

POSITION PAPER (DEATH PENALTY AS THE SOLUTION TO EVER INCREASING CRIME RATE)

INTRODUCTION

The death penalty is a government-sanctioned punishment by death. Death penalty in the Philippines is stated on the Republic Act No. 7659 which is an act to impose the death penalty for certain heinous crimes, amending for that purpose the revised penal laws, as amended, other special penal laws, and for other purposes. Whereas, the crimes punishable by death under this Act are heinous for being grievous, odious and hateful offenses and which, by reason of their inherent or manifest wickedness, viciousness, atrocity and perversity are repugnant and outrageous to the common standards and norms of decency and morality in a just, civilized and ordered society;

The death penalty can be traced back during the Pre-Spanish time where Filipinos although infrequent, is already practicing it. The Spanish also imposed it on locals who rebelled against them and it was retained during the American period. Of course, who would forget the 1965-1986 Martial LAW? Even though it was abolished during Cory Aquino's term, it was re-imposed when Ramos stepped into the presidency. It was also present in Estrada and Arroyo's term.

Today, Death Penalty has been again, active in discussions around the country where Filipinos argue whether it is practical, beneficial, and necessary if re-established. In tackling about this topic, we must ask ourselves this question, "how can it be justifiable if we don't know if WE HAVE established our justice system out of a desire for rehabilitation or out of a desire for retribution?" Looking at the Philippine context, due to various reasons and particular situations, we view death penalty, as impractical, not beneficial, and unnecessary.

PRACTICABILITY

Death penalty is impractical in the Philippines because our state has a flawed judicial system, it opposes to the culture of the majority and it is simply not compatible with our unfortunate kind of economy thus it is not a proven deterrence to crime.

The death penalty is not practical in the Philippines because we have a flawed judicial system. According to an essay about the practicality of death penalty by Valderrama, it was stated there that, "For the death penalty to be practical and efficient, a fair criminal justice system is essential. However, The criminal justice system in our country is full of defects such as faulty police work, coerced confessions, inept defence counsel, perjured testimony and trial court decisions based on seemingly inconclusive evidence. In addition, the Supreme Court, in a 2004 decision, made 72% judicial errors. How can death penalty be a practical one when the judiciary of the country is inefficient and full of incompetence?" "We have to address the long pestering issue of impunity. Poor law enforcement results in breakdown of law and order. The death penalty is not practical in the Philippines because it opposes to the

Paper On Death

Roger Hood, Carolyn Hoyle



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