facebook.com/chrgovph>
<https://www.facebook.com/ANTIDEATHPEN/>

KARING KARAGDAGANG IMPORMASYUN:

Ing World Coalition Against the Death Penalty, metung yang alyansa ding migít king 160 a NGOs, ampo bar association, lokal a awtoridad at aguman o unyun. Layun ning World Coalition ing pasikanaan ya ing pangmetoyatung dake ning laban salang king parusang kamatayan. Ing pekanasa niti ing manikwang pang-unibersal a pamilako ning parusang bite. Ing World Coalition babye yang dake pang-global a dimension karing e matututuk a kimutan ding miembru king dalan. Iti ing makiadwangan karing kimutan a paglaban da, kabang babye galang karing karakarelang malayang kabilyan.

Ing World Coalition Against the Death Penalty telakad ne ing World Day against the Death Penalty anyang a-10 ning Oktubri 2003. Dikil o patungkul king World Day Against the Death Penalty at:

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



worldcoalition



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Ing CHRP, antimong metung a institusyung pang-karapatang pantau (National Human Rights Institution, NHRI) ning Pilipinas, a maki-mandatung ibat king 1987 a Saligang Batas ning Pilipinas at ning Paris Principles ing mangisulung at lililingap king kabilugan a karapatan ding tau nung nu kayabe keti ding karapatang sibil ampon karapatang pullitikal, at maging ding karapatang pang-ekonomiku, sosyal ampo kultural. Atin yang responsibilidad a regular nong ireport at subaybayan ding kabilyan at nung sakali maging ing pamilabag ding karapatang pantau, ampo mamye makatuntun a takbang ban itaguyud ya ing pamisakatuparan ning pamanatili ning karapatan ampo dangalan ning pangatau ding eganaganang malda.

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