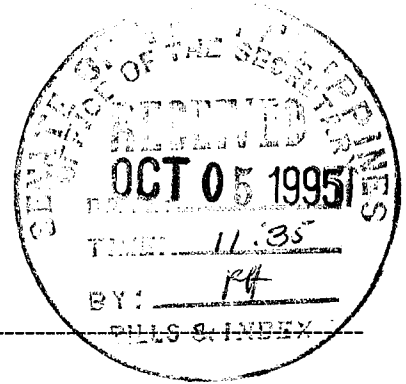


Tenth Congress of the Republic )  
of the Philippines )  
First Regular Session )



SENATE

COMMITTEE REPORT NO. 18

Submitted by the Committee on Constitutional Amendments, Revision of Codes & Laws  
on OCT 05 1995

Re: S. No. 436

Recommending its approval with amendments.

Sponsors : Senators Ernesto F. Herrera and Ernesto M. Maceda

Mr. President :

The Committee on Constitutional Amendments and Revision of Codes & Laws , to which  
was referred S.B. No. 436 , introduced by Senator Ernesto F. Herrera, entitled :

'AN ACT  
DESIGNATING DEATH BY LETHAL INJECTION AS THE METHOD OF  
CARRYING OUT CAPITAL PUNISHMENT, AMENDING FOR THIS  
PURPOSE ARTICLE 81 OF THE REVISED PENAL CODE AS AMENDED  
BY SECTION 24 OF REPUBLIC ACT 7659'

has considered the same and has the honor to report them back to the Senate with the  
recommendation that it be approved with the following amendments:

1. On Section 1, between lines 15 and 16, insert the following paragraphs to read  
as follows;

*"THE DIRECTOR OF THE BUREAU OF CORRECTIONS SHALL  
TAKE STEPS TO ENSURE THAT THE LETHAL INJECTION TO  
BE ADMINISTERED IS SUFFICIENT TO CAUSE THE  
INSTANTANEOUS DEATH OF THE CONVICT.*

*THE AUTHORIZED PHYSICIAN OF THE BUREAU OF  
CORRECTIONS, AFTER THOROUGH EXAMINATION, SHALL  
OFFICIALLY MAKE A PRONOUNCEMENT OF THE CONVICT'S  
DEATH."*

Respectfully submitted:

**ERNESTO M. MACEDA**  
Chairman  
Committee on Constitutional Amendments,  
Revision of Codes & Laws

*Raul S. Roco*

**RAUL S. ROCO**  
Vice-Chairman

*also changing my original position on the death penalty.*

**MEMBERS**

*Ernesto F. Herrera*

**ERNESTO F. HERRERA**

*Franklin M. Drilon*

**FRANKLIN M. DRILON**

*Marcelo B. Fernan*

**MARCELO B. FERNAN**  
*with reservations on capital punishment*

*Juan Ponce-Enrile*

**JUAN PONCE-ENRILE**

*with reservation on the imposition of the death penalty.*

*Gregorio B. Honasan*

**GREGORIO B. HONASAN**

**EX-OFFICIO MEMBERS**

*Leticia Ramos-Shahani*

**LETICIA RAMOS-SHAHANI**  
President Pro-Tempore

*Alberto G. Romulo*

**ALBERTO G. ROMULO**  
Majority Leader

*Edgardo J. Angara*

**EDGARDO J. ANGARA**  
Minority Leader

TENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
First Regular Session }

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S E N A T E

S. No. 436

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Introduced by Senator Herrera  
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EXPLANATORY NOTE

The present prescribed method in carrying out capital punishment is death by electrocution. This will later be changed to gas poisoning, as provided by Sec. 24 of R.A. 7659, as soon as the Bureau of Corrections can have the proper facilities for the purpose.

There would not have been any problem had the old electric chair been saved from fire in the New Bilibid Prison that totally destroyed it. Without an electric chair or a gas chamber, our penal system today has no means of implementing the death sentence. The very high cost needed for the replacement of the electric chair and the building of a gas chamber bogs down the whole process. This is, indeed, the appropriate time to introduce lethal injection as a new means of carrying out the death penalty. This method is less expensive, more humane, easier to administer and conveniently portable.

A new electric chair costs P2.6 million while the building of a gas chamber costs P6 million. Electrocution and gas poisoning are too expensive compared to only about a thousand pesos needed for lethal injection.

This cheap yet effective method is carried out by injecting into the vein of the convict a lethal combination of drugs which typically includes a non-lethal dose of sodium thiopental, a sleep inducing barbiturate; lethal doses of panouronium bromide, a drug that paralyzes the muscles; and potassium chloride, which stops the heart within seconds. Lethal Injection really gets rid of the horrible and gruesome sight of a convict dying in agony like trembling while being electrocuted, gasping inside the gas chamber, and showing frightening signs of being tortured to death. In using lethal injection, the only physical pain felt is the initial prick of the needle.

Then there is the risk of faulty wirings in an electric chair or leaks from the gas chamber which will jeopardize the safety of innocent persons. The danger of having an accident when using electricity or gas is too high to be ignored. There is no such danger in lethal injection. It is much easier to apply and works in less than ten seconds. All the witnesses could hear is the convict taking one deep breath.

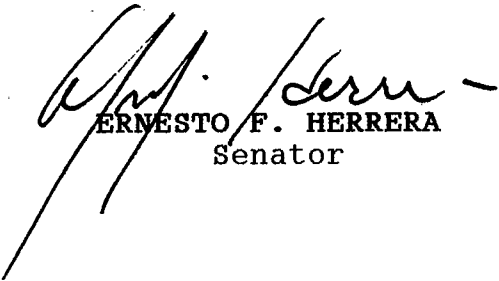
S. No. \_\_\_\_\_

- 2 -

Lethal injection could be administered anywhere. In case the National Penitentiary will be transferred to another site, the instruments and chemicals for the Lethal injection will be simply packed-up and carried to the New Prison. There will be no gas chamber to be abandoned or electric chair to be re-installed.

Let us not waste more time, effort and resources for outmoded methods of imposing death sentences. Lethal injection, clearly, is the most practical and efficient means to carry out the death penalty.

Passage of this Bill is earnestly recommended.

  
ERNESTO F. HERRERA  
Senator

TENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
First Regular Session }

S E N A T E

S. No. 436

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Introduced by Senator Herrera  
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AN ACT  
DESIGNATING DEATH BY LETHAL INJECTION AS THE METHOD OF  
CARRYING OUT CAPITAL PUNISHMENT, AMENDING FOR THIS PURPOSE  
ARTICLE 81 OF THE REVISED PENAL CODE AS AMENDED BY SECTION  
24 OF REPUBLIC ACT 7659

Be it enacted by the Senate and the House of Representatives  
of the Philippines in Congress assembled:

1 SECTION 1. Article 81 of the Revised Penal Code as  
2 amended by Section 24 of R.A. 7659 is hereby further amended  
3 to read as follows:

4 "ART. 81. When and how the death penalty is  
5 to be executed. - The death sentence shall be  
6 executed with preference to any other and shall  
7 consist in putting the person under sentence to  
8 death by [electrocution] LETHAL INJECTION. The  
9 death sentence shall be executed under the  
10 authority of the Director of [Prisons,] THE  
11 BUREAU OF CORRECTIONS, endeavoring so far as  
12 possible to mitigate the sufferings of the  
13 person under sentence during the  
14 [electrocution] LETHAL INJECTION as well as  
15 during the proceedings prior to the execution.

16 [If the person under sentence so desires, he  
17 shall be anaesthetized at the moment of the  
18 execution.]

S. No. \_\_\_\_\_

1 [As soon as facilities are provided by the  
2 Bureau of Prisons, the method of carrying out the  
3 sentence shall be changed to gas poisoning.]

4 The death sentence shall be carried out not  
5 later than one (1) year after the judgment has  
6 become final".

7 SEC. 2. Persons already sentenced by final judgment  
8 who are waiting to undergo the death penalty by  
9 electrocution or gas poisoning shall be under the coverage  
10 of the provisions of this Act upon its effectivity. Their  
11 sentences shall be automatically modified for this purpose.

12 SEC. 3. All laws, presidential decrees and issuances,  
13 executive orders, rules and regulations or parts thereof  
14 inconsistent with the provisions of this Act are hereby  
15 repealed or modified accordingly.

16 SEC. 4. This Act shall take effect fifteen (15) days  
17 after its publication in the Official Gazette or in at least  
18 two (2) national newspapers of general circulation,  
19 whichever comes earlier. Publication shall not be later  
20 than ten (10) days after the approval thereof.

Approved,

[refvii:bill169]  
CAV:jrmb