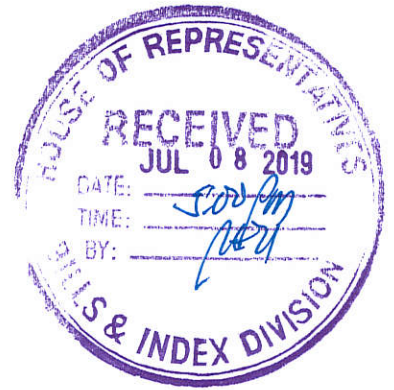


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1588



Introduced by: Hon. Congressman BIENVENIDO M. ABANTE, JR.

EXPLANATORY NOTE

The death penalty was abolished on the primary arguments that it is: *a.* possible to commit error and it affords no chance for rehabilitation; *b.* unfair in its administration; *c.* not a deterrent to the commission of crimes; *d.* cruel and costly; and *e.* immoral.

Contrary to such arguments, **death penalty is-**

1. *fair in its administration, and commission of error is minimal.*
Existing laws, both substantive and procedural, afford adequate safeguards to a person accused of a crime, more so when the impossible penalty is death. When one murders, massacres or kidnaps innocent persons, robs, or rapes, or manufactures or distributes dangerous drugs that destroy the human assets of society, he strips himself of his so-called "human rights". The apprehension of *error* is not without solution – which is improvement of our judicial system and the quality and integrity of our judges and law enforcers - not to throw the DEATH PENALTY away;

2. *a deterrent.* If God did not see death penalty as a deterrent, if He did not consider death penalty as right for the good of men and society, He would not have instituted it. If God saw it right, who is man to consider it otherwise? If kidnappers, hijackers, murderers, robbers, rapist, drug lords and drug pushers are executed and there is no deterrent effect, at least they have been eliminated, hence, prevented from further committing heinous crimes. If they are not executed, they are given another chance to commit such heinous crimes. If in our times death penalty is not a deterrent, let us hear and learn from King Solomon [known as the wisest men that ever lived] who gave the *real answer why criminals are emboldened to commit crimes* when he said in CONCLUSION: "***Because sentence against an evil work is not executed speedily, therefore the heart of the sons of men is fully set in them to do evil.***" (Ecclesiastes 8:9, KJV);

3. not cruel, neither costly. Punishment is cruel when it is something inhuman, barbarous, something more than extinguishment of life. With the abolition of the death penalty, an honest and hard-working taxpayer has to pay tax to support murderers, robbers, rapist, kidnappers, hijackers, plunderers, drug lords, drug pushers, etc. in prison. Executing these barbaric, inhuman, beastly criminals would save society the cost and responsibility for their upkeep. The Biblical form of death penalty for the crimes of *mere Adultery* and *disobedience to parents* which was **stoning** would be more cruel than death by **lethal injection or firing squad**;

4. not immoral. God himself instituted the death penalty. Classic examples are the crimes of: **Murder** – He that smiteth a man, so that he die, shall be surely put to death [Exodus 21:12]; **Parricide** – And he that smiteth his father, or his mother, shall be surely put to death [Exodus 21:15]; **Kidnapping** – He that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death [Exodus 21:16]; **Cursing** – And he that curseth his father, or his mother, shall surely be put to death [Exodus 21:17]; **Dishonor to parents** – And he that smiteth his father, or mother, shall be surely put to death [Exodus 21:15]; **Adultery** – And the man that commiteth adultery with another man's wife, even he that commiteth adultery with his neighbor's wife, the adulterer and the adulteresses shall surely be put to death [Leviticus 20:10].

The *right to life* and *death penalty* have been side by side with each other since the beginning as history would show, and in fact God himself authorized its imposition as above-shown. The Holy Writ tells us about the principle of sowing and reaping, and the injunction on justice is quite clear that: "And if any mischief follow, then thou shalt give life for life" [Exodus 21:23]; "Eye for an eye, tooth for tooth, hand for hand, foot for foot" [Exodus 21:24]; "Burning for burning, wound for wound, stripe for stripe" [Exodus 21:25].

It is submitted that- 1. death penalty has the effect of annihilating a wrong that annihilates a right; 2. a person who commits a heinous crime exhibits his depravity, hence, the only useful purpose which his life could serve to society is for society to make his life as an example through the application of the death penalty; 3. death penalty serves the two-fold ends of criminal legislation which are the prevention of a repetition of the offense committed and a warning to others similarly inclined; 4. society must protect itself against an enemy by taking his life in retribution for his offense and as an example and warning to others; 5. the murderers, robbers, kidnappers, hijackers, rapist, plunderers, drug lords, drug pushers, and other malefactors of the same brand, should be branded with the stigma of infamy, they being the shame of a race; the ignominy of a people; and the disgrace of human kind, hence, should be erased from the face of society.

We cannot go against the Holy Writ which declares that there is no one righteous, no not one; and there is none that doeth good, no not one [Psalm 14:1,3; Romans 3:10], and there is no human institution, ability or education that can truly and fully rehabilitate a person, as only the power of the Lord Jesus Christ can change a person from the inside out.

The death penalty must, therefore, be restored. If accused and convicts have human rights, innocent victims have rights too, if not ought to have more rights.

It is, therefore, the aim of this Bill to restore and impose the death penalty for specific crimes for the good of our people and society, hence, its early passage is earnestly requested.



BIENVENIDO M. ABANTE, JR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 1588

Introduced by: Congressman BIENVENIDO M. ABANTE, JR.

AN ACT

AN ACT IMPOSING THE DEATH PENALTY FOR SPECIFIC CRIMES, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9346, ENTITLED “AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES”, FURTHER AMENDING ACT NO. 3815, OTHERWISE KNOWN AS “THE REVISED PENAL CODE” AND REPUBLIC ACT NO. 7080, ENTITLED “AN ACT DEFINING AND PENALIZING THE CRIME OF PLUNDER”, AND AMENDING ACT NO. 9165, OTHERWISE KNOWN AS THE “COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002”, REPUBLIC ACT NO. 8177, ENTITLED “ACT DESIGNATING DEATH BY LETHAL INJECTION”, AND OTHER PENAL LAWS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title – This Act shall be known as the “Death Penalty Law”.

SEC. 2 – The imposition of the death penalty is hereby restored. Accordingly, Republic Act No. 9346, otherwise known as an “Act Prohibiting the Imposition of the Death Penalty in the Philippines” is hereby repealed, Republic Act No. 3815, otherwise known as “The Revised Penal Code” and Republic Act No. 7080, entitled “An Act Defining and Penalizing the Crime of Plunder are hereby further amended, and Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Republic Act No. 8177, otherwise known as an “Act Designating Death by Lethal Injection” are hereby amended. All other laws, executive orders and decrees in so far as they impose the death penalty are hereby revived.

SEC. 3. – Declaration of Policy. – It is hereby declared the policy of the State to protect life, liberty and property and promote the general welfare which are essential for the enjoyment by all the people of the blessings of democracy in a just and humane society. To give full meaning to this policy for the best interest of the people, and considering the boldness of criminals, the Congress deems it right to impose the death penalty on specific crimes.

SEC. 4. – Imposition of Death Penalty. – The death penalty shall be imposed on:

a) the following crimes as defined under Act No. 3815, otherwise known as the Revised Penal Code, as amended:

1. Treason under Art. 114;
2. Qualified Piracy under Art. 123;
3. Rebellion or Insurrection under Art. 134;
4. Coup d'etat under Art. 134-A;
5. malversation of public funds or property under Art. 217 where the amount involved is seventy five million pesos (Php50,000.00) or more;
6. Parricide under Art. 246;
7. Murder under Art. 248;
8. Rape under Art. 266-A in relation to Art. 266-B;
9. Kidnapping and serious illegal detention under Art. 267;
10. Robbery under Art. 293 in relation to Art. 294(1) and Art. 294(2);
11. Estafa under Art. 315 when committed under the circumstances defined in Presidential Decree No. 1689 (Decree increasing the penalty for certain forms of estafa), as amended by R.A. No. 7659 whether committed by a syndicate or not, including those committed by religious leaders against their members or 'investors'; and
12. Destructive Arson under Art. 320.

b) unlawful acts defined and penalized under Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, in Sections 4, 5, 6, 8, 9, 10, 11 (1-8), 16, 19, and 29 thereof;

c) the crime of plunder as defined under Republic Act No. 7080, as amended;

d) Carnapping as defined under Republic Act No. 6539 when the owner, driver or occupant of the carnapped motor vehicle is killed or raped in the course of the commission of the carnapping or on the occasion thereof; and


e) Violation of Republic Act No. 6235, otherwise known as the Anti-Hijacking Law.

SEC. 5. – **How the death penalty shall be executed.** – (a) The death sentence shall be executed with preference to any other penalty imposed and shall consist in putting the person under sentenced to death by any of the following methods at the discretion of the courts or the President of the Philippines in the exercise of his executive powers:

a) by Firing Squad;

b] Hanging; or

c] Lethal Injection

 (b) The death sentence shall be carried out not earlier than six (6) months and not later than ten (10) months after the judgment has become final and executory, without prejudice to the exercise by the president of his executive clemency power, except in cases involving violation of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002.

(c) It is hereby provided that the execution shall be open to the public, except children below nine (9) years of age unless accompanied by their parents or guardians, and the media, and shall be held in a public place except in the case of lethal injection.

SEC. 6. Implementing Rules and Regulations. – Within sixty (60) days from the approval of this Act, the Secretary of Justice shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 7. – Separability Clause. – If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 8. – Repealing Clause. - Republic Act No. 9346, entitled “An Act Prohibiting the Imposition of the Death Penalty in the Philippines” is hereby repealed. Act No. 3815, as amended, otherwise known as the “Revised Penal Code” and Republic Act No. 3815, otherwise known as “The Revised Penal Code”, as amended, and Republic Act No. 7080, entitled “An Act Defining and Penalizing the Crime of Plunder, as amended, are hereby further amended. Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, and Republic Act No. 8177, otherwise known as an “Act Designating Death by Lethal Injection” are hereby amended. All other laws, executive orders and decrees that are inconsistent with this Act are hereby repealed, amended or modified accordingly.

5 SEC. 9. – Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved _____.