

SENATE

S. No. 436

---

---

INTRODUCED BY SENATORS HERRERA, MACEDA, SHAHANI AND  
SOTTO III

---

---

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 NO. 7659

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

1 SECTION 1. Article 81 of the Revised Penal Code, as amended by  
2 Section 24 of Republic Act No. 7659 is hereby further amended to read  
3 as follows:

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

1 the sufferings of the person under sentence during the  
2 [electrocution] LETHAL INJECTION as well as during the  
3 proceedings prior to the execution.

4 "THE DIRECTOR OF THE BUREAU OF  
5 CORRECTIONS SHALL TAKE STEPS TO ENSURE THAT  
6 THE LETHAL INJECTION TO BE ADMINISTERED IS  
7 SUFFICIENT TO CAUSE THE INSTANTANEOUS  
8 DEATH OF THE CONVICT.

9 "PURSUANT TO THIS, ALL PERSONNEL  
10 INVOLVED IN THE ADMINISTRATION OF LETHAL  
11 INJECTION SHALL BE TRAINED PRIOR TO THE  
12 PERFORMANCE OF SUCH TASK.

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

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

19 "[As soon as facilities are provided by the Bureau of  
20 Prisons, the method of carrying out the sentence shall be  
21 changed to gas poisoning.]

22 "The death sentence shall be carried out not later than  
23 one (1) year after the judgment has become final AND  
24 EXECUTORY WITHOUT PREJUDICE TO THE  
25 EXERCISE BY THE PRESIDENT OF HIS EXECUTIVE

1 CLEMENCY POWERS AT ALL TIMES.”

2 SEC. 2. Persons already sentenced by judgment, which has  
3 become final and executory, who are waiting to undergo the death  
4 penalty by electrocution or gas poisoning shall be under the  
5 coverage of the provisions of this Act upon its effectivity. Their  
6 sentences shall be automatically modified for this purpose.

7 SEC. 3. *Implementing Rules.* - The Secretary of Justice, in  
8 consultation with the Secretary of Health shall within thirty (30) days  
9 from the effectivity of this Act promulgate the rules to implement its  
10 provisions.

11 SEC. 4. *Repealing Clause.* - All laws, presidential decrees and  
12 issuances, executive orders, rules and regulations or parts thereof  
13 inconsistent with the provisions of this Act are hereby repealed or  
14 modified accordingly.

15 SEC. 5. *Effectivity.* - This Act shall take effect fifteen (15) days after  
16 its publication in the *Official Gazette* or in at least two (2) national  
17 newspapers of general circulation, whichever comes earlier. Publication  
18 shall not be later than ten (10) days after the approval thereof.

Approved,