

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 741

Introduced by **HON. ROZZANO RUFINO B. BIAZON**

EXPLANATORY NOTE

This bill seeks to restore the death penalty for heinous crimes covered under Republic Act No. 9165 (RA 9165), otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*", as amended.

The impunity by which criminals carry on with their dastardly acts makes it appear as if we are not a nation of laws. We are confronted almost every day by reports in the tri-media of children still learning how to walk being raped or of senior citizens who are in their twilight years being bludgeoned to death right in their very own homes.

These barbaric acts are, more often than not, committed by the perpetrators under the influence of drugs. Such crimes leave wailing parents, sons, daughters, brothers, sisters and their relatives who are scarred and traumatized for the rest of their lives crying and demanding for justice.

Article III, Section 19 (1) of the 1987 Constitution established a general State policy against the death penalty, unless for compelling reasons. Republic Act No. 7659 imposed the death penalty for cases identified as heinous crimes such as murder. Republic Act No. 9165, otherwise known as the "*Comprehensive Dangerous Drugs Act of 2002*" was enacted to combat the growing menace of the illegal drug trade in the country. The law also imposed the extreme penalty of death for illegal drug traffickers and their cohorts.

Up until 2006, the Philippines was just one of a handful of countries in the world that imposes the death penalty as capital punishment for criminals found guilty beyond reasonable doubt. Clamors and intense lobbying from various interest groups led by the Catholic Church succeeded in changing the mindset of legislators.

On June 24, 2006, during the Second Session of the Thirteenth Congress of the Philippines, Republic Act No. 9346 (RA 9346) was enacted. This law prohibits the imposition of the extreme penalty of death to criminals found guilty beyond reasonable doubt. The passage of said law became a statement of the Republic of the Philippines for the

international community to see that it is shying away from the policy of using the death penalty to punish criminals found guilty of committing heinous crimes.

However, Article III, Section 19 (1) of the 1987 Constitution did not *per se* abolish the death penalty. It gave Congress the power to impose the death penalty "*for compelling reasons involving heinous crimes*". Although RA 9346 did prohibit the imposition of the death penalty, Congress still has the discretion to restore it if it deems it necessary.

Now, more than ever, is the time that it is necessary for Congress to restore death penalty for crimes covered under RA 9165.

The menace of the illegal drug trade remains unabated despite the concerted efforts of the Philippine Drug Enforcement Agency (PDEA) and other government law enforcement agencies to curb the same. Those involved in this illicit industry that destroys the basic institution of the family, takes the lives of its victims and wreaks havoc in Philippine society, have been emboldened due to the non-imposition of the death penalty on cases covered by RA 9165.


It has always been argued that there is no evidence that the death penalty serves as a deterrent to deadly criminals. Hence, life should not be destroyed just in the hope that other lives might be saved. There may be truth to such an argument but the fear of dying is also a strong motivation to hinder an individual from doing a certain type of activity – such as selling illegal drugs to people.

Another argument against death penalty is that imprisonment is sufficient punishment for those who commit crimes and are convicted. It is even argued that reform is possible when a convict experiences incarcerated life.

On the contrary, our own experience has shown that incarceration does not deter one who is convicted of drug trafficking from committing the same crime. There have been instances where the convicted trafficker continues to deal in the illegal drug trade even behind bars. They continue to profit from the misery of others, to the detriment of society, under a very secure base of operations – our prisons.

Considering that the Constitution grants Congress the flexibility to impose the death penalty under certain circumstances and based on the current wisdom of the times, it is best to once again restore the penalty of death for crimes under RA 9165. This is to put back into the consciousness of those involved in the illegal drugs trade that the ultimate punishment of death awaits them should they continue with their nefarious acts.

In view of the foregoing, the urgent passage of this bill is earnestly sought.


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AN ACT

AMENDING SECTION ONE OF REPUBLIC ACT NUMBERED NINE THOUSAND THREE HUNDRED FORTY-SIX OTHERWISE KNOWN AS "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES".

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

SECTION 1. Section 1 of Republic Act No. 9346 is hereby amended to read as follows:

"Section 1. The imposition of the penalty of death is hereby prohibited[.], **EXCEPT FOR CRIMES SPECIFIED UNDER REPUBLIC ACT NUMBERED NINE THOUSAND ONE HUNDRED SIXTY-FIVE, OTHERWISE KNOWN AS THE "COMPREHENSIVE DANGEROUS DRUGS ACT OF 2002, (R. A. No. 9165)" AS AMENDED, IMPOSING DEATH PENALTY.** [Accordingly, Republic Act No. Eight Thousand One Hundred Seventy-Seven (R. A. No. 8177), otherwise known as the Act Designating Death By Lethal Injection is hereby repealed.] Republic Act No. Seven Thousand Six Hundred Fifty-Nine (R. A. No. 7659), otherwise known as the Death Penalty Law, and all other laws, executive orders and decrees, insofar as they impose the death penalty are hereby repealed or amended accordingly."

Sec. 2. *Death by Lethal Injection.* – The imposed penalty of death for crimes specified under R. A. No. 9165, as amended, shall be carried out through lethal injection. For this purpose, R. A. No. 8177 is hereby re-enacted.

Sec. 3. *Repealing Clause.* – Republic Act Numbered Nine Thousand Three Hundred Forty-Six Otherwise Known As "An Act Prohibiting The Imposition Of Death Penalty In The Philippines" and such other laws, executive orders, rules and regulations inconsistent with, or contrary to this Act, are hereby repealed or amended accordingly.

Sec. 4. *Separability Clause.* – If any provision of this Act or the application of such provision is declared unconstitutional or invalid, the provisions not affected thereby shall remain in full force and effect.

Sec. 5. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days from its publication in at least two (2) newspapers of national circulation.

Approved,