

DEATH PENALTY MUST BE APPLIED TO ALL, OTHERWISE, NONE AT ALL

Mr. President, death penalty, as many perceive, is the gravest form of punishment that an offender can suffer from or be meted with.

In ancient times, it was used to avenge the wrong done to another. But as man became civilized, death penalty acquired social significance because, rather than having been employed to repay individual loss or avenge personal damage, it was intended for society's preservation.

As early as 1886, death penalty was integrated in our legal system through the old Penal Code, copied from the Spanish Penal Code of 1870. During the American occupation, it was carved in our statute books with the enactment of the Revised penal Code on January 2, 1932 (Act 3136).

Under this law, death penalty is imposed for the crime of treason, correspondence with the enemy during times of war, qualified piracy, parricide, murder, infanticide, kidnapping, rape with homicide or with the use of deadly weapon or by two or more persons, or resulting in insanity, robbery with homicide, and arson resulting to death.

Of course, subsequent laws also impose death penalty on espionage under Commonwealth Act 616, death penalty for leaders of rebellion under the Anti-Subversion Act (RA No. 1700), Anti-Hijacking, dangerous Drugs Act , Anti-Carnapping and under PD 1866 for crimes involving homicide with the use of illegally possessed firearms.

Mr. President, I had always been an advocate of and a believer in death penalty as a form of punishment not because it is a deterrent to those who contemplate committing murders, rapes or other heinous crimes; not because it can send shivers to the spines of those with ambition of overthrowing the government; not because it can eliminate the parasites that destroy society, but because I know that it was the most appropriate and fitting retribution or measure to give justice to the victims of crimes like rape, murder, arson or even syndicated crimes involving fraud.

I have grieved for victims whose loved ones have been slain brutally, mercilessly and without compunction by their murderers. My heart burned with rancor against rapist of innocent girls, children, women and even elders, whose chaste lives had been ruined and despoiled because of bestial urges of rapists. I abominate and cursed the pushers,

drug lords and those who had destroyed the serenity, future and family solidarity of those who were tempted to cater the addicts' evil merchandise.

To these transgressors of law, I had always prayed that death was the appropriate and suitable penalty to give justice to their victims.

Which was why, when the 1987 Constitution abolished death penalty unless Congress would reimpose it for compelling reasons involving heinous crimes (Art. III Sec. 19(1), I asked myself: How else can the victims of the filthy and grievous crimes be vindicated?

But then, my misgiving about the abolition and the torment of injustice that had pestered my mind did not last long because, this august body led by our late brethren Senator Arturo Tolentino, Chairman of the Special Committee on the Death Penalty, voted to re-incorporate death as a penalty in the scale of penalties as provided for in the Revised Penal Code. Senate Bill 891 that sought to reimpose death penalty was debated from March 17, 1993 up to August 13, 1993. With a vote of 17 affirmative and 4 negative with 1 abstention, the bill was approved on August 16, 1993.

On the other hand, it took the House from October 27, 1992 to February 11, 1993 to debate upon House Bill No. 62. And overwhelmingly approved it on February 11, 1993 with a vote of 123 in favor and 26 against with 2 abstentions.

Thus, Mr. President came RA No. 7659 otherwise known as "An Act to Impose the Death Penalty on Certain Heinous Crimes, etc."

The first casualty of the law was Leo Echegaray whose death sentence for raping his daughter for a number of times was affirmed by the Supreme Court with finality on February 7, 1997. We all know that the sentence was implemented as President Joseph Estrada refused to grant any executive clemency.

Many more, I am sure had been sentenced to death by the lower courts and duly affirmed by the Supreme Court.

Yet, Mr. President, after Echegaray and to others that joined him in the chambers later, no more execution had been carried out, because the death convicts' sentences had been commuted.

Of late, we have learned that there was a mass commutation.

So, there were no more prisoners waiting to be hanged or sent to death chamber for lethal injection.

Meantime, Mr. President, we can anticipate that those to be sentenced with death by our courts stand the pretty chance of obtaining presidential reprieves.

In effect, except for Echegaray and the two others who were executed, no death execution had been carried out or will still be so.

It is clear Mr. President, that the law imposing death penalty had not been given its chance, to prove the effectiveness and merits of that law.

Second, by not implementing the law on death penalty to cases that are appropriately adjudged by our Courts and affirmed by the Supreme Court, we are only indignifying and dishonoring our statutes. In effect, saying laws are made to be broken or ignored. So let us repeal it so that the blindfolded lady of justice will not castigate us for our insensitivity to the rule of law.

Finally, it seems that death penalty is merely being used to tag wrong persons, indict fall guys or even frame up charges against innocent persons, who are made to suffer the agony of being indicted with a capital offense not because they have committed crimes but because, they are

the convenient excuses to make money, to create false scenarios and satisfy the lust of immoral private and public officials' evil objectives.

It is pathetic to note Mr. President, that death penalty as standard of punishment did no benefit the poor and underprivileged but fancied the few rich and mighty. The relatives of victims of heinous crimes always found themselves powerless to realize full justice because those who have aggrieved them were able to get adequate detours and thwarted the penalty. On the other hand, if it were the poor who were accused, they bore the heavy forced of the law.

I am sure, you still remember the case of Felizardo, the lone suspect in the killing of Col. Manolo Martinez whose plight I brought to this August body in my privilege speech because he was a victim of frame up?

What about the case of the members of the Batasan who were hastily and sweepingly charged with rebellion, a non-bailable offense, so they could be jailed when it would appear that even the court, at the first instance, did not sustain the charge as it granted them the liberty?

Mr. President, why then do we still have to continue with death penalty and retain it in our statute books, when

we are not going to implement it at all, to all and for all? If this be the case, then, that will brook a greater injustice and run counter to my crusade for law and order and battle cry THE LAW APPLIES TO ALL, OTHERWISE NONE AT ALL!

So, I have to change my heart and vote for the abolition of death penalty, because I do not want the poor victims of injustice, to continue to have false hopes and expectations that their tormentors, abusers or those who have committed the gravest crime on earth against them, stand to be meted the supreme penalty of death.

Thank you.