



A REREADING OF CATHOLIC BISHOPS' CONFERENCE OF THE PHILIPPINES' PASTORAL STATEMENT ON DEATH PENALTY AND ITS COMMUNION WITH THE STATE

This paper will identify significant roles of Catholic Bishops' Conference of the Philippines as a critical collaborator with the State. Instead of retribution and legal execution, the leaders of the Church in the Philippines are calling the government to encourage non-retribution-based justice; a non-retaliatory principle based on love, mercy and justice being taught by Jesus. Other than theological and Biblical perspectives to support above key points, multi-disciplinary approaches such as juridical, sociological, psychological, criminal justice and other fields of thought will also be used to explain the relevance of the statement of the Catholic Bishops' Conference of the Philippines as a willing yet critical cooperator with the affairs of the State.

In dit artikel wordt een belangrijke rol van de katholieke bisschoppenconferentie van de Filippijnen als een kritische medewerker van de staat aangewezen. In plaats van vergelding en juridische executie roepen de leiders van de kerk op de Filippijnen de regering op om niet-repressieve gerechtigheid aan te moedigen; een niet-vergeldingsbeginsel dat gebaseerd is op liefde, genade en gerechtigheid die wordt onderwezen door Jezus. Naast de theologische en Bijbelse perspectieven om de bovengenoemde kernpunten te ondersteunen, zullen ook multidisciplinaire benaderingen zoals juridische, sociologische, psychologische, strafrechtelijke en andere denkrichtingen worden gebruikt om de relevantie uit te leggen van de verklaring van de katholieke bisschoppenconferentie van de Filippijnen als een bereidwillige maar kritische samenwerking met de zaken van de staat.

In diesem Papier werden wichtige Aufgaben der philippinischen Bischofskonferenz als wichtiger Partner des Staates aufgezeigt. Statt Vergeltung und rechtliche Hinrichtung rufen die Führer der Kirche auf den Philippinen die Regierung auf, eine auf Vergeltung beruhende Justiz zu fördern. Ein nicht-vergeltungsendes Prinzip, das auf Liebe, Gnade und Gerechtigkeit beruht, die von Jesus gelehrt werden. Neben theologischen und biblischen Perspektiven, die über Schlüsselpunkte hinausgehen, werden multidisziplinäre Ansätze wie die juristische, soziologische, psychologische, strafrechtliche und andere Denkrichtungen auch dazu genutzt werden, die Relevanz der Erklärung der philippinischen Bischofskonferenz als willens, aber kritisch mit den Angelegenheiten des Staates zu erklären.

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I. INTRODUCTION

One of the most important institution and significant agent of communion among Catholics in our country is the Catholic Bishops' Conference of the Philippines. This assembly of bishops serve as a guide and conscience not only to all its members but also to the people of the entire nation. They help us see things not only the spiritual component of our faith but also in analyzing and promoting social change in the light of truths of the Gospel. With these objectives of the local episcopal conference, there is a growing perception as to the boundaries with that of the affairs of the government. Both the Church and State are noticeably in lock horns on current socio-political issues namely on re-imposition of death penalty, proliferation of fake news, proposed charter change, extra-judicial killings, etc. Due to these CBCP's advocacies, some think if the organization has the moral force in influencing the government policies specially if it contrasts Church's teaching. They believe that total independence of the State and the Church should be enforced since it is prescribed in our Constitution. These two institutions: the spiritual and secular, should set their limitations to avoid conflict. On another perspective, the Church should not be deprived to speak on regard to her teachings because of provision in our laws on freedom of expression. Thus, CBCP and even other religious and non-religious groups can freely assert and convey their ideas whether it is against the government or any private institutions. But this fundamental right is not absolute and must be done in peaceful, orderly and without infringing other laws.

This paper will explore the role of CBCP as vital instrument of communion and unity in the Church usually expressed in their statements or pastoral letters grounded in Biblical and Church teachings. These expressions are communicated

either of a local bishop or as conference of bishops. Emphasis on this paper is their opposition on death penalty. To better understand and see the value of this teaching, multidisciplinary approach such as juridical, sociological, psychological, philosophical, criminologists' perspectives, etc. will be explored. This analysis will show that the said CBCP's pronouncement are relevant and encompassing, not exclusively for Catholics but also to all Filipinos. A call to everyone particularly our lawmakers and proponents of capital punishment to appreciate the arguments and proposals of CBCP and recognize them as moral guides in making legal and moral decisions.

II. ROLE OF CATHOLIC BISHOPS' CONFERENCE OF THE PHILIPPINES IN THE COMMUNION OF THE CHURCH

*"That all may be one"*¹

The Catholic Bishops' Conference of the Philippines, also popularly known as CBCP, took its roots during World War 2 in February 15, 1945 by Apostolic Delegate Bishop William Piani. Although the war was still raging in other parts of the country, the first office was established in the University of Santo Tomas immediately after the school's liberation from Japanese. It was originally named the Catholic Welfare Organization (CWO). The intention of its formation according to Bishop Piani was "to meet the war emergency created by the destruction of so many towns." Later, all bishops of the Philippines met for the first time and made CWO as their official organization. The following year, CWO was registered in the Securities and Exchange Commission and the organization's purpose was modified from war

¹ John 17:21.





rehabilitation to organization of all Catholics in the country for education, social welfare and religious activities. Due to the progress made from Vatican II on ecclesiology, liturgy, mission, etc. CWO was renamed to Catholic Bishops' Conference of the Philippines on January 31, 1968 with revision of its goals "to study, promote, coordinate in a way corresponding ever more to the needs of the present time the apostolate of the Church in the Philippines." The present CBCP Constitution was revised on January 23, 1988 promoting participation and solidarity among its members through formulation of joint statements expressed through pastoral letters, creation of policies and implementation of its programs, active awareness and engagement on social issues.²

Since its inception, CBCP has been consistent "instrument of communion and unity among God's people."³ Their goals are articulated such as making collective decisions for the common good of the Church and its members, acting as people's conscience on different social issues, sustaining solidarity with the Pope and his missions, and maximizing the use of social media for renewed integral formation and evangelization. The primary communication of the bishops to their people are the pastoral letters or statements. These ecclesiastical letters are not always related to purely theological matters but also focuses on other issues like the following pronouncements:

- a. on Politics: on Supreme Court Decision on Marcos Burial, on Charter Change
- b. on Environment: in Solidarity with Earth Hour
- c. on Terrorism: on Marawi, Terrorism and Dialogue, Peace Talks between the Philippine Government and CPP/NPA/NDF
- d. on Human Dignity: on Deaths and Killings, Against Death Penalty
- e. on Media: Statement Against Fake News
- f. on Victims of Calamities: Support for the Victims of Storm Vinta, Typhoon Urduja⁴

Due to their involvement on non-religious matters, the Church is always being criticized for violating the Constitution.⁵ They claim that our Constitution clearly expresses the division of Church (religion) and State.

Article II, Section 6: The separation of Church and State shall be inviolable.

Article III Section 5: No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Church authorities are advised not to meddle with the affairs of the State and should only be confined on matters related to ecclesial and religious activities. Moreover, not all Filipinos are Catholics and some are nominal believers. Separatist opinion also believe that we should move on from Spanish colonial mentality when Church and State then were inseparable. Instead, embrace a progressive and empirical governance of people duly elected by the majority.

There are two approaches that may define the concept of separation of Church and State: First from the legal perspective according to one of the framers of the Constitution. To Fr. Bernas, the provisions of the law limits the powers of the State influencing against that of the Church⁶. Example is the prohibition of the State to have

² Jose Robredillo, *History of the CBCP*, <http://cbcpwebsite.com/Resources/HISTORY%20OF%20THE%20CBCP-PDF1.pdf>.

³ Catholic Bishops' Conference of the Philippines, *Preamble/Constitution*, <http://cbcpwebsite.com/preamble.html>.

⁴ Catholic Bishops' Conference of the Philippines, *CBCP Statements*, <http://cbcpnews.net/cbcpnews/category/statements/cbcp-statements/>.

⁵ *1987 Philippine Constitution*, <http://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

⁶ Romeo Hontiveros, What is the true meaning of separation of Church and State?, <http://www.pagadiandioocese.org/2016/05/26/what-is-the-true-meaning-of-separation-of-church-and-state/>.



an official religion as contrasted during the Spanish regime when Catholicism was the state religion. The provision of the law also limits the State against meddling and influencing the already established religious beliefs and practices. Religious freedom is allowed as long it does not defy other laws and not contrary to basic rights. Freedom of expression and assembly are also guaranteed in the Bill of Rights. Hence, it is legal and moral for bishops and members of the Church, and any organization to speak on issues related to politics, society, etc., and congregate in form of protest or for a cause without breaching other rights.

All human societies must be governed by people with legal authority according to Pope John XXIII⁷ and the goal of these institutions is for the common good of all its people. The Church defines common good⁸ as total attainment of each individual and societies of their full potential as human beings with their rights and duties. This role is not totally different with that of the State which is also for the welfare of its people. Since the Church and the government have the same objective which is promotion of total human development brings us to the next aspect of interpretation of separation which is collaboration approach. Fr. Falcon views total and well-defined separation of Church and State as a myth due to overlapping of goals and responsibilities.⁹ Both institutions share common objectives which is for the common good and betterment of societies though at times the means are varied. Should they encounter conflicts, resort to dialogue and welcome each other's criticisms and proposals in order to form well thought programs.

⁷ John XXIII, *Pacem in Terris*, http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

⁸ Vatican II, *Gaudium et Spes*, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html, 26.

⁹ Florio Falcon, *The Separation of Church and State in the Philippine Constitution: A Myth or a Reality?*, 115, 118-119.

During the deliberations on the proposals of the 1987 Constitution, Fr. Bernas recalled that there was a suggestion to add a provision to separability clause and it reads:

*"The State, however, welcomes the cooperation of the church and religion bodies to promote the well-being of its citizens."*¹⁰

Although this was not included in the final form due to too much openness to interpretation and may set more ambiguous boundaries between the Church and State, the reality is they can communally and cooperate with one another. Though criticism still abounds in their relationship, both institutions should work collaboratively for the common good of all persons of all social groups.

III. ANALYSIS ON CBCP'S STATEMENT ON DEATH PENALTY

*"God proved his love for us that while we were still sinners, Christ died for us."*¹¹

One of the recent pronouncements released by CBCP was about their response against the proposed legalization of capital punishment.¹² This was disseminated on March 19, 2017 and focuses on important points such as appropriate interpretation of the Bible, recognition of restorative justice instead of retribution, realization that capital punishment does not deter crimes and awareness of imperfect justice system. The statement was brought about by the passage of the Death Penalty Law from the Lower House. Fortunately, the proposal was not successful due to lack of number of senators who will back it. Now, there are

¹⁰ Joaquin Bernas, *The 1987 Constitution of the Philippines: A Commentary* p. 328.

¹¹ Romans 5:8.

¹² Catholic Bishops Conference of the Philippines, *Pastoral Statement on Death Penalty*, <http://cbcpnews.net/cbcpnews/cbcp-pastoral-statement-on-death-penalty/>.



efforts to revive the death penalty law under the 18th Congress. Senators Manny Pacquiao, Christopher Lawrence “Bong” Go, Ronald “Bato” Dela Rosa have already or planning to file their own individual proposals penalizing those who are high-level drug traffickers and committed specific heinous crimes.¹³ Hopefully, our lawmakers should consider the following extensive analysis of the key points of the CBCP’s statement.

A. HUMAN DIGNITY

President Duterte declared that those that those involved in crimes such as rape, murder, etc. and under the influence of illegal drugs are not human beings.¹⁴ He added that their humanity is lost due to their criminal acts and consequently lost their dignity. The Catholic bishops opposes this concept of human being. The Church teaches us that all of us are human beings and in us embodies dignity. This dignity is defined in the book of Genesis¹⁵ in which we are created in God’s image and likeness. The Catechism of the Catholic Church¹⁶ describes this as “*imago dei*” in which reflects the sacredness in us. Thus, the sanctity of our human nature implies dignity regardless of gender, nationality, status or race. This hallowedness of life cannot be taken away and begins when we were formed from our mother’s womb. St. Pope John Paul II adds that our divine nature cannot be degraded to lesser degree and should be regarded with importance because of the image of Him in us.¹⁷ Therefore,

human dignity is inalienable, innate and inviolable even if a person is a criminal or not.

The dignity of human person is not solely a noble idea of the Catholic Church and it has foundations from early Western civilization. Historical record tells us that it was the early Romans who first conceptualized the term: *dignitas*. Originally it was meant only to people appointed to public offices and have status in the society. Then Cicero (104-43 BC) applied *dignitas* to all humans by making distinction against animals where the former are governed by reason while the latter by bodily pleasures and instinct. As contrasted to earlier thought, dignity goes beyond status and applies to dignity of human beings because they are human beings. It encompasses not only those who were worthy of respect and honor due to positions held but includes all of humanity.¹⁸

Christian writers like St. Leo the Great (reigned 440-461 AD) and St. Thomas Aquinas (died 1274) also used the term *dignitas* referring the same to dignity of human person. To Leo, persons have dignity due to the fact that we are raised up among other beings and made in God’s image.¹⁹ Aquinas adopted this elevated beings of Leo to his concept of great chain of beings which means the higher the status of a being has, the more dignity one becomes. Giovanni Pico della Mirandola (1463-94), a philosopher during Renaissance period, expressed his thought by following the chain of beings by Aquinas and reinforced it with man’s capacity distinct from lower beings: freedom and reason. Immanuel Kant (1724-1804) also supports the idea of dignity to all human beings with intrinsic value, priceless, and cannot be transferred.²⁰

¹³ Dharel Placido, *Death penalty revival’s chance now higher: Sotto*, <https://news.abs-cbn.com/news/07/03/19/death-penalty-revivals-chance-now-higher-sotto>.

¹⁴ Marlon Ramos, *Junkies are not humans*, <https://newsinfo.inquirer.net/810395/junkies-are-not-humans>.

¹⁵ Genesis 1:26 Then God said: “Let us make man in our image, after our likeness. Let them have dominion over the fish of the sea, the birds of the air, and the cattle, and over all the wild animals and all the creatures that crawl on the ground.”

¹⁶ *Catechism of the Catholic Church*: 1701-1715.

¹⁷ John Paul II, *Evangelium Vitae*, 40.

¹⁸ Christopher McCrudden, *Human Dignity and Judicial Interpretation of Human Rights*, 656-657.

¹⁹ Oliver Sensen, *Kant on Human Dignity*, 157-158.

²⁰ John Lawrence Hill, *After the Natural Law: How the Classical Worldview Supports Our Modern Moral and Political Values*, 63.





In modern day period, the United Nations was established on accounts of horrors experienced from World War 2 particularly from Nazi Germany and Imperial Japan. They recognized the dignity of every person articulated in Universal Declaration of Human Rights (UDHR).²¹ The first three articles of the declaration serve as the foundation of other rights namely that all human beings are born free and equal in dignity and entitled to all the rights and freedoms. Overall, the proclamation advocates a new approach to peace which is respect of one's right without any distinction based on sex, social condition, ethnicity, culture, or political, religious or philosophical convictions. And during the 60th anniversary of the Declaration, the Vatican reaffirmed its support to United Nations' goal in promoting human rights as indispensable and most effective way to eliminate inequalities similar to Church's mission advocating the dignity and sanctity of persons.²²

The dignity of human being is both inclusive and exclusive. It is inclusive due to the fact that we were born with it (innate), cannot be defiled (inviolable), and cannot be taken away from us (inalienable). It is also exclusive because it encompasses to all human beings without reference to either offenders of the law or not. And since the Philippines is one of the signatories of the Universal Declaration of Human Rights, our 1987 Philippine Constitution adheres to these freedoms by directing the government to value the dignity of all human persons through ensuring full respect for human rights. Therefore, the concept of human being of President Duterte is not consistent with already established norms both local and international, ecclesial and secular.

²¹ United Nations, *Universal Declaration of Human Rights*, <http://www.un.org/en/universal-declaration-human-rights/>.

²² Silvano Tomasi, *60th Anniversary of the Universal Declaration of Human Rights*, http://www.vatican.va/roman_curia/secretariat_state/2008/documents/rc_seg-st_20081212_60-universal-declaration_en.html.

B. INTERPRETATION OF THE BIBLE

Senator Manny Pacquiao defended the revival of death penalty in his privileged speech in Senate.²³ He said the capital punishment was allowed in the Bible and Jesus was in fact penalized by it. He further argued that the meaning of “You shall not kill²⁴” in the Scriptures prohibits an individual person to take another's life. Therefore, legalized killing is only acceptable if it is done by the government because it is instituted by God. Mocha Uson, supported the idea of the senator and objected the translation of the Catholic Church on the commandment and it should be “Do not commit murder.” She concluded it by saying death penalty is not murder.²⁵ But analyzing the moral and biblical argument earlier by Mocha Uson on the Fifth Commandment in the light of current penal laws, the crime of murder is committed by following circumstances such as:

“1. ... With treachery, taking advantage of superior strength, with the aid of armed men, or employing means to weaken the defense or of means or persons to insure or afford impunity;

2. In consideration of a price, reward, or promise;

5. With evident premeditation....”²⁶

Capital punishment is not under the murder category in Revised Penal Code of the Philippines but provisions 1 & 2 implies intention of the act and in relation to death penalty's objective is supposedly crime deterrence. Although the immediate perception of the goal of the bill could be beneficial to the society. But we believe in moral principle that the end does not justify the

²³ Maila Ager, *Pacquiao invokes Bible to defend death penalty*, <http://newsinfo.inquirer.net/863105/pacquiao-invokes-bible-to-defend-death-penalty>.

²⁴ Exodus 20:13.

²⁵ Mochas Uson, *A text without a context is a pretext*, <https://mobile.twitter.com/MochaUson/status/833407643716722688>.

²⁶ Act No. 3815: An Act Revising the Penal Code and other Penal Laws, <https://www.officialgazette.gov.ph/1930/12/08/act-no-3815-s-1930/>, Article 248:1-2, 5.





means.²⁷ Provision 5 implies planning on how and the manner of executing a crime. In relation to capital punishment, killing a convicted person under House Bill 4727²⁸ proposes (evident premeditation) hanging, firing squad and lethal injection of the convicted criminal. With all points taken into consideration suggests that the proposed legalized killing is indeed murder! The Chief Public Attorney Office' Persida V. Rueda-Acosta in her speech during the CHRPEU Human Rights Dialogue: Death Penalty and Restorative Justice affirms this punishment as a form of legalized murder.²⁹ Being a "crime" in itself can never solve crimes in the society. She recommended that strict and thorough enforcement of the law is the most effective key in curbing criminality.

The Catholic bishops laments this kind of interpretation of the Bible. According to *Dei Verbum*, the main goal of Scriptures is to realize the purpose of God's communicating Himself to us and to recognize the authors' context and perspective at that time of writing.³⁰ Careful investigation is also needed as to what the sacred writers want to convey from their text. In the document "The Interpretation of the Bible and the Church", the Church advise the readers that the revelation of God in the Bible is fully manifested in Christ in the New Testament and the New Covenant complements and completes what is lacking in the Old Testament.³¹ In case of moral discernment, confusion may arise if strict adherence to Mosaic Laws are taken to serious consideration. Policies on the practice of slavery, divorce, annihilation of enemies in war,

penalty of death and the like may result moral position and complicated rhetoric. Below is an example Old Testament provision promoting capital punishment:

Leviticus 20:10 "If a man commits adultery with his neighbor's wife, both the adulterer and the adulteress shall be put to death."

The Holy Book that should be a guide for righteousness may imply contradictory values. Fortunately verses from the Gospel of Matthew and the letter of Paul to the Romans remedy this dilemma:

Matthew 5:17 "Do not think that I have come to abolish the law or the prophets. I have come not to abolish but to fulfill."

Romans 10:4 "For Christ is the end of the law for the justification of everyone who has faith."

Commentaries on the above verses speak of Jesus as the perfection of Mosaic covenant because He is the full revelation of God. The Old Law is finally accomplished by Christ's love, mercy and compassion. Example Gospel story that exemplifies this new covenant when He saved the woman caught in adultery from her would be aggressors. Here, Jesus clearly consummated the law through repentance and reconciliation although the act is punishable by death based on Mosaic legislation.

C. DEATH PENALTY IS NOT DETERRENT TO CRIME

Death penalty has been around since time immemorial to curb heresies, political dissent, enemies of state and local crimes. But when United Nations was created during the 20th century, there has been a downtrend on such punishment. In order to lessen and ultimately avoid abuses against dignity of persons and uphold

²⁷ *Catechism of the Catholic Church* # 1753.

²⁸ Republic of the Philippines House of Representatives 17th Congress, *House Bill 4727 or Death Penalty Law*, http://congress.gov.ph/legisdocs/first_17/CR00047.pdf.

²⁹ Persida Rueda-Acosta, *Death Penalty: Not A Deterrent to Criminality*, http://www.pao.gov.ph/UserFiles/Public_Attorney's_Office/file/Death-Penalty.pdf, 7.

³⁰ Vatican II, *Dei Verbum*: 8, 12, 15.

³¹ Vatican, *The Interpretation of the Bible and the Church*, http://catholic-resources.org/ChurchDocs/PBC_Interp-FullText.htm, section 3.



human rights, the UN drafted and proclaimed the Universal Declaration of Human Rights which inspired legal framework of countries and it also helped form numerous international and local non-governmental rights group. One of these organizations is Amnesty International who periodically release statements and news promoting the objectives and exposing violations against UDHR committed by governments.³² According to their publication, there was a significant decrease in executions worldwide covering 1997-2016. This means governments and their judicial counterparts are accepting the fact that legalized killing is an old approach, counterproductive and not a real deterrence to crime. There were also more humanitarian and reformative perspectives emerged and inspired growth of other cause-oriented groups.

Academic and juridical researches also contributed to rethinking of capital punishment policies as a way to deal criminal offenses such as:

- a. The Brennan Center for Justice of New York University of Law: According to their report, there was a decline on legalized killing in U.S. covering the period of 1990's to 2000s.³³ The data from U.S. Department of Justice's Bureau of Justice Statistics also showed executions were on downtrend from 1999 to 2013. This verifiable evidence manifests that capital punishment had no effect on crimes and disputed rhetoric arguments of some who believed that every execution would result fewer crimes. The organization hope to convince lawmakers in seeking for more improvement of policies as an alternate to such punishment.
- b. Harvard Law School: In collaboration with Fair Punishment Project who advocates fair and accountable justice system observes death penalty

³² Amnesty International, *Amnesty International Global Report: Death Sentences and Executions 2016*, <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF>, 24.

³³ Roeder; Brooke Eisen; Bowling, *What caused the crime decline?* p.43-45.

from American counties is on its unavoidable demise due to fewer death sentencing by courts.³⁴

- c. Leading team of criminologists and sociologists in US share the same view on non-deterrence because of consistent findings of crime rate, like murder are highest in places where legal executions took place as compared to states with lowest incidence of murder where capital punishment was minimally worked out.³⁵
- d. From the journal of Radelet and Lacoock's survey on US top police chiefs and criminologists, 88% of them believed human executions were the least effective of all possible choices on curbing crime. The findings were comparable from 1996 survey only that it grew slightly from 2009.³⁶
- e. Analytical findings on criminal executions and deterrence in Japan by Muramatsu et al are the same to US experience during 1990-2010. This holds true by academic investigations on other countries like Singapore and Trinidad and Tobago.³⁷
- f. A research study conducted by Thomson in California showed that there were two consequences in implementing capital punishment: the intended but short term deterrence and unintended and long term brutalization effect.³⁸ Homicides and other crimes increased in California due to media exposure of cases involving persons who committed crimes and consequently executed. This resulted to the perception that the state legalized violence where killing is acceptable and justifiable as long as the person committed grievous act. Violence begets another violence.

With the declining trend of executions worldwide, opinions by majority of criminologists, the brutalization effect, recent criminal jurisprudence and empirical research clearly supports the statement of the Catholic

³⁴ Fair Punishment Project, *Too Broken to Fix: Part I, An In-depth Look at America's Outlier Death Penalty Counties*, <http://fairpunishment.org/wp-content/uploads/2016/08/FPP-TooBroken.pdf>, 2.

³⁵ Hass, Moloney, Chambliss, *Criminology: Connecting Theory, Research and Practice*, 274.

³⁶ Radelet & Lacoock, *Do Executions Lower Homicide Rates?: The Views of Leading Criminologists*, *The Journal of Criminal Law & Criminology*, 99, no. 2: 489-508.

³⁷ Muramatsu, Johnson, Koiti Yano, *The Death Penalty and Homicide Deterrence in Japan*, *Punishment & Society*, no. 20, 448-449.

³⁸ Ernie Thomson, *Effects of an Execution on Homicides in California*, *Homicide Studies*, 3, no. 2, 29-150.



bishops' stand on death penalty, that killing a human person, whether guilty or not, has never been proven effective deterrent to crime.

D. IMPERFECT JUSTICE SYSTEM

Application of justice cannot be denied as indispensable tool for civil institutions but at the same time imperfect in some ways particularly in criminal judgment cases. The following are some factors that may result erroneous convictions according to Iowa Law Review:³⁹

- State punitiveness: Pressure on the part of law enforcers and prosecutors to speed up resolution of cases and punish the offenders believing it will deter future crimes.
- Defendant's prior record: Accusation against recidivist may put a bias against him by police and prosecutors belittling his defense and evidence,
- Defendant's age: A younger defendant is seen to get higher chances of conviction as compared to older accused persons due to abilities and likelihood of committing a crime.
- Planned crimes are usually dragged innocent people as perpetrators. Investigators who are not conscientious on their work may lead to wrong convictions,
- Forensic errors: Scientific approach in investigating cases will lead to definitive conclusion but can still err if there is inappropriate forensic testimony and partiality against the accused. Example according to Angeles on a case when a judge was faced with different forensic evidences and testimonies both from defendant and plaintiff. The latter made use of recent study on forensics and the former a traditional one. The judge was bothered not on how to decide the case but by his previous convictions aided by obsolete forensics.⁴⁰

³⁹ Gould, et al., *Predicting Erroneous Convictions*, 99 Iowa Law Review 471, 489.

⁴⁰ Albert Lee Angeles, *Wrongful Conviction and the Case for Forensic Evidence in the Philippine Criminal Justice System*, Ateneo Law Journal, 1155-1174.

The statement of CBCP share this same view that perfect legal system is still an uphill battle from those who are financially poor and lacking educational attainment. Wrongful convictions are also high due to limited access to skillful lawyers specially if a case is against the powerful and the rich.

The death penalty sentences in US is decreasing for three decades. This significant downtrend is due to reversal of convictions since 1970. A total of 140 death row inmates were acquitted from earlier judgment and 300 more from non-death penalty crimes.⁴¹ In the Philippines, there were recorded 56 death convicts who were exonerated from lethal injection through the help of Public Attorneys' Office led by Rueda-Acosta.⁴² According to her report, there were also 320 inmates whose sentence was downgraded from death sentence to *reclusio perpetua*. Because of these acquittals and reduction of sentences cases helped in abolition of capital punishment in 2006 by President Arroyo.⁴³

E. ADDRESSING THE ROOT CAUSE OF CRIME

Cardinal Tagle believes that capital punishment does not lessen violence. Based on empirical data and scientific research, penalty of death and harsh punishments were not the best method in reducing criminality.⁴⁴ The state should take the problem of lawlessness by comprehensively addressing the roots of crime and not the severe-punitive centered approach. It also important to understand that offenders are first victims

⁴¹ United Nations Human Rights, *Moving Away from the Death Penalty: Arguments, Trends and Perspectives*, <https://www.ohchr.org/Lists/MeetingsNY/Attachments/52/Moving-Away-from-the-Death-Penalty.pdf>, 23.

⁴² Persida Rueda-Acosta, 6.

⁴³ *An Act Prohibiting the Imposition of Death Penalty in the Philippines (Republic Act No. 9346)*, <https://www.officialgazette.gov.ph/2006/06/24/republic-act-no-9346/>.

⁴⁴ Luis Antonio Tagle, *An invitation to reflect, pray and act*, <http://www.cbcpnews.com/cbcpnews/?p=91009>.



themselves living to different social problems like: poverty, lack of education, proliferation of illegal drugs and weapons, and other form of social inequalities and injustices. Subsisting from such environment encourages assimilation of values that can breed vicious cycle of violence and lawlessness. Children who are born and surviving from these dismal conditions should be given equal opportunities as enjoyed by those who have access to education and other humane circumstances. And this leads to the very vocation of Jesus' mission. In a world beset with inequalities, Christ is calling all His followers to bring and share the resources be it material or non-material in most possible means for those who are deprived through no fault of their own.

Other professional theories focusing on the root cause of crime in positive and non-punitive approach such as:

- a. Social Learning Theory of Albert Bandura: Psychologist Bandura believed that behavior is influenced by our environment. In his social learning theory, he observed that actions and its morality are dependent and learned through modeling, observing and copying the behavior of others.⁴⁵ If people living in conditions where love, compassion, obedience to laws, and other significant positive values are practiced then most likely persons immersed in this environment may adapt and imitate the same values. Likewise, wrong moral principles are assimilated if introduced to situations that tolerates erroneous acts. For example, people who live in society exposed to violence are more likely to become offenders of law compared to those whose environment have rare or no occasions to violence.
- b. Striving to promote a culture of non-violence, Anand Chabungbam, Regional Coordinator of the Asian Network of People who Use Drugs (ANPUD) sent a letter to Apple CEO Tim Cook asking to remove gaming apps that promote violent drug war such as "Duterte vs. Zombies," "Duterte Fighting Crime 2," "Tsip Bato: Ang Bumangga Giba!" "Duterte

Running Man Challenge," and "Duterte Knows Kung Fu: Pinoy Crime Fighter." The group expresses disappointment of the attempt to normalize mass murders and impunity through virtual games.⁴⁶ The following month the apps has been removed from App store.

- c. Tabula Rasa of John Locke: John Locke's philosophy on tabula rasa suggests that human beings are born with "blank slate" with no pre-conceived ideas until experienced and learned.⁴⁷ Since children have no notions about values and norms, their society: family, media, state, church, school, etc., are crucial in their moral development and outlook in life. He also gave importance to parents as role models and essential teachers to their children's experiences and thoughts, to guide their actions and how to deal the realities of life and teach them the basics of right and wrong.
- d. Deviance by Emile Durkheim: To sociologist Durkheim, deviance from social and moral norms are caused by various factors. Students who deviate from policies of their school and criminals from law enforcement authorities are often rooted from lack of social integration among people. These divergent acts have tendencies to become state offenses which is against peace and order of any institution and must be properly addressed. Thus, social integration in the families and the role of parents must be reinforced to better guide their children in their education and help them to pursue their goals. It is the best method in crime and violence reduction because good values are first learned in the family. He also adds that if social integration is increased then deviance and crime decreased.⁴⁸
- e. Criminologist perspective: According to criminologist and sociologist Steven Barkan, he believes that best way to reduce crime are those whose nature are non-punitive and proactive. He recommends that both government and private entities should work in creation of jobs with living wages and giving economic opportunities for unemployed. Discrimination of color, race, economic status, religion should be avoided.⁴⁹

⁴⁵ Albert Bandura, *Social Learning Theory*, 5.

⁴⁶ Anand Chabungbam, *An open letter to Tim Cook: Immediately remove apps that are promoting war on drugs in the Philippines*. <http://www.anpud.org/an-open-letter-to-apple-ceo-mr-tim-cook-immediately-remove-apps-that-are-promoting-war-on-drugs-in-the-philippines/>.

⁴⁷ Tim Delaney, *Classical and Contemporary Social Theory: Investigation and Application*, 7.

⁴⁸ Diana Kendall, *Sociology in Our Times*, 167-168, 193.

⁴⁹ Kendall, 176.



Capital punishment will not only lessen crimes but only aggravates the culture and cycle of violence. It is established earlier that most law offenders are created by their society with distorted moral values and this same society was created by people who have criminal minds. Cardinal Tagle also resolutely added that fragmentation and disassociation of family life and community as major contributor to crime. Thus, all sectors of the society: faith-based groups, government, schools, etc. should revitalize their efforts to end the seemingly unending chain of violence. This is most possible if primary concern is for strengthening the most basic and important unit of the society, the family, and must be protected from influences and wrong values that destroys it.

F. REHABILITATION

The Parable of the Lost Son⁵⁰ symbolizes God's salvific role for humanity: from Old Testament's punitive approach to Gospels' reconciliation and reintegration model. Jesus' message of love focuses on the renewal and healing not only of criminals but the victims as well. CBCP follows this method of restoration recognizing also both the sinner and the victim, the sins of the guilty and the aggrieved person. They also challenge the sinners of their repentance and offers love, compassion and hope as well as for the victims. It must be considered that both offender and victim share a common difficult situation: abandonment by their loved ones like their families, relatives and friends. Thus, it is imperative that restorative justice requires rehabilitation for them. The Catholic Church is not alone in this effort on emphasis on restorative justice and opposition on death penalty. Example of these institutions are:

- a. Psychological Association of the Philippines: The professional organization recognizes the inherent dignity of all people. Instead on re-imposing capital punishment, they urge the government to prioritize and promote healing of both parties: rehabilitation of law offenders and recovery of victims.⁵¹
- b. Commission on Human Rights of the Philippines: Former Chairperson of Commission on Human Rights Purificacion Quisimbing together with European Union affirms abolition of penalty of death.⁵² They also declared that other excessive punishments are not the solution to reduce crime but a non-lethal yet rehabilitative strategy should be addressed for those who are in conflict with law.
- c. United Nations' Programs: The United Nations' Office on Drugs and Crime are encouraging legislators and law enforcers to reinforce restorative justice programs both for law offenders and crime victims.⁵³ It urge communities to develop more effective strategy not only respond to crime but to develop and strengthen their conflict prevention and resolution capacity.
- d. Norway's Halden Prison:⁵⁴ Integration and acceptance of inmates to the society is the primary objective of this government institution. Therapeutic and rehabilitative methods are used aimed to help prisoners diminish the burden of isolation and confinement. Inmates in this scheme are treated like everyone else as if not prisoners, a contrast to common penal system. Convenience in sleeping, eating, use of lavatories, strong bond with prison guards (inmates are called by their first names and they eat and play with them) are such examples of the program. Ultimately, the objective is for them be integrated and accepted to the society. This approach hinges on the fact that human beings have inherent dignity and rights. Although the state does not tolerate their illegal acts, the detainees are seen as victims of circumstances and need recovery.

⁵¹ Psychological Association of the Philippines, *Statement of Psychological Association of the Philippines on the Death Penalty*, <https://www.pap.org.ph/position-paper/reinstituting-death-penalty>.

⁵² Purificacion Quisimbing, *The Philippine Experience in Abolishing' the Death Penalty*, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/philippines_/philippines_en.pdf.

⁵³ United Nations' Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*, https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf, 17.

⁵⁴ Adams, Bastoy, *Sentenced to Serving the Good Life in Norway*, *Time Magazine*, July 12, 2010 <http://content.time.com/time/magazine/article/0,9171,2000920,00.html>.

⁵⁰ Luke 15:11-32.





e. Philippines' Bureau of Corrections:⁵⁵

Grounded on one of its core values which is "God-centered," personnel and inmates should image themselves as person (image) of God. Based on this principle, all persons whether criminal or not, guilty or innocent, possess dignity. With this, the Philippines' Bureau of Corrections adheres to various rehabilitation programs for its prisoners. Historically, the former name of Bureau of Corrections was Bureau of Prisons. This was changed in 1989 to modify the mindset that those who were brought in the institution can be "corrected" or rehabilitated and have a chance to reform. Essential in the restorative tasks of this government agency is to secure and keep inmates safe, ward them off from committing another possible crime, ensure their basic needs such as food and shelter, provide available physical, intellectual, educational, spiritual and livelihood opportunities. In fact, the Bureau of Corrections' logo summarizes its objectives: An inmate hoping for full reintegration and transformation with acceptance and support of the community, the church and importantly his family.

f. *Sanlakbay*:

Supporting the war on drugs of the government but in non-violent approach, the Archdiocese of Manila through the initiatives of Cardinal Luis Antonio Tagle, formed a rehabilitation program for illegal drug surrenderees called "Sanlakbay." A six-month strategy that aims to recover drug dependents focusing on psycho-spiritual formation, skills training and other reintegration procedures. Last October 2017, the "graduation" of 132 former drug dependents from 12 Manila parishes were given certificates together by officials from Philippine National Police.⁵⁶

Pope John Paul II also observes on increasing resistance on the use of capital punishment. It is becoming useless and insignificant form of doing justice given the recent findings and research.⁵⁷ Law offenders must be given opportunities

to reform their lives. Punishment must not be looked at as a form retaliation because of the wrongdoings they have committed. He believes that prison time should be seen as a chance for rehabilitation where inmates acknowledge and reflects their mistakes, serve their sentence and resolutely amends their life.⁵⁸

IV. CONCLUSION

*"Critical collaboration means that the Church is one with the State in promoting the common good."*⁵⁹

It is established already that ecclesiastical letters are essential communications of bishops to their people. It is one way for them to shepherd their flock. It is addressed to all members of the Church and to the whole society ranging from religious context to socio-political issues. To better understand and appreciate their message, *Gaudium et Spes* urges us to use modern methods and research to examine situations in the light of the Gospel. Other than the usual biblical, religious and ecclesiastical analysis, various disciplinary and secular perspectives may be used.⁶⁰ Example of this is the statement of CBCP against re-imposition of death penalty. It was earlier presented that legalized killing is against the dignity of human person. Pope Francis ultimately and definitely defined the position of the Church by revising the provision of Catechism of the Catholic Church (CCC 2267)⁶¹ on death penalty. Before, the prescription was perceived a still possibility to capital punishment. Now, he declaratively promulgates

⁵⁵ Bureau of Corrections, <http://bucor.gov.ph>.

⁵⁶ Julie Aurelio, *Pope lauds parish-based drug rehab: 'This is the path to take'*, <https://newsinfo.inquirer.net/939723/war-on-drugs-drug-rehabilitation-drug-killings-extrajudicial-killings-sanlakbay-luis-antonio-cardinal-tagle-oscar-albayalde-pope-francis>.

⁵⁷ John Paul II, *Evangelium Vitae*, http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html, 27.

⁵⁸ John Paul II, *Jubilee in Prisons*, http://w2.vatican.va/content/john-paul-ii/en/homilies/2000/documents/hf_jp-ii_hom_20000709_jubil-prisoners.html.

⁵⁹ Catholic Bishops Conference of the Philippines, *Catechism on the Church and Politics*, http://www.cbcponline.org/documents/1990s/1998-church_politics.html (Aurelio 2017).

⁶⁰ *Gaudium et Spes*, 4-5, 62.

⁶¹ Vatican, *New revision of number 2267 of the Catechism of the Catholic Church on the death penalty*, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2018/08/02/180802a.html>.





that “the death penalty is inadmissible because it is an attack on the inviolability and dignity of the person.”⁶² He argues that even convicted criminals have dignity and should be given opportunity for reformation. He also urges everyone to resist and help abolish this inhumane punishment worldwide. Locally, Archbishop Villegas also implored that instead of re-imposition of death penalty, the government should address more on urgent problems in police force, judiciary system and in prisons.⁶³ Strict evaluation, close monitoring and training should be required to law enforcers because of reports that some are in into lawless activities. With corrupt police officers, dishonest judges and powerful personalities, it will always be a lethal mix of injustice that will take its toll on powerless, unemployed, uneducated people in our society. Crime can be remedied by addressing the culture of violence and not imposing another form of violence in the guise of serving justice. Sustain non-lethal and humane methods in our correctional institutions with goal of restoring and reintegrating offenders of law to society. The central teaching and heart of the Gospel taught by Jesus is the remedy to a world already beset by culture of violence, hate and death. Violence begets violence but love begets love all the more.

Finally, there are two dimensions in looking at the pastoral statements of the bishops: the inclusive and exclusive communal paradigm. Since ecclesiastical letters are product of joint decisions of bishops based on analysis of current situation, their judgment on the issue according to social principles and their proposed action to be done, therefore it is proper that the message conceptualized must be first and further be

⁶² Francis, *Address to participants in the meeting promoted by the Pontifical Council for Promoting the New Evangelization*, https://w2.vatican.va/content/francesco/en/speeches/2017/october/documents/papa-francesco_20171011_convegno-nuova-evangelizzazione.html.

⁶³ Socrates Villegas, *Walk for Life*, <http://www.cbcpnews.com/cbcpnews/?p=91733>.

contemplated by bishops themselves and by all members of the clergy and religious. By virtue of their vocation, they should heed the call of God at all times reflecting on the role and actions on situations. By virtue of their mission, they are called to make disciples of all nations and to teach what God have commanded them.

“Go, therefore, and make disciples of all nations, baptizing them in the name of the Father, and of the Son, and of the holy Spirit, teaching them to observe all that I have commanded you. And behold, I am with you always, until the end of the age.”⁶⁴

The exclusive component is for other stakeholders including the laity and people from the government to reflect on the pronouncement of the Church and perceive it is an active conscience for moral formation and for common good of the society. Separation of the Church and State should not be an issue if various perspectives are placed through dialogue and discussion for creation of programs and for the welfare of the society. In fact, the Church is not against the State but cooperates in achieving the common good based on Gospel teachings through critical collaboration. Both are for the respect of human dignity and for the well-being of all persons, regardless of age, beliefs, gender, culture, political affiliations and tendencies. Therefore, the efforts of the CBCP is a collective work of the bishops inspired by One God, for the unity of His Church and for the common good of all... a way of Communion in the Church in the society.

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⁶⁴ Matthew 28:19-20.





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