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**Rome, November 27 2012**

Good morning. Warm greetings from my country, the Philippines.

Finally, I am able to come to Rome to attend this conference upon the invitation of the Comunita de Sant'Egidio. This is the third time I have been invited to attend this conference of ministers, and I am here thanks to the persistence and doggedness of Miss Grace Candol, one of the Community's very active coordinators in the Philippines.

I take this opportunity to commend the Community's efforts in my country, especially through its Cities for Life. By raising the awareness of our people, including our politicians, about the irreplaceable value of human life, the Community has, in no small measure, positively influenced the thinking of many in our country about the death penalty.

This year's International Meeting of Mininifers has for its theme " A World Without the Death Penalty - No Justice Without Life". I speak before you to express my absolute support for this advocacy - an advocacy that I hold dear on a most personal level. It is an advocacy that we, in the Department of Justice, will unqualifiedly support and fight for. Indeed, we have a Secretary of Justice, Leila de Lima, who was in the forefront in this battle for the abolition and prohibition of the death penalty when she was Chairman of the independent and constitutionally-created Commission on Human Rights. She will fight to the death for every person's right to life and human dignity without distinction as to whether that person is a convicted felon or a law-abiding one.

I come from a country that is predominantly Catholic. Today we are the only counrty in Asia that does not impose the death penalty.

This is not to say that we have never imposed or have always prohibited the death penalty as a capital punishment for serious or heinous crimes. In the history of our criminal justice system, 17 prisoners have been executed to death by hanging during the Japanese time, 84 by electric chair, and 7 by lethal injection. The last to be executed by lethal injection - the Philippines' last execution - was a prisoner convicted of rape, and this was in the year 2000, not very long ago.

Prior to the ratification of our 1987 Constitution, our Revised Penal Code, which is a modified version of the Spanish Penal Code, provided for death as the penalty for the crimes of treason, corresponding with the enemy during times of war, qualified piracy,

murder, parricide, rape and other capital offenses. At the height of the Huk rebellion, which was waged by Communist-Marxist rebels in the countryside, the Anti-Subversion Law was passed, which carried the death penalty for the leaders of the rebellion. Later laws created more capital offenses, such as the Dangerous Drugs Act, and the Anti-Carnapping Law. During the much lamented martial law regime under then dictator President Ferdinand Marcos, homicide committed with an unlicensed firearm was punishable by death. Here, the death penalty was used as a political tool to crush dissent and sow fear among those opposing martial rule.

Am I giving you the impression that our 1987 Constitution completely abolished or absolutely prohibited the death penalty?

This is the tenor of Article III, Section 19 (1) of the 1987 Constitution: "Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua."

Given the wordings of our present Constitution, the death penalty was reintroduced during the incumbency of President Fidel V. Ramos, who signed into law R.A. 7659 in December 1993 on the pretext of addressing rising criminality. It was, as it were, his "Christmas gift" to the Filipino people. The Death Penalty Law listed a total of 46 crimes punishable by death, while another law, RA 8353, mandated execution by lethal injection to carry out the death penalty. Two subsequent laws raised capital offenses to 52.

In 1999, actor-turned-politician and self-described champion of the poor, Joseph Ejercito Estrada, carried out the Capital Punishment and ordered executed by lethal injection seven (7) death row inmates, reprising his role as an avenging hero in many of his movies. 1999 was a bumper year for executions supposedly intended to abate criminality. In observance of the Jubilee Year of the Roman Catholic Church, President Estrada ordered a moratorium on executions.

Enter President Gloria Macapagal Arroyo, who on Dec 5, 2003, announced the lifting on the de facto moratorium on executions mainly because of the rise in drug trafficking and kidnapping that victimized the Filipino-Chinese community.

Another execution was poised to resume in Jan 2004, but plans were halted. Why, you may ask.

This brings me to the fundamental and primordial reason why, on the human level, the death penalty should not be imposed: human error, yes, the real possibility of human error. In Jan 2004, ten days before they were to be executed, death row convicts Roberto Lara and Roderick Licayan prayed for the reopening of their case by the Supreme Court on the ground of newly- discovered evidence and the Supreme Court suspended their scheduled execution. The Supreme Court then vacated the decision of the lower court and ordered the admission of newly- discovered evidence, including the testimonies of two other co-accused, who exonerated Lara and Licayan from culpability.

Because of this case, no other executions were made, and President Arroyo later signed into law on June 24, 2006 R.A. 9346 entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines".

Those sentenced to death had their sentence reduced to reclusion perpetua, some with the possibility of parole.

We all know this: the death penalty once executed is final, irrevocable, irreversible. In the case of Lara and Licayan, they would have been dead through lethal injection several years ago. It would have been the opposite of Justice that would have befallen both them and the victims. We would all have suffered and felt guilty because of it. Truly, in the case of the death penalty, one wrongful execution is one too many.

In *Death Penalty: the Philippine Experience*, even minors were in Death Row. Upon review by the Supreme Court, one inmate in death row who was later found out to be a minor was acquitted, while the penalty of another minor was reduced and the minor moved away from the confines of the death row.

I firmly stand by my conviction that the death penalty is cruel, inhuman punishment. It also makes us all less human. It gives us the pretense that we can play God, but doing it actually degrades us all and make us no better than the person we seek to punish. It was Albert Camus who said that capital punishment is the most premeditated of murders. How right he is.

The argument that it deters crime has, time and again, been proven empirically to be false. This is the same under the Philippine experience. There was a rise of criminality during the time of President Estrada despite the seven (7) executions during his time. The Human Rights Advisory of the CHR cited studies that despite the enactment of the death penalty law, more heinous crimes were committed. For example, the reported cases of rape substantially increased during the Estrada presidency. The Commission on

Human Rights rendered the opinion that " the proper response to the failure of the justice system is political will to effectively apprehend, prosecute and rehabilitate criminals. To mete out the very final, irrevocable and inhuman verdict of death is tantamount to punishing them for the failure of the system."

Another study by the CHR raised the issue of discrimination against the poor.

Records show that most of the people under the death sentence belong to the lower classes of society. Usually unable to pay for counsel, the court appoints counsel de officio for them. More often, poor persons may not receive fair trials due incompetent, inexperienced, or ineffective counsel. Thus, while the law is not discriminatory, the practical effect of the death penalty is discrimination against the poor.

Even Justice Ruth Bader Ginsburg of the US Supreme Court said that people who are well represented at trial do not get the death penalty.

Slowly, but surely, the Philippines has embraced and started to institutionalize the restorative justice system, one that is premised on righting a wrong and rehabilitating, rather than on mere punishment. It is about healing, reconciling, repairing. It is about restoring back to the community relationships that were lost or fractured because of the wrongdoing.

In the past several days, headlines bannered the brutal killing and rape of a young, promising co-ed by two drug-crazed brothers, the murder of three women by a barrio guard who entered the victims' residence he merely intended to rob, and another killing of a part-time tv model planned by an avenging lady friend. The family of the victims have cried for blood, for swift and effective justice. Again, there is loud clamor from some sectors to restore something that is diametrically opposed to the concept of restorative justice: they want Congress to reimpose the death penalty.

This is a knee-jerk reaction that we can all understand and empathize with. But this is exactly the kind of reaction - often irrational and emotional- that we must closely guard against. Given the wordings of our Constitution, there is no telling whether our legislators would again succumb to pressure and take us back to the Dark Ages. It is in this context that we must strengthen our solidarity and be an unyielding, unbending and

unbroken line of defense against the reimposition and for the eternal abolition of the death penalty.

Thank you all.