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Mays

6 February 2017

SENATOR RICHARD J. GORDON

Chairperson
Committee on Justice and Human Rights
Senate of the Philippines
Pasay City

Dear **Chairperson Gordon**:

This refers to Senate Bill Nos. 04, 42, 185, 186, 187, 368 and 985 which touch on the issue of capital punishment in the country. We took note that of the seven (7) bills, only Senate Bill No. 368 authored by Senator Leila M. De Lima espouses qualified reclusion perpetua for offenders instead of 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 re-institutionalization of capital punishment given these arguments:

1. Capital punishment is cruel, degrading and inhuman. It goes against the right of individuals to life as provided for in core universal and regional human rights instruments, including the International Covenant on Civil and Political Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish death penalty. This right should not be disregarded, regardless of an individual's deeds, especially since empirical evidences show that "criminality" is determined by a number of factors including poverty, lack of education, marginal economic opportunities, even disability.
2. Capital punishment is anti-poor in the context of our expensive and delayed justice system. In 2012, the Integrated Bar of the Philippines (IBP) pegged a lawyer's "acceptance fee" at P30,000 to defend a person accused in a criminal case for the lowest level court. The overworked and underpaid public lawyers provide no solace. Meanwhile, moneyed offenders pay private counsels who work on their cases full time. This tragedy is deeply-etched in our country's history and consciousness.

Based on the results of the survey conducted by the Free Legal Assistance Group (FLAG) in 2004, "70% of the 1,121 inmates on death row before the death penalty was abolished in 2006 earned less than P10,000 a month. 81%, in addition, worked in low-


income jobs as sales, service, factory, agricultural, transport or construction workers."
The meager income of the poor, aggravated by the lack of education and marginal economic opportunities, preclude them from affording good legal representation in court. In addition, and based on Supreme Court data, FLAG also cited that "71% of the death sentences handed down by the trial courts were wrongfully imposed." In essence, this is seven (7) innocent lives out of ten (10) convicted on death row.

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 them 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 thru 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 caught and justice is delivered to all fairly.

Thank you.

Very truly yours,


JUDY M. TAGUIWALO
Secretary