

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

**ADVISORY ON THE REIMPOSITION OF THE DEATH
PENALTY
CHR (V) A2016-002**

Recognizing the multifarious and complex issues surrounding the policies of crime prevention and criminal justice in the Philippines and the current administration's declared policy to reinstate the capital punishment of death as a form of retribution;

Emphasizing the following principles enshrined under the 1987 Constitution, to wit: The State values the dignity of every person and guarantees full respect for human rights;¹ protection of life, liberty, and property and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;² no person shall be deprived of life, liberty or property without due process of law;³ excessive fines shall not be imposed nor cruel, degrading or inhuman punishment inflicted;⁴

Emphasizing further that, in compliance with its international commitments and constitutional mandates, the Philippine government enacted Republic Act No. 9346⁵ where the death penalty was commuted to *reclusion perpetua* or life imprisonment, as the case may be, without the benefit of parole;

Recalling the Universal Declaration of Human Rights which provides that everyone has the right to life, liberty and security of person;⁶ no one shall be subjected to torture or to cruel, inhuman or degrading treatment;⁷ all are equal before the law and are entitled without discrimination to the equal protection of the law;⁸ everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal of any criminal charge against him;⁹

Highlighting the right to life as a basic human right derived from the inherent dignity of a human person enshrined in international instruments to which the Philippines is a party, including the International Covenant on Civil

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- 1 Article II, Section 11, 1987 Constitution of the Republic of the Philippines.
 - 2 Article II, Section 5, 1987 Constitution of the Republic of the Philippines.
 - 3 Article III, Section 1, 1987 Constitution of the Republic of the Philippines.
 - 4 Article III, Section 19, 1987 Constitution of the Republic of the Philippines.
 - 5 An Act Prohibiting the Imposition of Death Penalty in the Philippines; Passed on 24 June 2006.
 - 6 Article 3, Universal Declaration of Human Rights.
 - 7 Article 5, Universal Declaration of Human Rights.
 - 8 Article 7, Universal Declaration of Human Rights.
 - 9 Article 10, Universal Declaration of Human Rights.

Karapatang Pantao: Likas sa Atin, Tungkulin Natin

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and Political Rights,¹⁰ the Covenant on Economic, Social and Cultural Rights;¹¹ the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the Convention on the Rights of the Child;¹²

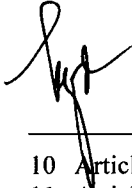
Highlighting further that as a state party to the Second Optional Protocol to the Covenant on Civil and Political Rights Aiming at the Abolition of Death Penalty¹³, the Philippines believes that abolition of death penalty contributes to enhancement of human dignity and progressive development of human rights and is convinced that all measures of abolition of the death penalty shall be considered as progress in the enjoyment of the right to life.

Acknowledging the support of the human rights community, both national and international, to the call of the Commission on Human Rights of the Philippines (Commission) for the Philippine Government to respect, protect, and fulfill the inherent dignity of human person in the context of the right to life and impose a perpetual abolition of the death penalty;

Committed to the promotion and protection of human rights in the Philippines, the Commission, as the country's national human rights institution, issues this advisory:

I. CONTEXT

1. The Philippines is the 25th country in the Asia-Pacific region and the 125th nation¹⁴ to end capital punishment when R.A. 9346 was signed into law¹⁵. This was after more than a decade of struggle and battle against Republic Act No. 7659 otherwise known as the Death Penalty Law, enacted in 1993. This has been our country's shining moment in the international community as it showed our progressive compliance with international obligations on human rights.
2. While there have been efforts in the past to reinstate the death penalty, none has proved to be successful. As such, the Philippines has maintained compliance with its international commitment.
3. However, with the current administration's new set of policies, things are set to change. In his inaugural speech, President Rodrigo Duterte, espousing for real change in government, announced his political policies in eliminating corruption, criminality and the rampant trade of illegal drugs. This commitment to eradicate the ills of society was reiterated in his first State of the Nation Address¹⁶ and the reimposition of the death penalty has been declared to be one of the means to eliminate them.


10 Articles 4, 6 and 7, Covenant on Civil and Political Rights.

11 Article 2, Covenant on Economic, Social and Cultural Rights.

12 Article 37(a), Convention on the Rights of the Child.

13 Adopted and Proclaimed by General Assembly Resolution 44/128 15 December 1989

14 See: https://www.amnesty.or.jp/en/news/2006/0608_514.html (accessed on 3 November 2016)

15 24 June 2006


16 President Rodrigo Duterte's First State of the Nation Address; 25 July 2016.



4. Through the President's pronouncements, it has been clear that his stance on death penalty is for its reimposition, not only for the purpose of deterring crimes, but mainly for retribution. The first bill¹⁷ that was filed in the 17th Congress seeks to re-impose the capital punishment of death through lethal injection on certain heinous crimes.

II. ADVISORY

5. As of date, there are sixteen measures¹⁸ pending in Congress which anchor their contention to reintroduce death penalty on the very same Constitution that values the dignity of every human person.
6. Proponents of the bill which aims for the revival of the capital punishment have high hopes, in the midst of perceived rising criminality, that reviving the capital punishment of death will deter would be criminals as it instills fear, as fear of death comes as a strong natural discouragement. They are of the view that reviving the capital punishment will deter the commission of heinous crimes like murder, rape, kidnapping, child trafficking, and those involving violation of Republic Act No. 9165 (Comprehensive Drugs Act of 2002), among others. It argued that the penalties of *reclusion perpetua* and life imprisonment have not been an effective deterrent to the commission of these nefarious acts.
7. Another view is that the Constitution did not per se abolish the death penalty. It gave Congress the power to impose death penalty for compelling reasons involving heinous crimes.¹⁹ It further argued that while Republic Act No. 9346 did prohibit the imposition of death penalty, Congress still has the discretion to restore it if it deems necessary.²⁰
8. Pursuant to its constitutional mandate to “monitor government’s compliance with its international treaty obligations on human rights”²¹ and its power “to recommend to Congress effective measures to promote human rights”²², **the Commission on Human Rights strongly opposes the re-imposition of the death penalty.** Reinstating the capital punishment will certainly produce myriad of implications, both legal and moral, and will have a long term effect both in the domestic and international spheres.
9. We are not fully convinced that restoration of death penalty is the answer to the rising criminality. There is no scientific study showing that death penalty deters people from committing crime. A recent survey of the most leading criminologists in the United States found that the overwhelming majority did not believe that the death penalty is a proven deterrent to


17 House Bill No. 1, authored by Rep. Fredenil H. Castro, et al., filed on 30 June 2016.

18 House Bill Nos. 1, 16 513, 860, 2568, 3237, 3239, 3240, and 3418 Seventeenth Congress of the Republic of the Philippines; Senate Bill Nos. 4, 42, 185, 186 187, 889, 985 Seventeenth Congress of the Republic of the Philippines.

19 Article III Section 19 (1), 1987 Constitution.

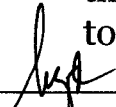
20 House Bill No. 16

21 Section 18 (7), Article 13, 1987 Constitution.

22 Section 18 (6), Article 13, 1987 Constitution.

homicide. Eighty-eight percent of the country's top criminologists do not believe the death penalty acts as a deterrent to homicide, according to a new study published in the *Journal of Criminal Law and Criminology* and authored by Professor Michael Radelet, Chair of the Department of Sociology at the University of Colorado-Boulder, and Traci Lacock, also at Boulder. Similarly, 87% of the expert criminologists believe that abolition of the death penalty would not have any significant effect on murder rates. In addition, 75% of the respondents agree that "debates about the death penalty distract Congress and state legislatures from focusing on real solutions to crime problems."²³

10. Considering that there is no clear study which reveals a material correlation between death penalty and lowering of crime rate, it is safe to conclude that the capital punishment is not a necessary deterrent to the commission of crime. In 1999, President Joseph Estrada carried out the capital punishment and put to death seven (7) death row convicts.²⁴ It was a bumper year for executions which were intended to abate criminality. Instead, using the same year as baseline, criminality increased by 15.3% or a total of 82, 538 (from 71, 527 crimes in the previous year).²⁵
11. According to Florence Bellivier, FIDH²⁶ Deputy-Secretary General, "the pretext of using the death penalty to fight wars on drugs and terrorism are merely a quick fix for governments who are eager to show they are tough on crime. The reality is that the death penalty has no deterrent effect on the commission of crimes, particularly those that are drug-related or alleged acts of terrorism."²⁷
12. Supporters of the re-imposition of the death penalty avers that the Constitution allows the imposition of death penalty where there are compelling reasons involving heinous crime.²⁸ But this begs the question: Are there compelling reasons to warrant the legislative restoration of the death penalty? Do the fluctuation of the crime rate and the atrocity of the crime considered as compelling reasons to justify the reimposition of death penalty?
13. The Philippines is bound to honor its international commitments under the law of nations. The Philippines by acceding to treaties has bound itself to observe it in good faith based on the international principle of *pacta*


23 See <http://www.deathpenaltyinfo.org/study-88-criminologists-do-not-believe-death-penalty-effective-deterrent> (Accessed on 11 October 2016)

24 "Leo Echagaray, convicted of repeatedly raping his step-daughter, was convicted on February 5, 1999. Eduardo Agbayani, convicted of raping his daughter, Eden, was the second man to die by lethal injection on May 25, 1999. On July 8, 1999, it was the turn of Dante Piandiong, Jesus Morallos, and Archie Bulan- the three were sentenced to die for robbery in which a Caloocan City policeman was killed. Two convicted rapists, Pablito Andan and Alex Bartolome were executed on October 26, 1999 and January 6, 2000, respectively." See: <http://www.philstar.com/news-feature/235048/nbp-priest-death-can-be-beautiful> (accessed on 3 November 2016)

25 The Philippine Experience in Abolishing the Death Penalty; Commission on Human Rights; January 2007.

26 FIDH is an international human rights NGO federating 184 organizations from 112 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights. See: <https://www.fidh.org/en/issues/death-penalty/going-backwards-the-death-penalty-in-southeast-asia> (accessed on 4 November 2016)

27 Ibid.

28 Article III, Section 19 (1), 1987 Philippine Constitution.

sunt servanda. Considered as one of the oldest and most fundamental rules in international law, the rule was made explicit in the Vienna Convention on the Law of Treaties, which provides that every treaty in force is binding upon the parties to it and must be performed by them in good faith.²⁹

14. The good faith element of this principle suggests that states should take the necessary steps to comply with the object and purpose of the treaty. As a rule, states may not invoke restrictions imposed by domestic law as good reason for not complying with their treaty obligations provided the instrument was duly ratified by competent authorities and in accordance with constitutional and statutory requirements.³⁰
15. The International Covenant on Civil and Political Rights (ICCPR) prescribed a progressive obligation among nations to abolish death penalty and prevent its reimposition. Article 6 (6) is explicit when it states that nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present covenant.
16. The Second Optional Protocol to the ICCPR clearly calls upon State Parties to take all necessary measures to abolish the death penalty and states that no one within the jurisdiction of a State Party to the present Protocol shall be executed.
17. Across retentionist countries in Southeast Asia, a disproportionate number of death sentences continue to be imposed for drug-related offenses. Countries that have ratified the International Covenant on Civil and Political Rights (ICCPR) and that continue to impose capital punishment for drug-related offenses are in contravention of their own international legal obligations. Article 6 of the ICCPR reserves the death penalty solely for the “most serious crimes,” a threshold that international jurisprudence has repeatedly stated drug-related offenses do not meet.³¹
18. Death penalty is the deliberate killing of human being by the State. It is unconstitutional *per se* for being the utmost form of torture³². Article 7 of the ICCPR condemns the use of torture or cruel inhuman or degrading treatment or punishment. This is even amplified in the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).³³, which obliges a State Party to take effective legislative, administrative, judicial or other measures to prevent acts of torture within its jurisdiction.³⁴
19. The Philippines by ratifying CAT commits itself to ensure that under its criminal law all acts of torture, at any stage of commission, are offense

29 Article 26, Vienna Convention on the Law of Treaties; Concluded at Vienna on 23 May 1969.

30 See: http://www.judicialmonitor.org/archive_0908/generalprinciples.html (accessed on 11 October 2016).

31 Ibid, 26.

32 CHR Human Rights Advisory on the Abolition of Death Penalty, citing Article III, Sections 12(2) and 19(1), 1987 Constitution of the Republic of the Philippines; CHR-A2005-004; Commission on Human Rights; 22 March 2005.

33 Ratified on 30 April 1986.

34 Article 2, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

punishable by appropriate law.³⁵ The CAT establishes a regime of absolute prohibition on torture under any circumstances. Prohibition of torture is “absolute and non-derogable” and “no exceptional circumstances” whatsoever may be invoked by a State to justify acts of torture as stated by the CAT.³⁶

20. Given that, the Philippines cannot and should not renege on its commitment. To re-impose the death penalty is a breach of international obligation by virtue of our bounden commitments with international human rights treaties and our adherence to the principle of *pacta sunt servanda* rule.
21. Such rule has long been recognized in our jurisdiction through the Supreme Court in the landmark case of *Tanada vs. Angara* ³⁷ where it ruled that: “However, while sovereignty has traditionally been deemed absolute and all-encompassing on the domestic level, it is however subject to restrictions and limitations voluntarily agreed to by the Philippines, expressly or impliedly, as a member of the family of nations. Unquestionably, the Constitution did not envision a hermit-type isolation of the country from the rest of the world. In its Declaration of Principles and State Policies, the Constitution adopts the generally accepted principles of international law as part of the law of the land, and adheres to the policy of peace, equality, justice, freedom, cooperation and amity, with all nations.” By the doctrine of incorporation, the country is bound by generally accepted principles of international law, which are considered to be automatically part of our own laws.
22. A treaty engagement is not a mere moral obligation but creates a legally binding obligation on the parties x x x. A state which has contracted valid international obligations is bound to make in its legislations such modifications as may be necessary to ensure the fulfillment of the obligations undertaken.”³⁸
23. The High Court went on to say: “By their inherent nature, treaties really limit or restrict the absoluteness of sovereignty. By their voluntary act, nations may surrender some aspects of their state power in exchange for greater benefits granted by or derived from a convention or pact. After all, states, like individuals, live with coequals, and in pursuit of mutually covenanted objectives and benefits, they also commonly agree to limit the exercise of their otherwise absolute rights. x x x. The sovereignty of a state therefore cannot in fact and in reality be considered absolute. Certain restrictions enter into the picture: (1) limitations imposed by the very nature of membership in the family of nations and (2) limitations imposed by treaty stipulations. As aptly put by John F. Kennedy, Today, no nation

35 See: http://main.tfdp.net/index.php?option=com_content&task=view&id=381&Itemid=61 (accessed on 8 November 2016)

36 See: https://mckinneylaw.iu.edu/human-rights/_docs/shadow-reports/un-philippines-2009.pdf (accessed, 28 September 2016), p. 3, citing the Joint Civil Society report on torture and other cruel, inhuman or degrading treatment or punishment in the Philippines, dated March 2009.

37 G.R. No. 118295, May 2, 1997.

38 Ibid.

can build its destiny alone. The age of self-sufficient nationalism is over. The age of interdependence is here.”³⁹

24. Hence, the Philippines by acceding to the above international human rights treaties commits to end, in perpetuity, the capital punishment of death and to preserve the sanctity of the right to life.
25. We also recognize the discrimination that death penalty carries against the economically disadvantaged. It seems to perpetuate a system of marginalization against the poor and vulnerable, the uneducated and powerless. It is a known fact that the justice system is biased against those who cannot afford to hire competent legal representation. Records show that most of the people under the death sentence belong to the lower class of society. Usually financially unable to pay for counsel, the court appoints counsel de officio for them. More often, poor persons may not receive fair trials due to incompetent, inexperienced or ineffective counsel. Thus, while the law is not discriminatory, the practical effect of the death penalty is discrimination against the poor.⁴⁰
26. Further, Courts will always be fallible and reversible but death penalty will always be final and irreversible. They make mistakes about guilt. Inasmuch as our criminal justice system is flawed as it is designed and run by people, we cannot do away with the fact that miscarriage of justice will occur in every way and that innocent people will continue to be falsely accused and executed for crimes they did not commit. The Supreme Court has acknowledged in *People v. Mateo*⁴¹ the judicial error rate of 71.77 percent on death penalty cases based on the statistics within the eleven period since the re-imposition of the death penalty law in 1993 until June 2004.⁴² The result was six hundred fifty-one (651) out of the nine hundred seven (907) appellants were saved from the lethal injection.
27. Justice, judges and prosecutors are human beings, hence, prone to error. As such their decisions are bound by their innate human limitations. Consequently, there can be no infallibility of courts and the High Tribunal. Once judicial error is committed and execution is carried out, there is no reversing the outcome. Death is irreversible. “No judiciary, anywhere in the world, is so robust that it can guarantee that innocent life will not be taken, and there is an alarming body of evidence to indicate that even well-functioning legal systems have sentenced to death men and women who were subsequently proven innocent.”⁴³
28. The revival of the death penalty will create perturbing effect to our Filipino migrant workers who are on death row and communicate a clear

39 Ibid.

40 CHR Resolution on the “Re-Examination of the Death Penalty”; 6 March 1997

41 GR No. 147678-87, July 7, 2004.

42 <http://pcij.org/blog/2006/06/13/supreme-courts-judicial-errors-in-death-penalty-cases> (accessed, 29 September 2016), citing Philippine Center for Investigative Journalism.

43 Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights. See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15101&LangID=Ea> (Accessed on 4 November 2016)

message to host countries practicing death penalty. In a country which legalizes death penalty, migrant workers form an exceptionally vulnerable community. Filipino migrant workers sentenced to death will be left with no recourse but to submit to the fate of execution as the Philippine government which is bound to protect them will lessen its moral integrity and effectiveness to appeal for clemency should it decide to reinstate the capital punishment. How could you expect a nation to grant the request for clemency of another sovereign having a national policy imposing death penalty?

29. Unprotected as they are, Filipino migrant workers are set to experience discrimination and the perils and uncertainties concomitant with working abroad will be further amplified once the death penalty is reinstated.
30. In the Middle East, low-income migrant workers have little or no access to legal aid, and in the vast majority of cases, cannot afford to pay for legal representation or services. The legal systems in the Gulf can be described as “impossible to navigate” for non-Arabic speakers. Local laws are applied to migrants (including the government’s interpretation of Sharia law in Saudi Arabia) yet there are no provisions to ensure that migrants can understand the legal system or laws - even in cases where defendants could be given the death sentence. Built upon a system of bias towards nationals, the legal systems in the Gulf countries reviewed in this report are deeply flawed in terms of fair and independent trials, presumption of innocence, and the right to question witnesses.⁴⁴
31. Migrants, mostly Asians and Africans, who face capital trials in the kingdom, are frequently unable to understand court proceedings in Arabic, are often not represented by a lawyer, and are routinely held for long periods in harsh conditions and forced into false confessions. The number of migrant workers from poor sending countries killed under the death penalty in Saudi Arabia is disproportionately high in relation to the total number of migrants in the country. The death penalty is applied discriminatively against poor foreign workers.⁴⁵
32. The Commission on Human Rights maintains that it is not against serving justice to the victims and fully conforms that perpetrators must be punished. But the re-imposition of the death penalty is far from the solution which we all yearn for.⁴⁶ We believe that justice can be attained through effective law enforcement, impartial access to redress mechanisms and courts, and a responsive penal system. What is a deterrent is a functional, unbiased, efficient justice system that guarantees certainty of punishment for perpetrators through due process and rule of law, together with broad public confidence. We want to work towards this goal.

44 Migrant Workers and the Death Penalty in Saudi Arabia and Bahrain; See <http://www.bahrainrights.org/en/node/3054>, accessed on 12 October 2016.

45 Ibid.

46 CHR Position Paper on the Abolition of Death Penalty, issued on 5 November 2008.

33. We sincerely sympathize with the victims of violent crimes and their families. We respect the pain and suffering of distraught relatives who call for vengeance. However, their rage at the perpetrators cannot be used to warrant violation of the latter's human rights. The right to life is a right, not a prize from the government that may be taken away for bad behavior.⁴⁷
34. Perversely, there are victims and families of crimes who do not wish to seek revenge and have chosen to promote mercy and compassion. The feelings of relatives of murder victims who appeal for the lives of the perpetrators to be spared out of compassion deserve respect. Indeed, the families of victims of violence do not speak with one voice. A growing number of them argue that the death penalty does not help them come to terms with their personal tragedies, but that it in fact creates more victims, simply perpetuating the cycle of violence.⁴⁸
35. In reality, many murder victims' families believe that responding to one killing with another does not honour the victim. Often, they conclude that the death penalty is profoundly harmful to their hopes of recovering from their loss, partly because of the long delays and repeated appeals that are involved. In diverse countries around the world, victims of appalling crimes, including genocide, crimes against humanity, war crimes and terrorism, have campaigned for an end to the practice of legal killings.⁴⁹
36. The rights of victims and their families must absolutely be respected, including the right to see effective investigations and proper retribution for crimes and the right to demand redress for the harm suffered, through judicial and administrative mechanisms that are expeditious, responsive, fair and accessible. This implies that all victims should be fully informed about such processes, which should be inexpensive and allow for the presentation of victims' views and concerns.⁵⁰
37. Former US Supreme Court Justice John Paul Stevens in his opinion released in the 2008 judgment in *Baze v. Rees*, revealed that he had concluded, after more than three decades on the country's highest court, that the death penalty was a cruel waste of time. He stated that he has relied on his own experience in reaching the conclusion that the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes. A punishment with such negligible returns to the State is patently excessive and cruel, he added.⁵¹
38. The key human rights issue in the re-imposition of death penalty is that essential to the dignity of human person which is foremost the sanctity of

47 Ibid, 22.

48 United States of America Speaking out: Voices against Death; Amnesty International Index: AMR 51/128/99 Distr: SC/DP, United Kingdom; October 1999.

49 U.N. Secretary General Message to the High-Level Meeting on Moving Away from Death Penalty: The Voices of Victims' Families; See: <http://www.un.org/press/en/2015/sgsm17151.doc.htm> (accessed on 16 October 2016).

50 Ibid.

51 See <https://www.amnesty.org/en/documents/ACT50/001/2011/en/> (accessed, 30 September 2016), citing Amnesty International's report Death Sentences and Executions in 2010.

life, supreme over other rights, that must be preserved without inquiring as to the person's character or even distinguishing, and which no derogation should be permitted at any time on whatever ground.

39. Ultimately, the argument over death penalty must rest not on emotions but on reason and universal respect for human rights. A child raped and murdered is vicious and repulsive to the senses, but executing the perpetrator does not put an end to that social sickness. The society we have is a reflection of the system and laws that are in place and the kind of people running the system. An intensive review of the whole penal system and evaluation of the implementation of penal laws and statutes are effective alternatives that must be explored to the fullest to find out the best possible way, taking into account a human rights based approach, in attaining the outcome that we all desire, which is a safe, secure, peaceful and orderly society.
40. It has been observed by FIDH President Dimitris Christopoulos, that too many governments in Southeast Asia lack the vision and political will to eliminate the death penalty – a barbaric practice that has no place in today's world. It is imperative that all retentionist countries in Southeast Asia immediately declare official moratoria on all executions as an initial step towards the complete abolition of capital punishment.⁵²
41. The Commission on Human Rights share the yearning to stop the current scourge of drug addiction and its links to criminality. But to fight crime with violent assertion and revenge as motivation will only perpetuate a culture of violence. Instead, we should develop a credible justice system that works for all, a system that is incorruptible, with objectivity and impartiality. We need to focus on strengthening our methods on crime investigation such as application of reliable scientific evidence, including DNA testing, efficient case documentation and sound judgment of facts. We need to upscale and hone the skills of our police and investigators to gather and handle evidence and other information in ways that will materially enhance the reliability of cases presented in courts. All this will help ensure that those who commit crimes are caught and held accountable. It has been demonstrated time and again, that a fair, professional and competent judicial system provides better overall results. We have nothing to fear from a judicial system that follows the rule of law and respects the rights of all - defendants, victims and witnesses.
42. Our existing criminal justice system should also be balanced with restorative justice, where we do not treat punitive punishment as the only effective means in changing the behaviors of the offenders, but involving all stakeholders of justice – the offenders, victims and the affected communities – in seeking truth, healing and reconciliation.
43. We reiterate the Commission's previous Advisories on the Abolition of Death Penalty;⁵³ Human rights should not be perceived as something evil

52 Ibid, 26.

53 CHR Human Rights Advisory on the Abolition of Death Penalty, CHR-A2005-004, 22 March 2005; CHR Human

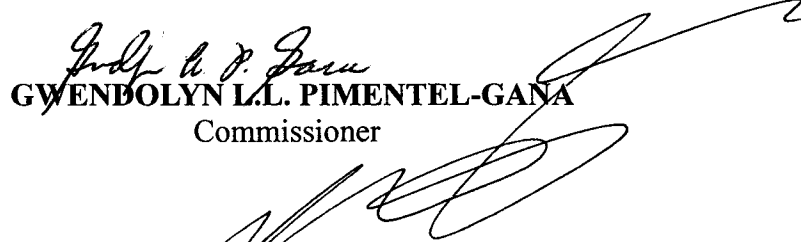
or useless, nor should it be seen as an impediment to achieving peace and order in the country. Human rights is in fact an effective tool in guaranteeing the safety and security of the people. We hope to enlighten our government leaders and the public that human rights could be the solution to the problems that we are all facing in.

44. We take note of the government's determination in resolving the ills of society and share with its desire to achieve sustainable peace in the nation. But we wish to emphasize that the attainment of its goals must be built upon respect and promotion of human rights. The basic dignity of human being which is the protection of right to life is a question that transcends religious, political and even personal opinion. We appeal to the good sense of discernment of all our government leaders to safeguard the dignity of every human person by upholding the right to life, in the fulfillment of their mandates and not to be swayed by public sentiments as human rights are independent of public opinion. Likewise, we encourage the public to keep themselves abreast of matters affecting human rights so they can make informed and intelligent choices and avoid being victims of avertable circumstances.

Issued this 7th day of November 2016, Quezon City, Philippines.

JOSE LUIS MARTIN C. GASCON
Chairperson


KAREN S. GOMEZ DUMPIT
Commissioner


GWENBOLYN L.L. PIMENTEL-GANA
Commissioner

LEAH C. TANODRA-ARMAMENTO
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ROBERTO EUGENIO T. CADIZ
Commissioner