

Re-Imposition of Death Penalty: A Criminal Justice Agents' Perspective

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Abstract – *The study aimed to determine the perspective of Criminal Justice Agents towards the re-imposition of death penalty. It sought to identify the profile of the respondents in terms of qualifications; the extent of the advantages and disadvantages of the re-imposition of death penalty; and to evaluate if there is significant difference between the profile variables and the advantages and disadvantages of the re-imposition of death penalty. The researchers utilized 16 Law Enforcers to represent the Law Enforcement Pillar, 4 prosecutors to represent the Prosecution Pillar, 1 judge to represent the Court Pillar, 15 Bureau of Jail Management and Penology officers to represent the Correction Pillar and 14 Barangay officials as the representative of the Community Pillar. Results showed that the re-imposition of death penalty can serve as an aid to the government's inability to reduce crime. It becomes unfair to those innocent persons who are convicted and given the punishment of death penalty. It is considered as an act against the views of the Catholic Church and the law of God and it deprives the person his right to be rehabilitated and reformed. This notion indicates that respondents preserve the value of life of every individual accused even when the due process of law was served properly or not. The respondents have different perception with regards to the disadvantages of the re-imposition of death penalty.*

Keywords: *Death penalty, advantages of death penalty; disadvantages of death penalty*

INTRODUCTION

Capital punishment or widely known as death penalty is the sentence of execution for murder and some other capital crimes especially murder, which are punishable by death. The death penalty may be prescribed by Congress or any state legislature for murder and other capital crimes. (US Legal, n.d.).

The death penalty is the ultimate denial of human rights. It is the premeditated and cold-blooded killing of a human being by the state. This cruel, inhuman and degrading punishment is done in the name of justice. It violates the right to life as proclaimed in the Universal Declaration of Human Rights (Mercier, 2010).

As the American Civil Liberties Union's "Scattered Justice, Geographic Disparities of Death Penalty" (2010) essay stated, "Regardless of how one views capital punishment, it ought to be imposed in a manner that is fair and consistent. The fact that who receives the punishment of death is based more on where they live than what they did, demonstrates the arbitrariness of capital punishment. The Philippines was the first Asian country that abolished the Death penalty in 1987. When Fidel V. Ramos was elected as President in 1992, he declared that the re-imposition of the death penalty would be one of his priorities. Political offenses such as rebellion were dropped from the bill. However, the list of crimes was expanded to include economic offenses such as smuggling and bribery. In December 1993, RA 7659 restoring the death penalty was signed into law.

In 1999, Leo Echegaray was executed for repeatedly raping his stepdaughter. He was the first convict to be executed since the re-imposition of death penalty in 1995 during the Estrada Administration.

The post-Marcos administration wavered on human rights issues by initially abolishing the death penalty only to reinstate it six years later. Regarding the latter issue, a corollary to the overthrow of the Marcos authoritarian regime was the rise of freedom of the press in reporting human rights violations and other forms of abuse. Media reporting had engendered public frustration over the government's inability to reduce crime. The option to use capital punishment by the Philippine government was realized by executing seven individuals beginning the year 1999 until a temporary moratorium was enacted in 2001.

According to Hay (2013), criminal law details the ways in which ruling class hegemony can be sustained by strategic use of discretion in criminal justice, careful management of symbols and ceremony, and the ideological appeal of a system that generally abides by its own legal ideals. The law reinforces the claims of the ruling elite exercised through punishment. It reproduces the forms and figures of class division as evident from the overrepresentation of the underclass in the criminal justice system.

As of June 2009, the mandate was responsible in bringing 1,007 (including women, minors, and aged) inmates to death row at the New Bilibid Prison and the Correctional Institution for Women in Manila (FLAG 2009). The Free Legal Assistance Group (FLAG) estimated that the numbers were higher since inmates sentenced from the provincial prisons are still waiting to be transferred to the death row in the capital. The death penalty law allows two years and six months after the inmate's sentence is confirmed. The law maintains death only by lethal injection.

“The primitive idea of justice is partly legalized revenge and partly expiation by sacrifice. It works out from both sides in the notion that two blacks make a white and that when a wrong has been done, it should be paid for by an equivalent suffering. In doing it we offer God as a sacrifice the gratification of our own revenge and the protection of our own lives without cost to ourselves; and cost to ourselves is the essence of sacrifice and expiation.” (Shaw, 2009).

The study intends to know the beneficial and detrimental effects of the re-imposition of death penalty. The researchers aim to bring the mutuality of understanding between the people who favor or disfavor the re-imposition of capital punishment.

OBJECTIVES OF THE STUDY

This study aimed to determine the perspectives of the Criminal Law agents towards re-imposition of death penalty. Specifically, it sought to: identify the profile of respondents in terms of qualifications; determine the extent of advantages and disadvantage of the re-imposition of death penalty; evaluate if there is significant differences between qualification of

respondents and advantages or disadvantages of the re-imposition of death penalty.

METHODS

Research Design

To gather data for this research paper, the researchers used the descriptive method for the study. Descriptive method is concerned with the description of data and characteristics about a population. The goal is the acquisition of factual, accurate and systematic data that can be used in averages, frequencies and similar statistical calculation. It focuses on the effects done by the co-curricular activities to the student's academic performance. (Lirag et al., 2012).

Participants

This study used the agents of Criminal Justice System as participants. A total of 50 respondents participated in the study. It was composed of 16 Law Enforcement Officers, from the Law Enforcement Pillar; 4 prosecutors from the Prosecution Pillar; 1 judge from the Court Pillar; 15 Jail Officers from the Correction Pillar; and 14 barangay officials to from the Community Pillar. The participants were grouped purposively.

Instrument

This study used a self-made questionnaire. It was designed to obtain information from criminal justice agents regarding their perception about the re-imposition of death penalty.

This questionnaire was composed of two parts. Part 1 includes the demographic profile of the respondents with respect to the nature of their work. Part 2 of the questionnaire determined their views regarding the advantages and disadvantages of the re-imposition of death penalty using the scale of 4 for Strongly Agree; 3 for Agree; 2 for Disagree; and 1 for Strongly Disagree.

Procedure

The researchers employed descriptive method of research and the questionnaire is the main instrument to gather data. The

researchers referred to the printed material and internet browsing prior to the formulation of the survey questionnaire. Before it was administered, the survey questionnaire was validated by the adviser and people considered to have broad knowledge and expertise on the field.

Data Analysis

The data gathered were organized, tallied, tabulated, and analyzed. Different statistical tools were used to interpret the data gathered with the help of SPSS software. Statistical treatment of data like frequency, ranking, weighted mean were the statistical tools used to describe the profile of the respondents and advantages and disadvantages of the Re-imposition of Death Penalty while ANOVA was used to determine the significant difference between qualification of respondents and advantages and disadvantages of the re-imposition of death penalty.

The given scale was used to interpret the data gathered: 3.50 – 4.00 – Strongly Agree (SA); 2.50 – 3.49 – Agree(A); 1.50 – 2.49 – Disagree (D); 1.00 – 1.49 – Strongly Disagree(SD)

RESULTS AN DISCUSSION

Table 1. Distribution of Respondents According to Profile

	Frequency	Percentage	Rank
Law Enforcer Officer	16	32	1
Prosecutor	4	8	4
Judge	1	2	5
Correctional Officer	15	30	2
Community/NGOs	14	28	3
Total	50	100	

The distribution of respondents according to profile is presented in table 1. Results show that most of the respondents were law enforcer officers, with 32% or 16 of the total respondents. It was followed by correctional officer, 30% or 15 of the total respondents and then respondents from the community/NGOs with 28% or 14 of the total respondents. Being the prosecutor and the judge have the lowest number of respondents with 4% or 8 and 1% or 2 of the total respondents respectively.

Table 2. Extent of Advantages of the Re-imposition of Death Penalty

	Weighted Mean	Verbal Interpretation	Rank
1. The re-imposition of death penalty could deter future criminal offenses.	3.20	Agree	1.5
2. The idea of re-imposition of death penalty will lessen the opportunity of criminals to commit crimes.	3.20	Agree	1.5
3. It can aid in the government's inability to reduce crime.	3.06	Agree	5
4. It can be considered as a hindrance to the prevailing commission of various heinous crimes in our country.	3.16	Agree	3
5. If death penalty be re-imposed, there will be an elimination of criminal mind among those persons-at-risk.	3.14	Agree	4
Composite Mean	3.15	Agree	

Table 2 showed the extent of the advantages of the re-imposition of death penalty. It can be viewed that the extent of the advantages of the re-imposition of death penalty was identified to be agreeable by the respondents as shown by the composite mean of 3.15, verbally interpreted as “agree”. All items yield with values of mean ranging from 3.06 to 3.20, verbally interpreted as “agree”.

Results also showed that the re-imposition of death penalty could deter future criminal offenses and it will lessen the opportunity of criminals to commit crimes tied in the first rank with the weighted mean of 3.20, verbally interpreted as agree. Third in rank was it can be considered as a hindrance to the prevailing commission of various heinous crimes in our country. Fourth, if death penalty be re-imposed, there will be an elimination of criminal mind among those persons-at-risk. The re-imposition of the death penalty can serve as an aid in the government's inability to reduce crime.

It has been argued that capital punishment sets a chilling example for potential criminals and serves as an effective deterrent. There have been many instances of prisoners, out on parole, indulging in criminal behavior taking advantage of their conditional release (Isenberg, 2009).

Death penalty shows that the justice system has no sympathy for the criminals. It serves as an example to other would-be-criminals, to deter them from committing murder or terrorist acts. When criminals escape from the capital punishment, they repeat their crimes and take more innocent lives. It can address the problem of overpopulation in the prisons and it also gives closure to the families of the victims who have already suffered a lot (Lee, 2010).

Table 3. Extent of Disadvantages of the Re-imposition of Death Penalty

	WM	VI	Rank
1. The re-imposition of death penalty is a violation of human rights especially that of the accused.	2.18	Disagree	6
2. The re-imposition of death penalty are against the views of the Catholic Church and the law of God.	2.78	Agree	2
3. It also denies the right of an accused to be rehabilitated and reformed.	2.76	Agree	3
4. It rejects the idea of the main purpose of correction which is rehabilitation.	2.6	Agree	5
5. It is unfair for those who are innocent person who are convicted and given the punishment of death penalty.	3.04	Agree	1
6. It is detrimental to the family of the convict especially if the lost member is their provider.	2.74	Agree	4
Composite Mean	2.68	Agree	

The extent of the disadvantages of the re-imposition of the death penalty is presented in table 3. The table shows that re-imposition of death penalty has its disadvantages and have agreed by the respondents, with varying values of weighted mean and with the composite mean value of 2.68, verbally interpreted as “agree”.

Results also showed that it is unfair for those who are innocent person who are convicted and given the punishment of death penalty ranked first with the weighted mean of 3.04, verbally interpreted as “agree”. The respondents agree that the re-imposition of death penalty are against the views of the Catholic Church and the law of God (2.76) and it also denies the right of an accused to be rehabilitated and reformed (2.78). However, they disagree that the re-imposition of death penalty is a violation of human rights especially that of the accused (2.18). This notion indicates that respondents preserve the value of life of every

individual accused even when the due process of law was served properly or not.

Carrington (2010) believed that there has been no concrete evidence that capital punishments have been able to deter potential criminals from committing felonies. Justifying death penalties in the name of discouraging future crimes seems to be too simplistic an argument to many.

Moreover, Lee (2010) argued that people who are poor, and cannot afford to get a quality legal assistance becomes the victim of his penalty. Some of the experts believe that life prison is more effective punishment to control crimes as compared to the death penalty. The countries where the death penalty is banned have less capital crime rate as compared to those countries where the death penalty is practiced.

Table 4. Difference of Advantages and Disadvantages of Re-imposition of Death Penalty When Grouped According to Profile Variable ($\alpha = 0.05$)

Profile Variable	F_c	P-value	Decision	Interpretation
Nature of Respondents	0.691	0.602	Accepted	Not Significant
Nature of Respondents	2.974	0.029	Rejected	Significant

Legend: Significant at p -value < 0.05 ; HS – Highly Significant; S – Significant; NS – Not Significant

The difference of the advantages and disadvantages of the re-imposition of death penalty when grouped according to profile variable is presented in table 4. Based from the table, in terms of the advantages, the computed F – value of the qualification of respondents ($F = 0.691$) was greater than the critical value at the 0.05 level of significance, thus the null hypothesis of no significant differences on the advantages of the re-imposition of death penalty when grouped according to profile variable (qualification of respondents) is accepted. This means that no significant differences exist and that respondents have evaluated the advantages of the re-imposition of the death penalty to be the same. On the other hand, the computed F – value of the

qualification of respondents ($F = 2.974$) was less than the critical value at the 0.05 level of significance, thus the null hypothesis of no significant differences on the disadvantages of the re-imposition of death penalty when grouped according to profile variable (qualification of respondents) is rejected. This means that the significant differences occur and that respondents have different perception with regards to disadvantages of the re-imposition of death penalty.

It is true to say that the implementation of death penalty has its own advantages and disadvantages. This barely shows that the justice system has no sympathy for the criminals, that when criminals escape from the capital punishment, they repeat their crimes and take more innocent lives. It is also a fact that the implementation of death penalty aids in the major problem of our prisons today, which is the overpopulation. Another advantage is that, most people feared death. So when they had the idea that once they commit a crime, they will be punished by death, they will be discouraged to do such evil act. Therefore, the imposition of death penalty is deterrence to crime. It prevents would-be criminals from committing such.

CONCLUSIONS

Respondents of the study were law enforcement officers, correctional officers, community/NGOs, prosecutor and judges. Respondents agreed that re-imposition of death penalty could deter commissions of crimes and it would lessen the opportunity of criminals to commit crime. Re-imposition of death penalty is unfair for those innocent persons who are convicted and meted the punishment of death penalty. No significant difference exists between the advantage of re-imposition of death penalty and qualification of respondents. On the other hand, significant difference exists when it is grouped between profile variable and the disadvantages of re-imposition of death penalty.

RECOMMENDATIONS

Fair treatment or due process of law to all accused persons should be observed to avoid miscarriage of justice. Authorities should review the prosecution evidence and the defense evidence before the final decision is imposed. Law maker, in the

Philippines, a religious country, should make thorough study/investigation before enacting the re-imposition of death penalty. Further researches may be conducted to obtain extensive information regarding the matter using different variables.

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