

Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)

**HUMAN RIGHTS ADVISORY
ON THE ABOLITION OF DEATH PENALTY**
CHR-A2005-004

There are sixteen measures pending in the House of Representatives proposing to abolish the death penalty law, R.A. 7659 as amended by R.A. 8177. On the other hand, there are also previous bills filed in the House of Representatives to enlarge the coverage of the death penalty law in view of the gruesome killings and upsurge of other grievous crimes.

The Commission on Human Rights stands four square in favor of the abolition of the death penalty law. The global trend is for the abolition of death penalty in the statute books of nations who adhere to the humanitarian principles of the United Nations and believe in the sanctity of life.

The Commission on Human Rights, an independent body created by the Philippine Constitution to protect and promote human rights, advocates and advances the abolition of Death Penalty for being violative of the fundamental human right - the right to life, which was clearly acknowledged and avowed in our very own **Constitution**, to wit:

Article III Sec. 1

"No person shall be deprived of life, liberty and property without due process of law, nor any person be denied the equal protection of laws."


Article II Sec. 11

"The state values the dignity of every human person and guarantee full respect for human rights."

Article III Sec 19

"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."

The **Universal Declaration on Human Rights, Convention Against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment** and the **International Covenant on Civil and Political Rights**

Ang Karapatang Pantao ay para sa lahat. Panindigan natin ito.

Commonwealth Avenue, U.P. Complex, Diliman, 1101, Quezon City, Philippines
Tel. Nos. 927-0172 • 928-2018

(ICCPR), to which the Philippines is a state party, likewise prohibits the infliction of any kind of physical or mental pain as a form of punishment, viz:

Universal Declaration on Human Rights:

"Art. 3. Everyone has the right to life, liberty and security of person;

x x x

Art. 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

ICCPR:

Art. 6(1). Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life;

Art. 7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. x x x."

The unwavering protection of the right to life presumes the right of a person to be alive and protected from physical harm. The imposition of death penalty defies not only the inviolability of life but likewise disregards the dignity of human being.

"Life connotes the integrity of physical person. It includes the right of an individual to his body in its completeness, free from dismemberment and extends to the use of God given faculties, which make life enjoyable." (Justice Malcolm, Philippine Constitutional Law, p.32-321; Buck vs. Bell, 274 US 200)

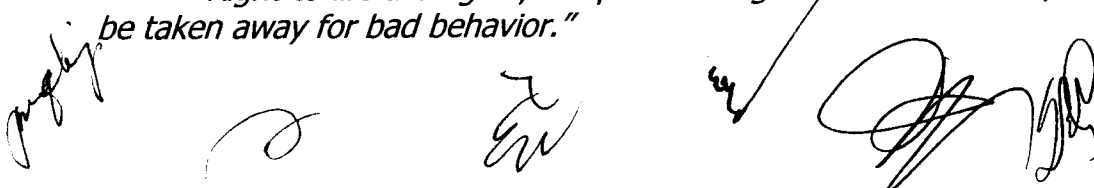
Death penalty is a deliberate killing of a human being by the state. It is unconstitutional per se for being the utmost form of torture. There is no considerable reason to justify its imposition even that of the deterrence of crime, which was proven futile as uncovered by the continuous rise of crime rate in our country.

It violates the right to due process and equality before the law as it discriminates and deprives the underprivileged, given their limited resources, from availing themselves of good/top rated lawyers as against well off accused who have all the means of getting their way out to exoneration.

Moreover, its continued imposition, as a permanent and irreparable penalty, would likely result in the execution of more innocent people due to our country's imperfect justice system, vulnerable to errors, which can never be rectified.

Fundamental human rights apply to all humans, criminals or not. The deprivation of human life is, at all times, culpable regardless of the perpetrator (individual or state) and the raison d'être (laudable or not) hence, deserves condemnation.

"Right to life are rights, not prize from government that may be taken away for bad behavior."



We, at the Commission on Human Rights accordingly issue this advisory restating our previous stand that we are against any law imposing Death Penalty.

Adopted on this 22nd day of March 2005 at Quezon City


PURIFICACION C. VALERA QUISUMBING
Chairperson


ELIGIO P. MALLARI
Commissioner


WILHELM D. SORIANO
Commissioner


DOMINADOR M. CALAMBA II
Commissioner


QUINTIN D. CUETO III
Commissioner