



February 03, 2020

Honorable ADELINO B. SITOY
 Secretary
 Presidential Legislative Liaison Office
 Office of the President
 Malacañang Palace, San Miguel, Manila

RAMO FEB21'20PM3:01

Dear **Secretary Sitoy**:

This refers to **House Bill Nos. 368, 741, 1380, 1588, 1800, 1806, 1807, 2026, 2092, 3128, 3256, 3261, 4743, and 4922** and **Senate Bill Nos. 27, 187, 189, 207, 226, 381, 382, 485, 753, 796, 1091 and 1234** which touch on the issue of capital punishment in the country. We took note that only Senate Bill No. 187 espoused reclusion perpetua for offenders rather than death penalty.

The Department of Social Welfare and Development, with **respect for human dignity** as one of its core values, **expresses its strong objection on the bills** which propose the reinstitutionalization of capital punishment given these arguments:

1. Capital punishment is cruel, degrading and inhuman. The reintroduction of the death penalty denies people the right to life and the right to live free from torture, cruel, inhuman, degrading treatment or punishment. Both rights are recognized under the Universal Declaration of Human Rights, Charter on Human and Peoples' Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights adopted by the Philippines, other countries and international organizations such as the United Nations (UN). The current international trend is for the abolition of death penalty with Armenia signing and Angola and the State of Palestine ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.¹ As of 2017, 141 countries have abolished the death penalty in law or practice.²
2. Capital punishment is anti-poor in the context of our expensive and delayed justice system. Based on the results of the survey conducted by the Free Legal Assistance Group (FLAG), out of 165 death convicts, 21% were only earning between P200 and P2,900 monthly; while approximately 27% had salaries between P3,000 and P3,999 monthly.³ The meagre income of the poor,

¹ United Nations. (1989). *Second Optional Protocol To The International Covenant On Civil And Political Rights, Aiming At The Abolition Of The Death Penalty*. New York.

² Amnesty International. (2017, March 7). *Philippines: The death penalty is an inhumane, unlawful and ineffective response to drugs*. Retrieved from [www.amnesty.org: https://www.amnesty.org/en/latest/news/2017/03/philippines-the-death-penalty-is-an-inhumane-unlawful-and-ineffective-response-to-drugs/](https://www.amnesty.org/en/latest/news/2017/03/philippines-the-death-penalty-is-an-inhumane-unlawful-and-ineffective-response-to-drugs/)

³ BusinessMirror. (2019). *Death penalty: Deterrent or dilemma in PHL's war vs. crime?* Business Mirror.

aggravated by the lack of education and marginal economic opportunities, preclude them from affording good legal representation in court. In addition they depend on overworked and underpaid public lawyers while moneyed offenders pay private counsels who work on their cases full time. The long judicial process in the Philippines will incur additional expense and unimaginable physical, emotional and mental stress for accused criminals.

3. The use of capital punishment does not prevent the commitment of crimes. To date, no reliable evidence can show that capital punishment has direct impact in reducing crimes, more so, in preventing offenders from committing further crimes. On the other hand, studies have shown that the certainty of getting caught has constantly shown deterrence to crime.
4. The use of capital punishment also extinguishes the offender's opportunities for reform and rehabilitation. It highlights the permanency of their offense instead of their capacity to change for the better through the process of restorative justice which would enable to connect, reconcile and learn from their offense. Proponents of restorative justice have attested that offenders who were given the chance to face the consequences of their actions were more ready to rebuild their lives through reparations and acceptance of responsibility.

We believe that instead of re-instituting capital punishment, priority should be given to reforming the existing criminal and justice system to ensure that offenders, of whatever social class, get apprehended and justice is delivered to all fairly.

For the Secretary's consideration.

Very truly yours,



ROLANDO JOSELITO D. BAUTISTA
Secretary