

Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila

AMENDED RULES AND REGULATIONS TO
IMPLEMENT REPUBLIC ACT NO. 8177

In accordance with the decision of the Supreme Court in the case entitled "Leo Echegaray vs. the Secretary of Justice et al." (G.R. No. 132601, promulgated 12 October 1998), the Rules and Regulations dated 28 April 1997 issued by the Secretary of Justice in coordination with the Secretary of Health and the Director of Corrections to govern the implementation of Republic Act No. 8177 entitled "AN ACT DESIGNATING DEATHBY LETHAL INJECTION AS THE METHOD OF CARRYING OUT CAPITAL PUNISHMENT, AMENDING FOR THE PURPOSE ARTICLE 81 OF THE REVISED PENAL CODE, AS AMENDED BY SECTION 24 OF REPUBLIC ACT NO. 7659" is hereby amended to read as follows:

- SECTION 1. **OBJECTIVES.** - These Rules seek to ensure the orderly and humane execution of the death penalty by lethal injection.
- SECTION 2. **DEFINITION OF TERMS.** - As used in these Rules, unless the context otherwise requires-
 - a. "Death Convict" or "Convict" shall refer to a prisoner whose death penalty imposed by a Regional Trial Court is affirmed by the Supreme Court *en banc*;
 - b. "Lethal Injection" refers to sodium thiolethal, pancuronium bromide, potassium chloride and such other lethal substances as may be specified by the Director of Corrections that will be administered intravenously into the body of a convict until said convict is pronounced dead;
 - c. "Bureau" refers to the Bureau of Corrections;
 - d. "Director" refers to the Director of the Bureau of Corrections;
 - e. "Secretary" refers to the Secretary of the Department of Justice;
- SECTION 3. **PRINCIPLES.** - The following principles shall be observed in the implementation of these Rules:
 - a. There shall be no discrimination in the treatment of a death convict on account of race, color, religion, language, politics, nationality, social origin, property, birth or other status.
 - b. In the execution of a death penalty, the death convict shall be spared from unnecessary anxiety or distress.
 - c. The religious beliefs of the death convict shall be respected.
- SECTION 4. **PRISON SERVICES.** - Subject to the availability of resources, a death convict shall enjoy the following services and privileges to encourage and enhance his self-respect and dignity:
 - a. Medical and Dental;
 - b. Religious, Guidance and Counseling;
 - c. Exercise;
 - d. Visitation; and
 - e. Mail.
- SECTION 5. **CONFINEMENT.** - Whenever practicable, the death convict shall be confined in an individual cell in a building that is exclusively assigned for the use of death convicts. The convict shall be provided with a bunk, a steel/wooden bed or mat, a pillow or blanket and mosquito net.
- SECTION 6. **RELIGIOUS SERVICES.** - Subject to security conditions, a death convict may be visited by the priest or minister of his faith and given such available religious materials which he may require.
- SECTION 7. **EXERCISE.** - A death convict shall be allowed to enjoy regular exercise periods under the supervision of a guard.
- SECTION 8. **MEAL SERVICES.** - Meals shall, whenever practicable, be served individually to a death convict inside his cell. Mess utensils shall be made of plastic. After each meal, said utensils shall be collected and accounted.
- SECTION 9. **VISITATION.** - A death convict shall be allowed to be visited by his immediate family and reputable friends at regular intervals and during designated hours subject to security procedures.
- SECTION 10. **LIST OF VISITORS.** - A list of persons who may visit a death convict shall be compiled and maintained by the prison authorities. The list may include the members of the convict's immediate family such as his parents, step parents, foster parents, brothers and sisters, wife or husband and children. The list may, upon the request of the convict, include his grandparents, aunts, uncles, in-laws and cousins. Other visitors may, after investigation, be included in the list if it will assist in raising the morale of the convict.
- SECTION 11. **INTERVIEWS OF CONVICTS.** - Television, radio and other interviews by media of a death convict shall not be allowed.
- SECTION 12. **HANDLING OF INMATE MAIL.** - The sending and receiving of mail by a death convict shall be controlled to prevent illicit communication. Mail shall be censored in accordance with existing prison rules.
- SECTION 13. **OUTSIDE MOVEMENT.** - A death convict may be allowed to leave his place of confinement only for diagnosis of a life-threatening situation or treatment of a serious ailment, if the diagnosis cannot be done or the treatment provided in the prison hospital.
- SECTION 14. **COURT APPEARANCE.** - A death convict shall not be brought outside the penal institution where he is confined for appearance or attendance in any court except when the Supreme Court authorizes, upon proper application, said outside movement. A judge who requires the appearance or attendance of a death convict in any judicial proceeding shall conduct such proceeding within the premises of the penal institution where the convict is confined.
- SECTION 15. **HOW LETHAL INJECTION IS TO BE ADMINISTERED.** - The execution of the death sentence by lethal injection shall be done under the authority of the Director who shall endeavor to mitigate the sufferings of the convict prior to and during the execution.
- SECTION 16. **NOTIFICATION AND EXECUTION OF THE SENTENCE AND ASSISTANCE TO THE CONVICT.** - The court shall designate a working day for the execution of the death penalty but not the hour thereof. Such designation shall only be communicated to the convict after sunrise of the day of the execution, and the execution shall not take place until after the expiration of at least eight (8) hours following the notification, but before sunset. During the interval between the notification and execution, the convict shall, as far as possible, be furnished such assistance as he may request in order to be attended in his last moments by a priest or minister of the religion he professes and to consult his lawyers, as well as in order to make a will and confer with members of his family or of persons in charge of the management of his business, of the administration of his property, or of the care of his descendants.
- SECTION 17. **SUSPENSION OF THE EXECUTION OF THE DEATH SENTENCE.** - The death sentence shall not be inflicted upon a woman while she is pregnant or within one (1) year after delivery, nor upon any person over seventy years of age. In this last case, the death sentence shall be commuted to the penalty of *reclusion perpetua* with the accessory penalty provided in Article 40 of the Revised Penal Code.
- SECTION 18. **PLACE OF EXECUTION.** - The execution by lethal injection shall take place in the prison establishment and space thereat as may be designated by the Director. Said place shall be closed to public view.
- SECTION 19. **EXECUTION PROCEDURE.** - Details of the procedure prior to, during and after administering the lethal injection shall be set forth in a manual to be prepared by the Director and submitted to the Secretary for review and approval. The manual shall contain details of, among others, the sequence of events before and after the execution; procedures in setting up the intravenous line; the administration of the lethal drugs; the pronouncement of death; and the removal of the intravenous system. Interested parties, including the accused/death convict, may obtain a copy of the lethal injection manual.
- SECTION 20. **QUANTITY AND SAFEKEEPING OF DRUGS PURCHASED.** - The exact quantities of the drugs needed for an execution of a death penalty shall be purchased by the Director pursuant to existing rules and regulations not earlier than ten (10) days before the schedule date of execution. The drugs shall be kept securely at the office of the superintendent of the prison where the death sentence is to be executed. All unused drugs shall be inventoried and disposed of properly under the direct supervision of the Director.
- SECTION 21. **ADMINISTERING LETHAL DRUGS.** - The injection of the lethal drugs to a death convict shall be made by a person designated by the Director.
- SECTION 22. **IDENTITY OF PERSON AND ADMINISTERING LETHAL INJECTION.** - The identity of the person who is designated to administer the lethal injection shall be kept secret.
- SECTION 23. **PERSONS WHO MAY WITNESS EXECUTION.** - The execution of a death convict shall be witnessed only by the priest or minister assisting the offender and by his lawyers, and by his

THE PHILIPPINE STAR

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Meanwhile, a tricycle driver...
 ...life terms...
 ...respectively yesterday...
 ...a resident of Navotas, was con...
 ...Judge Benjamin Aquino for shoe...
 ...with a certain Leo Latorja, a laborer...
 ...in 1995 near the Immaculate Me...
 ...in Navotas...
 ...men accused in the murder...
 ...been sentenced to be jailed...
 ...other hand, was found guilty...
 ...rampo of raping his 11-year...
 ...on Dec. 4 last year...
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in a building that is exclusively assigned for the use of death convicts. The convict shall be provided with a bunk, a steel/wooden bed or mat, a pillow or blanket and mosquito net.

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- A person below eighteen (18) years of age shall not be allowed to witness an execution.
- SEC. 24. **EXPULSION OF WITNESS.** - Any person who makes unnecessary noise or displays rude or improper behavior during an execution shall be expelled from the lethal injection chamber.
- SEC. 25. **NON-RECORDING OF EXECUTION.** - The Director shall not allow the visual, sound or other recording of the actual execution by media or by any private person or group.
- SEC. 26. **DISPOSITION OF CORPSE OF CONVICT.** - Unless claimed by his family, the corpse of a death convict shall, upon the completion of the legal proceedings subsequent to the execution, be turned over to an institution of learning or scientific research first applying for it, for the purpose of study and investigation, provided that such institution shall take charge of the decent burial of the remains. Otherwise, the Director shall order the burial of the body of the convict at government expense, granting permission to be present thereat to the members of the family of the convict and the friends of the latter. In no case shall be burial of a death convict be held with pomp.
- SEC. 27. **EFFECTIVITY.** - These Rules shall take effect fifteen (15) days after publication in a newspaper of general circulation.

APPROVED.

20 October 1998

(Sgd.) JUSTICE SERAFIN R. CUEVAS
Secretary

Save the users, jail the pushers.

records showed...
pneumonia...
was not...
to...
sur...
thesis...
doctor Rupen...
his findings report...
The doctors of STUH...
cluding their hospital...
Estrella Paje-Villar, had insisted...
that Karen experienced...
unexplained adverse medical...
reaction phenomenon called...
"idiosyncrasy" which happens...
"despite the best medical care...
without seemingly rational...
explanation only made matters...
more difficult than they are...
The STUH, however, had...
since provided the Salita family...
all their medical needs for Karen...
afterwards. But the girl's father...
Antonio, sought the NBI's help...
in June to find out if the hospital...
was telling him the truth...
Paje-Villar had cleared all...
the doctors, including Simeon...
and Moral, from any acts of...
negligence...
Gil and Moral met with...
Sombillon last week but the...
NBI doctor stood firm on his...
findings prompting NBI investi-
gators to recommend the...
negligence resulting to grave...
physical injuries charges...
against the two STUH medical...
practitioners...
Sombillon said Moral — as...
the pediatrician — should...
have postponed the sche-
duled surgery based on her...
pneumonia diagnosis of the...
girl, while Gil — as the anaes-
thesiologist — should have...
stopped the surgery after read-
ing Moral's pneumonia diag-
nosis. — Jose Aravilla

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NBI: Ermita sh

Short of indicating that the controversial Oct. 13 Ermita incident — which killed a lawyer and four suspected holdup men — was a glaring rubout, the National Bureau of Investigation (NBI) stated in its autopsy of the four slain suspects that they appeared to have been tortured, stabbed, and shot at close range.

Findings of the NBI medico-legal office showed that fatality Allih Gozal Melgas sustained two stab wounds in his stomach aside from his gunshot wounds. Another victim was found to also have contusions in his back which showed that he was whipped by a caliber .45 pistol. Some of the gunshot wounds on the bodies also showed gunpowder burns around them which were evidence of "close-contact firing."

The bodies Melgas, Suharto Kanakan,