



The Philippines
Joint Stakeholder Report on the Death Penalty
for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and

The World Coalition Against the Death Penalty
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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized the Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report addresses the Philippines' compliance with its international human rights obligations with respect to the death penalty. For years, the Philippines imposed the death penalty, particularly for so-called heinous crimes. In 2006, President Gloria Macapagal-Arroyo abolished the death penalty.¹ Since then, however, lawmakers have introduced numerous bills to reinstate the death penalty, with the House adopting Bill No. 7814 as recently as March 2, 2021.²
2. The report examines the current state of the death penalty in the Philippines, including (1) acceptance of international norms; (2) proposed legislation reintroducing the death penalty; (3) torture and cruel, inhuman, or degrading treatment in enforcing drug control; (4) conditions of detention; and (5) administration of justice and fair trial.
3. This report recommends that the Philippines continue the abolition of the death penalty, refrain from reintroducing the death penalty, honor its international commitments, and implement a human rights-based approach to anti-drug policy.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

4. During the 2017 Universal Period Review, the Philippines received 23 recommendations related to the death penalty, 31 recommendations related to torture, 5 recommendations related to detention conditions, 11 recommendations related to the administration of justice and fair trial, and 3 recommendations related to the excessive use of force by police.

Acceptance of international norms (Theme A12); Constitutional and legislative framework (Theme A41); Institutions & policies (Theme A42)

Status of Implementation: Partially Accepted, Partially Implemented

5. The Philippines received 16 recommendations to ensure its fight against crime, especially counter-narcotics operations, conforms with constitutional protections and international human rights obligations.³ The Philippines accepted 11 and noted 5 of these recommendations.⁴
6. As described in greater detail in paragraphs 9-16 below, most of the efforts to reinstate the death penalty have centered around drug-related offenses. As discussed in paragraph 37, presumption-shifting provisions in the leading bill to reinstate the death penalty would violate the fair trial rights of persons accused of drug-related offenses. And as mentioned in paragraph 21, several civil society organizations have called on authorities to instead create a human-rights based approach to drug offenses and drug control.

Right to life (Theme D21); Death penalty (Theme D23)

Status of Implementation: Not Accepted, Partially Implemented

7. The Philippines received 7 recommendations to maintain the abolition of the death penalty⁵ and 16 recommendations to refrain from reinstating the death penalty.⁶ The Philippines noted all of these recommendations, contending that the issue was subject to further deliberations in Congress, the outcome of which the State cannot influence.⁷ While the

Philippines has maintained the abolition of the death penalty so far, lawmakers in the House of Representatives continue to introduce bills to reinstate the death penalty.⁸

8. President Gloria Macapagal-Arroyo abolished the death penalty in the Philippines in 2006.⁹ The Philippines ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights in 2007.¹⁰ Yet lawmakers have flouted Article 6 of the ICCPR and the Second Optional Protocol by taking steps to reinstate the death penalty.
9. On January 2017, a bill was filed in the House of Representatives seeking to reinstate the death penalty for drug-related offenses and for crimes that are committed under the influence of illegal drugs.¹¹
10. After campaigning on the issue in 2016, in July 2019, President Rodrigo Duterte called on Congress to reinstate the death penalty, focusing in particular on drug-related offenses.¹² Lawmakers thereafter introduced legislation to reinstate the death penalty,¹³ filing at least 19 bills by the end of the year.¹⁴ One bill would allow the death penalty for crimes including treason, certain types of bribery, “plunder,” drug offenses, murder, robbery involving violence or intimidation, rape, piracy, kidnapping, and certain types of arson,¹⁵ while another would allow the death penalty for drug trafficking and drug manufacturing,¹⁶ and another would allow the death penalty for qualified trafficking in persons.¹⁷ Of the 19 bills to reinstate the death penalty that lawmakers introduced in 2019, 15 targeted drug trafficking or other drug-related offenses.¹⁸
11. On March 2, 2021, the House of Representative adopted House Bill No. 7814, providing for the reinstatement of the death penalty for a new crime under the 2002 Comprehensive Dangerous Drugs Act.¹⁹ This is the second bill in a span of 5 years that has advanced to the Senate proposing a return to capital punishment. Section 20 of the bill provides a mandatory penalty of death for the planting of false evidence during a drug crime investigation.²⁰ There is also a presumption of guilt if the person accused of planting such evidence does not follow the investigation procedure under Section 19 of the bill.²¹
12. After House Bill No. 4727 passed in the House of Representatives with an overwhelming majority, Rep. Ruwel Peter Gonzaga clarified the majority’s position that the death penalty, if enacted into law, will not violate the Second Optional Protocol. “The Second Optional Protocol to the ICCPR is not a treaty nor an international agreement because the ratification of the President did not have the concurrence of at least two-thirds of all members of the Senate as required under Section 21 Article 7 of the Constitution,” Gonzaga asserted.²²
13. Subsequently, in 2017, the Special Rapporteur on torture and the Special Rapporteur on extrajudicial executions reminded the State Party that it has an obligation under the Second Optional Protocol “to stay away from this form of punishment and cannot legally reintroduce it in its jurisdiction.”²³ They noted that after ratifying the protocol, “State authorities ha[d] also expressly confirmed on numerous occasions its validity and binding nature on the Philippines, without raising any concerns over the procedure through which it had been ratified.”²⁴ The experts concluded that reinstatement of the death penalty would be “in clear violation of [the Philippines’] obligations under the protocol.”²⁵
14. In June 2020, the Human Rights Committee asked the Philippines to “comment on the compatibility of such steps” to reintroduce the death penalty “with provisions in the Covenant, and in the Second Optional Protocol.”²⁶ In response, the Philippines asserted

that “[i]nclusive legislative efforts to conduct stakeholder human rights dialogues with constituents within Parliament and/or civic space regarding the death penalty is not prohibited under the Covenant and the Second Protocol.”²⁷

15. After the adoption of House Bill No. 7814 in March 2021, the Philippines’ Commission on Human Rights (CHR) expressed “grave concern” and reiterated that “the death penalty is not an effective deterrent and if passed, this is considered a serious breach of our international obligations, particularly under the [ICCPR] and its Second Optional Protocol aiming at the abolition of the death penalty.”²⁸
16. There are currently 13 draft bills before the House of Representatives and 11 draft bills before the Senate proposing the death penalty for a range of offences including (but not limited to) drug offences, treason, plunder, rape and murder.²⁹
17. There has recently been a pullback of support from senators for House Bill 7814.³⁰
18. In the context of the upcoming elections in May 2022, even candidates who were hardliners for reinstatement of the death penalty appear to have taken steps back, saying “not now” to the reintroduction of the death penalty.³¹
19. Still, the bills reintroducing the death penalty demonstrate intent for a broader introduction of the death penalty in the Philippines, and they prevent human rights institutions in the country from carrying out their work effectively.³²
20. The CHR has warned that “reimposition of death penalty will likely hurt the country’s effort to save migrant workers who are meted death sentence.”³³ CHR Commissioner Karen Gomez-Dumpit said, “If the death penalty is reinstated, the ability of the Department of Foreign Affairs to negotiate on behalf of [overseas foreign workers (OFWs)] will be undermined. Moreover, our country will be considered hypocritical if we reimpose death penalty but at the same time seek the lives of OFWs who are in death row abroad.”³⁴
21. In the face of the legislative efforts to reinstate the death penalty, several civil society organizations—including the CHR, the Karapatan Alliance, and NoBox Philippines—are working to prevent the reintroduction of the death penalty and create a human-rights based approach to drug offenses and drug control.³⁵

Prohibition of torture and cruel, inhuman or degrading treatment (Theme D25)

Status of Implementation: Partially Accepted, Partially Implemented

22. The Philippines received four recommendations to enact a national preventive mechanism against torture,³⁶ one recommendation to implement the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arising from its visit to the country in 2015,³⁷ seven recommendations to take immediate steps to combat torture in the criminal justice system,³⁸ and three recommendations to improve implementation of existing law against torture.³⁹ The Philippines noted these recommendations.⁴⁰
23. The Philippines ratified the Convention against Torture in 1986, and the Optional Protocol of the Convention against Torture in 2012.

24. Since coming to power in 2016, President Duterte “has waged a brutal crackdown on suspected drug users and dealers, issuing police with shoot-to-kill orders while encouraging citizens to kill drug users too. Officially the police say they shoot only in self-defence and data shows more than 8,000 people have been killed in anti-drug operations. The nation’s human rights commission estimates a toll as high as 27,000.”⁴¹
25. Human Right Watch reports that “[a]ccountability for these police killings, including those that victimized children, is practically nonexistent.”⁴²
26. Despite receiving several recommendations to enact a national preventive mechanism (NPM) against torture during its 2017 UPR, the Philippines “has yet to do so.”⁴³ In 2016, however, the CHR established an interim NPM to facilitate the government’s compliance with the Convention and its optional protocol.⁴⁴
27. The state reports that “[t]o promote integrity of the anti-illegal drug operations, the Philippine Drug Enforcement Agency (PDEA) requires its operatives to wear body cameras during anti-drug operations. Further, PDEA immediately investigates reports on alleged human rights violations.”⁴⁵ Astonishingly, as of July 31, 2020, “all investigated cases were determined to have the absence of human rights violations.”⁴⁶

Conditions of detention (Theme D26)

Status of Implementation: Not Accepted, Partially Implemented

28. The Philippines received five recommendations to improve the conditions of detention and detention facilities, by undertaking investigations into allegations of torture of detainees, prosecuting and sentencing perpetrators of such torture, and addressing overcrowding and sanitation problems at detention facilities.⁴⁷ The Philippines noted these recommendations.⁴⁸
29. Since 2017, the Philippines has reported that “measures have been implemented to prevent the commission of any acts of torture by regularly subjecting jail personnel to appropriate skills training and development.”⁴⁹ The state “expected to bring down congestion to about 76 percent after the prison population is reduced by some 11 thousand” due to the enactment of the Expanded Good Conduct Time Allowance Law (GCTA) under Republic Act No. 10592 (RA 10592).⁵⁰
30. Before the death penalty was abolished, people sentenced to death in the Philippines could wait between 12 and 18 months for their execution.⁵¹
31. Raymund Narag, an assistant professor of criminology at Southern Illinois University, remembers firsthand the experience of a criminal justice system sanctioning the death penalty. “He spent nearly seven years jailed in the Philippines as a pre-trial detainee before he was acquitted of a campus murder that took place at his university when he was 20. The death penalty was still intact at the time and prosecutors had sought it for the 10 men charged. Worse than his overcrowded cell and frequent prison riots, he says, was the ‘agony of waiting’ for hearings.”⁵²
32. The CHR also noted that if authorities do not address poor hygiene, dramatic overcrowding, and poor healthcare infrastructure within detention facilities, especially given the COVID-19 pandemic, those conditions may amount to cruel, inhuman, and

degrading treatment or punishment.⁵³ Moreover, “[p]oor sanitation, inadequate ventilation, poor access to natural lighting, and a lack of potable water were chronic problems in correctional facilities and contributed to health problems. From January to July [2020], the prison services reported 1,069 total inmate deaths. The Bureau of Corrections attributed 31 of the 498 deaths in its facilities to COVID-19. Observers accused the Bureau of Corrections of using the virus to cover up the unlawful execution of inmates or inmate escapes.”⁵⁴

33. Although the Philippines has noted steps it has taken to improve conditions of detention and provide training for Bureau of Jail Management and Penology personnel on the Mandela Rules,⁵⁵ it has neither created an NPM nor addressed concerns of further overcrowding of detention facilities.

Administration of justice & fair trial (Theme D51)

Status of Implementation: Partially Accepted, Not Implemented

34. The Philippines received seven recommendations to end illegal arrests and ensure fair trials and an independent judiciary,⁵⁶ and four recommendations to eradicate impunity in the administration of justice.⁵⁷
35. The Philippines accepted two of the seven recommendations to improve the judiciary and fairness of trials, and noted all four recommendations regarding impunity.⁵⁸ The Philippines also received three recommendations to ensure excessive force is not used by law enforcement, specifically by investigating instances of death and use of force involving security forces.⁵⁹ The Philippines noted these recommendations.⁶⁰ As grounds for its positions, the Philippines stated that while it could “essentially support an additional 99 recommendations,” it could not accept “those perceived to insinuate, advertently or inadvertently, that the State has not taken any action whatsoever on the concerns raised despite having substantially reported the same both in the National Report and during the interactive dialogue. Full acceptance of these recommendations would denigrate the State’s current serious efforts that already address the issues raised.”⁶¹
36. In 2004, the Supreme Court of the Philippines admitted in *People v. Mateo* that 71.77% of death penalty convictions were wrong and were either modified or overturned.⁶²
37. The presumption of guilt for people accused of being drug traffickers, financiers, protectors, “coddlers,” or otherwise being involved in illegal drugs under House Bill No. 7814 compromises a person’s right to due process, is patently unconstitutional, and emphasizes further the dangers of reintroducing capital punishment.⁶³
38. Although the recent bills in the House of Congress seek to reinstate the death penalty specifically for drug-related crimes, Gloria Lai, Asia Director of the International Drug Policy Consortium, says “the death penalty has not solved the drug-related problems of any country. ‘It is the poor and vulnerable who bear the harsh punishment of criminal justice systems in grossly unjust ways,’ she says.”⁶⁴
39. A May 2004 survey of persons under sentence of death at that time showed that most people under sentence of death belonged to lower income brackets.⁶⁵ Based on the income levels of people on the death row, 73.1% of those persons were poor.⁶⁶

40. Defending a capital case in the Philippines can be conservatively estimated at 329,000 PHP per year (around €5,730 as of March 2022), which is significantly more than what many defendants can afford.⁶⁷
41. Rights group the Karapatan Alliance has reiterated that the death penalty will “institutionalize the carnage of the poor” in the name of the internationally condemned war on drugs and will not curb nor eliminate crimes.⁶⁸ “[T]here is danger that political prisoners will be dealt with capital punishment, when they should be released on just and humanitarian grounds,” Karapatan said.⁶⁹
42. In 2018, the Public Attorney’s Office (PAO) Accomplishment Report stated that each PAO lawyer handles 465 cases per year.⁷⁰ Given the heavy caseload and operational problems in the PAO, the PAO cannot ensure protection for people from disadvantaged socio-economic backgrounds against charges that could be punishable by death.⁷¹

II. RECOMMENDATIONS

43. This stakeholder report suggests the following recommendations for the Government of the Philippines:
 - Honor all commitments pursuant to human rights treaties the country has ratified or acceded to, specifically those under the Second Optional Protocol to the ICCPR and the Convention Against Torture.
 - Maintain the abolition of the death penalty.
 - Immediately call for the abandonment of all existing efforts—legislative or otherwise—to reintroduce the death penalty, particularly a mandatory death penalty for drug-related offenses, as contrary to the country’s obligations under international human rights law.
 - Refrain from future campaigns and legislative efforts to reintroduce the death penalty.
 - Provide administrative and executive support to elected officials who strive to maintain the abolition of the death penalty.
 - Undertake efforts to collaborate with civil society and the Commission on Human Rights to elaborate and implement a human-rights based approach to anti-drug policy.
 - End illegal arrests, ensure fair trials and an independent judiciary, and eradicate impunity for human rights violations arising in the context of the administration of justice.
 - Conduct an independent and impartial investigation of poor detention conditions—which often lead to premature deaths resulting from diseases including COVID-19—and step up efforts to ensure that detention conditions comply with the Nelson Mandela Rules.
 - Provide enhanced funding and human resources to the Public Attorney’s Office to ensure that defendants who have limited financial means to defend themselves are afforded fulsome and effective legal assistance, including well qualified legal counsel and funding for carrying out an investigation to gather evidence for the defense.
 - Create a National Preventive Mechanism against torture.
 - Ensure full funding for the Commission on Human Rights and provide all support necessary for it to maintain its A status under the Paris Principles.

¹ Congress of the Philippines, Republic Act No. 9346 (enacted June 24, 2006), available at https://lawphil.net/statutes/repacts/ra2006/ra_9346_2006.html; Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), available at [hrw.org/news/2020/08/05/death-penalty-danger-philippines#](https://www.hrw.org/news/2020/08/05/death-penalty-danger-philippines#).

² Congress of the Philippines, House Bill No. 7814, available at <https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>; World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>.

³ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.44 Ensure that the fight against crime strictly respects international standards (Peru); ¶ 133.46 Continue its efforts to protect its people from the threat of drugs while upholding human rights values (Myanmar); ¶ 133.47 Take the necessary measures to combat drug trafficking while ensuring that the methods used are in conformity with international standards (Haiti); ¶ 133.48 Ensure that all counter-narcotics operations are conducted in conformity with constitutional protections and international human rights obligations (United States of America); ¶ 133.53 Continue efforts to combat drugs and crime within a framework of the protection of and respect for human rights (Lebanon); ¶ 133.54 Ensure human rights standards are observed in the current government's conduct of its campaigns against illegal drugs (Zambia); ¶ 133.55 Bring its methods of combating the use of illegal drugs into line with international standards (Timor-Leste); ¶ 133.56 Continue to realign its national procedures to combat drug trafficking with international standards (Egypt); ¶ 133.57 Enact effective legislation aligned with international standards to combat the use of illegal drugs (Maldives); ¶ 133.58 Employ methods that adjust to international norms, including human rights norms, to combat the consumption of illegal drugs (Guatemala); ¶ 133.59 Guarantee that all the Government's methods of combating the use of illegal drugs are brought into line with international standards (Estonia); ¶ 133.75 Continue efforts to combat terrorism, the drug trade and drug use, within the framework of the Constitution, the law and international human rights standards (Iraq); ¶ 133.112 Protect and guarantee the right to life and to a fair trial also in the context of the campaign against drug trafficking, and take all necessary steps to guarantee a proportionate use of force by the security forces (Italy); ¶ 133.113 Take all necessary steps to ensure prompt, impartial and transparent investigations into alleged unlawful killings and other abuses during anti-drug operations (Hungary); ¶ 133.115 Immediately stop all unlawful killings and incitement to carry out killings in the name of the anti-drug campaign (Iceland); ¶ 133.124 Reject any incitement to violence in the context of the State-sponsored campaign against illegal drugs and hold perpetrators of such incitement accountable (Czechia).

⁴ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶ 5, 6.

⁵ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.76 Respect the right to life and maintain the abolition of the death penalty (Haiti); ¶ 133.83 Continue to uphold the implementation commitments as a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Romania); ¶ 133.87 Respect its obligations under international law as a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium); ¶ 133.88 Continue the implementation of the provisions of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and abandon plans to restore the death penalty as a legal punishment (Lithuania); ¶ 133.89 Continue its support for the Second Optional Protocol to the International Covenant on Civil and Political Rights (New Zealand); ¶ 133.90 Maintain the abolition of death penalty in line with its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights (Czechia); ¶ 133.93 Abide by its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights (Ukraine). Also available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/194/21/PDF/G1719421.pdf?OpenElement>.

⁶ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.77 Consider not reinstating the death penalty, as per the bill introduced before the Seventeenth Congress (Mozambique); ¶ 133.78 Abstain from reintroducing of the death penalty (Luxembourg); ¶ 133.79 Reconsider any attempt to reimpose capital punishment, with the aim of not reintroducing the death penalty (Slovakia); ¶ 133.80 Preserve the right to life and do not bring back the use of the death penalty as proposed in the death penalty bill (Liechtenstein); ¶ 133.81 Respect its obligations under international law and refrain from reintroducing capital punishment (Republic of Moldova); ¶ 133.82 Refrain from reintroducing the death penalty, in accordance with its international obligations, in particular those under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty (Switzerland); ¶ 133.84 Respect its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights and refrain from the plans to reimpose the death penalty (Norway); ¶ 133.85 Uphold its international obligations and not reinstate the capital punishment (Portugal); ¶ 133.86 Cease all steps to reintroduce the death penalty, which would be contrary to its obligations under the Optional Protocol to the International Covenant on Civil and Political Rights (Ireland); ¶ 133.91

Fulfil the obligations assumed as a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, and oppose any attempt to reinstate capital punishment (Uruguay); ¶ 133.92 Maintain its binding commitment to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, thereby repealing legal propositions aiming at restoring the death penalty (Brazil); ¶ 133.94 Abandon the plan to reintroduce the death penalty, which would be against the international commitments of the country (France); ¶ 133.95 Refrain from introducing the death penalty in the national legal system, also in respect of international obligations (Italy); ¶ 133.96 Do not reintroduce the death penalty, consistent with the Philippines' obligations as a State party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); ¶ 133.97 Refrain from reintroducing the death penalty (Canada); ¶ 133.98 Refrain from reintroducing the death penalty and from lowering the minimum age of criminal responsibility (Bulgaria).

⁷ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶ 8(b). Available online at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/273/53/PDF/G1727353.pdf?OpenElement>.

⁸ World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>

⁹ Congress of the Philippines, Republic Act No. 9346 (enacted June 24, 2006), available at https://lawphil.net/statutes/repacts/ra2006/ra_9346_2006.html.

¹⁰ U.N. Office of the High Commissioner for Human Rights, *U.N. Treaty Body Database*, available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN.

¹¹ Congress of the Philippines, House Bill No. 4727, available at https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/third_17/HBT4727.pdf.

¹² Amnesty International, *Philippines: President's Call to Revive Death Penalty Will Only Worsen Climate of Impunity* (July 22, 2019), available at <https://www.amnesty.org/en/latest/news/2019/07/philippines-president-call-revive-death-penalty-only-worsen-climate-of-impunity>.

¹³ See, e.g., *4 Death Penalty Bills Filed at Senate*, GMA News Online (July 5, 2019), available at <https://www.gmanetwork.com/news/news/nation/699994/4-death-penalty-bills-filed-at-senate/story>; Antonio Contreras, *Why Imee Marcos Must Oppose the Death Penalty*, Manila Times (Jan. 2, 2020), available at <https://www.manilatimes.net/2020/01/02/opinion/columnists/why-imee-marcos-must-oppose-the-death-penalty/670067>.

¹⁴ Maria Corazon A. De Ungria & Jose M. Jose, *The War on Drugs, Forensic Science and the Death Penalty In the Philippines*, Forensic Science International: Synergy, Vol. 2, at 32-34, available at <https://doi.org/10.1016/j.fsisyn.2019.11.002>.

¹⁵ Antonio Contreras, *Why Marcos Must Oppose the Death Penalty*, Manila Times (Jan. 2, 2020), available at <https://www.manilatimes.net/2020/01/02/opinion/columnists/why-imee-marcos-must-oppose-the-death-penalty/670067>.

¹⁶ *Bato to Push for Senate Hearings on Revival of Death Penalty*, GMA News Online (Jan. 4, 2020), available at <https://www.gmanetwork.com/news/news/nation/721055/bato-to-push-for-senate-hearings-on-revival-of-death-penalty/story>.

¹⁷ Darryl John Esguerra, *Duterte Wants Crimes Linked to Child Trafficking Tagged as Non-bailable Offenses* (Sept. 27, 2019), available at <https://newsinfo.inquirer.net/1170345/duterte-wants-crimes-linked-to-child-trafficking-tagged-as-non-bailable-offenses>.

¹⁸ Maria Corazon A. De Ungria & Jose M. Jose, *The War on Drugs, Forensic Science and the Death Penalty In the Philippines*, Forensic Science International: Synergy, Vol. 2, at 32-34, available at <https://doi.org/10.1016/j.fsisyn.2019.11.002>.

¹⁹ Congress of the Philippines, House Bill No. 7814, available at <https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>; World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/> <https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>.

²⁰ Id.

²¹ Id.

²² Republic of the Philippines House of Representatives, *Press Release: House Overwhelmingly Passes Death Penalty Bill* (Mar. 8, 2017), available at <https://www.congress.gov.ph/press/details.php?pressid=9979>.

²³ U.N. Office of the High Commissioner on Human Rights, *UN Experts Urge Filipino Legislators to Reject Death Penalty Bill* (Mar. 16, 2017), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21388&LangID=E>.

²⁴ *Ibid.*

²⁵ *Ibid.*

²⁶ International Covenant on Civil and Political Rights, *List of Issues in Relation to the Fifth Periodic Report of the Philippines* (June 30, 2020) U.N. Doc. CCPR/C/PHL/Q/5 ¶ 11, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fQ%2f5&Lang=en.

²⁷ *The Philippines' Response to the List of Issues in Relation to the Fifth Periodic Report of the Philippines* (Jan. 12, 2022), U.N. Doc. CCPR/C/PHL/RQ/5, at p. 12, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fRQ%2f5&Lang=en.

²⁸ The Philippines' Commission on Human Rights, *Statement of Commissioner Karen Gomez-Dumpit on the Passage of House Bill No. 7814* (Mar. 3, 2021), available at <http://chr.gov.ph/statement-of-commissioner-karen-gomez-dumpit-on-the-passage-of-house-bill-no-7814-providing-for-the-presumption-of-guilt-and-reintroduction-of-the-death-penalty-as-amendments-to-th/>.

²⁹ World Coalition Against the Death Penalty, *Keep the Death Penalty Abolished in the Philippines* (Mar. 2021), at p.3, available at https://worldcoalition.org/wpcontent/uploads/2021/03/Philippines_Brochure2021_EN_V4-basse-def.pdf.

³⁰ DJ Yap & Julie M. Aurelio, *Senate Unlikely to Back Controversial Anti-Drug Bill*, Philippine Daily Inquirer (Mar. 6, 2021), available at <https://newsinfo.inquirer.net/1403617/senate-unlikely-to-back-controversial-bill>.

³¹ Aika Rey, *From being a staunch supporter of death penalty, Pacquiao says 'Not now'* (Jan. 27, 2022), available at <https://www.rappler.com/nation/elections/from-staunch-supporter-death-penalty-manny-pacquiao-says-not-now-january-2022/>; Rambo Talabong, *Lacson, Sotto now against death penalty, instead want PH version of 'Alcatraz'* (Nov. 4, 2021), available at <https://www.rappler.com/nation/elections/lacson-sotto-now-against-death-penalty-want-alcatraz-philippines/>.

³² World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-cime/https://legacy.senate.gov.ph/lisdata/3461031439!.pdf>.

³³ Gaea Katrina Cabico, *CHR: Restoring death penalty will likely hurt efforts to save OFWs on death row* (Aug. 5, 2020), available at <https://www.philstar.com/headlines/2020/08/05/2033101/chr-restoring-death-penalty-will-likely-hurt-efforts-save-ofws-death-row>.

³⁴ *Id.*

³⁵ See, e.g., World Coalition Against the Death Penalty, *Preventing the Reintroduction of the Death Penalty in the Philippines* (Oct. 2019), available at https://worldcoalition.org/wp-content/uploads/2021/08/PHIL_2_page_handout_EN.pdf; U.N. Philippines, *Philippines, UN launch first-ever national joint programme for human rights following Human Rights Council resolution 45/33* (July 22, 2021), available at <https://philippines.un.org/index.php/en/137080-philippines-un-launch-first-ever-national-joint-programme-human-rights-following-human>; International Drug Policy Consortium, *NoBOx Philippines*, available at <https://idpc.net/profile/nobox-philippines>.

³⁶ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.27 Enact laws to establish a national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture (Republic of Korea); ¶ 133.28 Expedite the establishment of an effective national preventive mechanism, as required under the Optional Protocol to the Convention against Torture (Slovenia); ¶ 133.29 Establish and ensure the proper functioning of a national preventive mechanism (Republic of Moldova); ¶ 121 Further strengthen measures to fully eliminate torture and all forms of ill-treatment at every level, including by establishing a national preventive mechanism (Georgia).

³⁷ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.18 Make public the findings and implement the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment arising from its visit to the country in 2015 (Liechtenstein).

³⁸ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.86 [T]ake immediate steps to combat torture in the criminal justice system, including torture in police stations to extract confessions (Ireland); ¶ 133.100 Take steps to put an end to . . . torture perpetrated by the police corps, and private security or paramilitary groups, and to investigate actions of the police dismantling all groups

created in the margin of law (Costa Rica); ¶ 133.103 Establish necessary mechanisms to eradicate extrajudicial, summary and arbitrary executions by bringing perpetrators to justice and intensifying efforts to eradicate the use of torture and inhuman and degrading treatment (Spain); ¶ 133.108 End . . . torture and harassment, including by effectively implementing criminal prohibitions against extrajudicial killings (Canada); ¶ 133.116 Put an end to extrajudicial executions and torture, in particular in the context of the fight against drugs (Luxembourg); ¶ 133.141 Put an end to impunity by ensuring impartial investigations and bringing to justice those responsible of extrajudicial executions and torture (Luxembourg); ¶ 133.142 End impunity and hold the perpetrators of enforced disappearance, extrajudicial killings and torture to account and facilitate access to justice for the victims of such violations (Slovenia).

³⁹ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.120 Implement effectively the law against torture, in particular in sentences for cruel, inhuman or degrading treatment inflicted to drug traffickers (Angola); ¶ 133.122 Eliminate the obstacles that hinder the effective implementation of the Anti-Torture Act and fully comply with articles 18 and 19 of the Act, which foresee compensation and rehabilitation of victims (Chile); ¶ 133.156 Investigate and fairly prosecute those implicated in torture or other forms of mistreatment (Hungary).

⁴⁰ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶ 6.

⁴¹ BBC, *Philippines death penalty: A fight to stop the return of capital punishment* (Aug. 2020), available at <https://www.bbc.com/news/world-asia-53762570>.

⁴² Human Rights Watch, *Death Penalty Danger in the Philippines* (Aug. 5, 2020), available at hrw.org/news/2020/08/05/death-penalty-danger-philippines.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ *Id.* at 11.

⁴⁶ *Ibid.*

⁴⁷ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.123 Take all necessary measures to prevent torture and other cruel, inhuman or degrading treatment in detention facilities, including through the provision of legal safeguards for detainees and ensure effective investigations into allegations of torture, as well as the prosecution and sentencing of perpetrators (Austria); ¶ 133.127 Take steps to meet the minimum standards for the treatment of prisoners (New Zealand); ¶ 133.128 Improve detention facilities, in particular to address overcrowding and sanitation problems (Republic of Korea); ¶ 133.129 Take action to reduce overcrowding in detention facilities and provide separate detention facilities for child offenders (Uganda); ¶ 133.136 Ensure that all pretrial detainees are brought before a judge without delay and expedite the cases of persons held under the Comprehensive Dangerous Drugs Act (Liechtenstein).

⁴⁸ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶ 6.

⁴⁹ *The Philippines' Response to the List of Issues in Relation to the Fifth Periodic Report of the Philippines* (Jan. 12, 2022), U.N. Doc. CCPR/C/PHL/RQ/5, at p. 15, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fRQ%2f5&Lang=en.

⁵⁰ *Id.* at 16.

⁵¹ World Coalition Against the Death Penalty, *Keep the Death Penalty Abolished in the Philippines* (Mar. 2021), at p. 5, available at https://worldcoalition.org/wpcontent/uploads/2021/03/Philippines_Brochure2021_EN_V4-basse-def.pdf.

⁵² Preet Jha, *Philippines death penalty: A fight to stop the return of capital punishment* (Aug. 16, 2020), available at <https://www.bbc.com/news/world-asia-53762570>.

⁵³ The Philippines' Commission on Human Rights, *Statement of CHR spokesperson, Atty Jacqueline Ann de Guia, on improving the plight of persons deprived of liberty through the Interim National Preventive Mechanism* (May 14, 2020), available at <https://chr.gov.ph/statement-of-chr-spokesperson-atty-jacqueline-ann-de-guia-on-improving-the-plight-of-persons-deprived-of-liberty-through-the-interim-national-preventive-mechanism/>.

⁵⁴ US Department of State, *Country Reports on Human Rights Practices: Philippines* (Mar. 2021), available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/philippines>.

⁵⁵ *The Philippines' Response to the List of Issues in Relation to the Fifth Periodic Report of the Philippines* (Jan. 12, 2022), U.N. Doc. CCPR/C/PHL/RQ/5, at pp. 14-17, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPHL%2fRQ%2f5&Lang=en.

⁵⁶ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.108 End . . . illegal arrests and detention (Canada); ¶ 133.130 Strengthen the legal context, the institutions and the resources of the judicial system to guarantee an independent judiciary (France); ¶ 133.131 Strengthen the independence of the judiciary and the capacity of the judicial system (Timor-Leste); ¶ 133.132 Strengthen criminal justice reform efforts in order to ensure a speedy and fair trial for all accused (United States of America); ¶ 133.133 Adopt measures to strengthen the administration of justice and the national human rights commission, to enforce the action of the State against organized crime (Costa Rica); ¶ 133.134 Continue its efforts on improving access to justice (Azerbaijan); ¶ 133.135 Strengthen the witness protection programme (Timor-Leste).

⁵⁷ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.137 Take further steps to eradicate impunity for killings (Croatia); ¶ 133.138 Undertake criminal justice reforms in line with international standards to ensure prompt investigations and trials for alleged perpetrators of human trafficking and to address extrajudicial killings and sexual violence against women and children (Botswana); ¶ 133.139 Deepen the measures taken to ensure the fight against impunity and guarantee to all victims of human rights violations compensation and the establishment of all adequate mechanisms for rehabilitation (Argentina); ¶ 133.140 Strengthen investigative and prosecutorial bodies to ensure thorough investigations into all killings, as well as the appropriate prosecution of perpetrators (United States of America).

⁵⁸ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶¶ 5, 6

⁵⁹ *Report of the Working Group on the Universal Periodic Review: the Philippines* (July 18, 2017), U.N. Doc. A/HRC/36/12 ¶ 133.112 Protect and guarantee the right to life and to a fair trial also in the context of the campaign against drug trafficking, and take all necessary steps to guarantee a proportionate use of force by the security forces (Italy); ¶ 133.143 Ensure thorough and independent investigations into violent deaths and commit to bringing to justice those involved in abuses, including security forces (United Kingdom of Great Britain and Northern Ireland); ¶ 133.151 Investigate thoroughly all deaths, both those involving State security forces allegedly killing suspects in self-defence and those perpetrated by unknown assassins (Zambia).

⁶⁰ *Report of the Working Group on the Universal Periodic Review: Philippines: Addendum* (Sept. 19, 2017), U.N. Doc. A/HRC/36/12/Add.1. ¶ 6.

⁶¹ *Id.* ¶ 4(a).

⁶² *People v. Mateo*, G.R. No. 147678-87 (July 7, 2004), available at <https://thecorpusjuris.com/judiciary/jurisprudence/2004/07/gr-no-147678-87.php>.

⁶³ World Coalition Against the Death Penalty, *Adoption of Bill Allowing the Imposition of the Death Penalty for a New Crime* (Apr. 30, 2021), available at <https://worldcoalition.org/2021/04/30/adoption-of-bill-allowing-the-imposition-of-the-death-penalty-for-a-new-crime/>.

⁶⁴ Preet Jha, *Philippines death penalty: A fight to stop the return of capital punishment* (Aug. 16, 2020), available at <https://www.bbc.com/news/world-asia-53762570>.

⁶⁵ Free Legal Assistance Group, *FLAG Anti-Death Penalty Task Force Position Paper* (2019), at p. 4 (on file with authors).

⁶⁶ *Ibid.*

⁶⁷ World Coalition Against the Death Penalty, *Keep the Death Penalty Abolished in the Philippines* (Mar. 2021), at p. 4, available at https://worldcoalition.org/wpcontent/uploads/2021/03/Philippines_Brochure2021_EN_V4-basse-def.pdf.

⁶⁸ Gaea Katrina Cabico, *CHR: Restoring death penalty will likely hurt efforts to save OFWs on death row* (Aug. 5, 2020), available at <https://www.philstar.com/headlines/2020/08/05/2033101/chr-restoring-death-penalty-will-likely-hurt-efforts-save-ofws-death-row>.

⁶⁹ *Id.*

⁷⁰ Free Legal Assistance Group, *FLAG Anti-Death Penalty Task Force Position Paper* (2019), at pp. 4-5 (on file with authors).

⁷¹ *Ibid.*