

## **Socio-Economic Profile of Capital Offenders in the Philippines**

In May 2004, the **FREE LEGAL ASSISTANCE GROUP [FLAG]** conducted a survey of the country's death inmates. The survey sought to compile information on the economic and social status of death inmates. The survey covered a wide range of topics, including information on the ages of death inmates, civil status and family situation, educational status, occupation prior to arrest and detention, main language spoken, housing and household situation, prior awareness of the death penalty, crime and counts of crime, and circumstances of arrest, investigation, trial and appeal.

At the time **FLAG** conducted the survey, there were 1,121 death inmates: 993 men confined at the New Bilibid Prisons, Muntinlupa, Metro Manila and 28 women confined at the Correctional Institution for Women, Mandaluyong, Metro Manila. Of the 1,121 death inmates, 890 inmates participated in the survey; this represents 87.17 percent of the total death row population at the time of the survey.

### **Survey Findings**

***The death row population represents Philippine society:*** a relatively young population, speaking in many tongues, majority of whom are Roman Catholics, half of whom are married and remain with their first spouses (although the phenomenon of multiple spouses exists), with medium-sized families (between 1 to 6 children).

***But death row more strikingly represents the poor in Philippine society:*** elementary graduates who studied in public school; agricultural workers, construction workers, transport workers, or service workers mostly earning below minimum wage; living in poorly constructed houses with one-toilet bathrooms using the pail system, built on less than Peso 50,000, or renting homes for between Peso 500 and Peso 2,500 a month, or living with family or friends; owning between one to three appliances; without vehicles and house help.

***The question of whether the death penalty deters crime remains unanswered.*** Prior to the alleged commission of their crimes, most death inmates were aware of the death penalty. However, while they were aware of the death penalty, most did not know that the crimes for which they were sentenced were covered by the death penalty. These findings put into question the so-called "deterrence" effect of capital punishment.

***The majority of death offenses involve crimes against persons:*** most death inmates were sentenced to death for rape, murder and kidnap. Very few inmates were sentenced to death for violating the dangerous drug laws. Most death inmates were charged, tried and convicted for one count of the crime.

***Death row also represents the maladies of the Philippine criminal justice system:*** most inmates were arrested without warrant; almost all inmates were not informed of their constitutional rights upon arrest; most inmates were not assisted by counsel during investigation; and slightly less than half of the inmates underwent some form of torture.

The Public Attorneys Office represented more than half of the death inmates at their trials and appeals, their ages ranging from 35 to 54 years old. Most inmates did not know how long their trial lawyers had been practicing law.

More significantly, the number of consultations between trial counsel and death inmate client averaged between 2 to 5 consultations. Even worse, one fourth of the death inmates never had any consultations with their trial lawyers or had only one consultation with their trial lawyer.

The length of trial of the death inmates varies. The trial of more than half of the inmates lasted between 1 to 4 years. However, a significant number of death inmates said their trials lasted between 1 to 12 months.

## Death Row Represents Philippine Society

The profile of death row is the profile of Philippine society—a relatively young society, mostly married with medium sized families, speaking the major languages of the country, and professing many faiths—mainly Roman Catholicism.

*Age Range.* Most death inmates are fairly young. One third (33 percent) are between the ages of 30 and 39; while another one third (33 percent) are between the ages of 40 and 49. 10 death inmates are 70 years and older.

**Table 1. Age Range of Death Inmates**

Age Range	Total	Percent
20-29 Years	125	14.0%
30-39 Years	294	33.0%
40-49 Years	294	33.0%
50-59 Years	121	13.6%
60-69 Years	34	3.8%
70 Years and Older	10	1.1%
Not Indicated	12	1.3%
<b>Total</b>	<b>890</b>	<b>100.0%</b>

*Civil Status and Family Situation.* More than half of the inmates (59.3 percent) are married; one fifth (20.3 percent) are single. 4.5 percent of the inmates are widowed. 8 percent are separated while 6.5 percent are living with their common-law spouses.

**Table 2. Civil Status of Death Inmates**

Civil Status	Total	Percent
Married	528	59.3%
Single	181	20.3%
Widowed	40	4.5%
Separated	71	8.0%
Common Law Wife	58	6.5%
Not Indicated	12	1.3%
<b>Total</b>	<b>890</b>	<b>100.0%</b>

Of the 709 inmates who are married, widowed, separated or living with their common-law spouses, more than half (57.5 percent) remain with their first spouses. 7.1 percent have relationships with their second spouses. One third (33.7 percent) did not indicate whether they had relations with more than one spouse.

**Table 3. Number of Spouses of Death Inmates**

Number of Spouses	Total	Percent
First	408	57.5%

Second	50	7.1%
Third	8	1.1%
Fifth	1	0.1%
Sixth	1	0.1%
Seventh	1	0.1%
Ninth	1	0.1%
Not Indicated	239	33.7%
<b>Total</b>	<b>709</b>	<b>100.0%</b>

Of the 709 inmates who are married, widowed, separated or living with their common-law spouses, the spouses of one fourth (26.8 percent) are housewives, while the spouses of 10.7 percent are service workers. The spouses of 15.9 percent are unemployed. One fourth (27.4 percent) of the inmates did not indicate the occupation of their spouses.

**Table 4. Occupation of Spouses of Death Inmates**

<b>Spouse Occupation</b>	<b>Total</b>	<b>Percent</b>
Housewife/Housekeeper	190	26.8%
Clerical and Related Worker	3	0.4%
Sales Related Worker	31	4.4%
Handicraft Worker	2	0.3%
Professional	7	1.0%
Overseas Filipino Worker	24	3.4%
Confined at CIW/NBP	1	0.1%
Local Government Unit Worker	16	2.3%
Agricultural Worker	31	4.4%
Businessman/woman	10	1.4%
Factory Worker	6	0.8%
Religious Worker	1	0.1%
Transport Worker	2	0.3%
Service Worker	76	10.7%
Security Worker	2	0.3%
Unemployed	113	15.9%
Not Indicated	194	27.4%
<b>Total</b>	<b>709</b>	<b>100%</b>

Most inmates (76.3 percent) have children. One fifth (20.8 percent) of the inmates do not have children. 2.9 percent did not indicate whether they have children.

**Table 5. Death Inmates and Children**

<b>Death Inmates and Children</b>	<b>Total</b>	<b>Percent</b>
With Children	679	76.3%
No Children	185	20.8%
Not Indicated	26	2.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 705 inmates with children, many have medium sized families. Slightly less than half (45.1 percent) have between 1 to 3 children. One third (34.9 percent) have between 4 to 6 children. 13 percent have between 7 to 9 children. 34 inmates did not indicate the number of children they have.

**Table 6. Number of Children of Death Inmates**

No of Children	Total	Percent
1-3 Children	318	45.1%
4-6 Children	246	34.9%
7-9 Children	92	13.0%
10-12 Children	14	2.0%
More than 12 Children	1	0.1%
Not Indicated	34	4.8%
<b>Total</b>	<b>705</b>	<b>100%</b>

*Main Language Spoken.* The main languages spoken by death inmates include Tagalog (27.6 percent of inmates), Bisaya (14 percent of inmates), and Ilokano (13.8 percent of inmates). 43 death inmates (4.8 percent) listed English as their main language.

**Table 7. Main Language Spoken by Death Inmates**

Main Language Spoken	Total	Percent
Aklanon	8	0.9%
Bicolano	78	8.8%
Bisaya	125	14.0%
Bila-an	2	0.2%
Cebuano	67	7.5%
Chabacano	1	0.1%
Chinese	1	0.1%
English	43	4.8%
Ibaloi	2	0.2%
Ilokano	123	13.8%
Ilonggo/Hiligaynon	65	7.3%
Igorot/Ifugao	10	1.1%
Isneg	2	0.2%
Kapampangan	16	1.8%
Maguindanaoan/Muslim	22	2.5%
Masbateno	3	0.3%
Pangasinense	9	1.0%
Tagalog	246	27.6%
Taglish	20	2.2%
Tiruray	1	0.1%
Waray	41	4.6%
Not Indicated	5	0.6%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Religion.* More than half (56.9 percent) of the death inmates are Roman Catholics. Slightly less than one-fifth (18.7 percent) are members of the *Iglesia ni Kristo*. 54 inmates profess Islam; 48 inmates are Born Again Christians. 17 inmates did not indicate their religion.

**Table 8. Religion of Death Inmates**

<b>Religion</b>	<b>Total</b>	<b>Percent</b>
Aglipay	4	0.4%
All for Jesus	1	0.1%
Amazing Grace	29	3.3%
Born Again Christian	48	5.4%
Catholic	506	56.9%
Dating Daan	9	1.0%
Iglesia ng Diyos kay Kristo Jesus	6	0.7%
Iglesia ng Espiritu Santo	5	0.6%
Iglesia ni Kristo	166	18.7%
Islam	54	6.1%
Jehovah's Witness	4	0.4%
Jesus Miracle Crusade	1	0.1%
Methodist	1	0.1%
Pentecost	2	0.2%
Philippine Independent Church	2	0.2%
Seventh Day Adventist	30	3.4%
Son Light Ministry	1	0.1%
United Church of Christ in the Philippines	2	0.2%
None	2	0.2%
Not Indicated	17	1.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

## Death Row Represents the Poor in Philippine Society

The profile of death row is the profile of the poor in Philippine society: largely uneducated, largely underemployed, and generally living in poverty. More than half (52.2 percent) of the inmates belong to the lowest socio-economic classes of Philippine society, as seen by their poor education, poor occupational status, low wages, lack of access to sanitation and water, and lack of ownership of appliances and vehicles.

*Educational Status.* A study on the Philippine economy revealed that Filipinos who did not complete even just elementary education were condemned to a life of poverty.

The highest educational attainment of most inmates is elementary education. Slightly less than one fourth (16.6 percent) of the inmates finished between Grades 1 and 3 of elementary studies. 14.8 percent finished between Grades 4 and 6. Only 8.8 percent of the death inmates are elementary graduates, while 9.6 percent are high school graduates. 23 death inmates are college graduates, while 12 hold higher professional degrees. 33 death inmates did not study at all.

These findings indicate that 39.9 percent of the inmates belong to the lowest socio-economic class of society, having failed to complete even just elementary education. 42.8 percent of the inmates may be said to belong to the middle class, having at least completed high school. 16 percent of the inmates may be said to belong to the upper class of Philippine society, having had the privilege of college education.

**Table 9. Highest Educational Attainment of Death Inmates**

Highest Educational Attainment	Total	Percent
Pre School	3	0.3%
Grade 1-3	148	16.6%
Grade 4-6	132	14.8%
Elementary Level	39	4.4%
Elementary Graduate	78	8.8%
1st Year High School	50	5.6%
2nd Year High School	64	7.2%
3rd Year High School	53	6.0%
4th Year High School	17	1.9%
High School Level	34	3.8%
High School Graduate	85	9.6%
1st Year College	18	2.0%
2nd Year College	24	2.7%
3rd Year College	14	1.6%
4th Year College	3	0.3%
College Level	24	2.7%
College Graduate	23	2.6%
Graduate Studies	6	0.7%
Graduate Degree Holder	12	1.3%
Vocational School Level	7	0.8%
Vocational School Graduate	11	1.2%
No Education	33	3.7%

Not Indicated	12	1.3%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the inmates who went to school, most (64.4 percent) studied at public schools, while 18.7 percent studied at private schools. 16.9 percent did not indicate where they attended school.

A recent study by the Department of Education said that the quality of public school education has deteriorated to the extent that 75 percent of elementary graduates cannot even read independently, and less than one percent of 4<sup>th</sup> year high school students pass the government's mastery tests.

Public school education, which is free, is an indication of the lower socio-economic standing of the majority of the inmates.

**Table 10. School Attended by Death Inmates**

School Attended	Total	Percent
Public	552	64.4%
Private	160	18.7%
Not Indicated	145	16.9%
<b>Total</b>	<b>857</b>	<b>100%</b>

Of the 305 who studied at private schools and/or did not indicate where they studied, 10 inmates received scholarships; 112 inmates studied through financial support provided by their parents or relatives; while 60 were working students. 121 inmates did not indicate who supported their studies or if they studied at private schools.

**Table 11. Payment of School Fees**

Payment of School Fees	Total	Percent
Scholarship	10	3.3%
Parental/Relative Support	114	37.4%
Working Student	60	19.7%
Not Indicated	121	39.7%
<b>Total</b>	<b>305</b>	<b>100%</b>

*Occupation.* Prior to their arrest, detention, trial and conviction, one third (31.5 percent) of the inmates were agricultural workers. 15.7 percent were construction workers, while 15.6 percent were transport workers. 13.7 percent were service workers. 10 inmates were unemployed, while 27 inmates did not indicate their prior occupation.



These findings indicate that 81.8 percent of the inmates were engaged in occupations associated with the lower socio-economic class of society: sales workers, service workers, factory workers, agricultural workers, transport workers and construction workers. 11.7 percent of the inmates were engaged in occupations associated with the middle class: security workers, overseas workers, clerical and office workers, and government workers. Only 3.5 percent were professionals and engaged in their own business ventures, indicating that they most likely belong to the upper class of society.

**Table 12. Occupation Prior to Arrest**

Occupation Prior to Arrest	Total	Percent
Businessman/woman	26	2.9%
Clerical and Related Worker	3	0.3%
Service Worker	122	13.7%
Sales Worker	22	2.5%
Factory Worker	14	1.6%
Handicraft Worker	1	0.1%
Agricultural Worker	280	31.5%
Student	9	1.0%
Security Worker	65	7.3%
Overseas Filipino Worker	7	0.8%
Transport Worker	139	15.6%
Religious Worker	1	0.1%
Professional	5	0.6%
Construction Related Worker	140	15.7%
National/Local Government Worker	19	2.1%
Unemployed	10	1.1%
Not Indicated	27	3.0%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 880 inmates who were employed prior to their arrest, one third (33.1 percent) were employed for between 1 to 3 years; 13 percent were employed for between 4 to 6 years; 12.5 percent were employed for between 7 to 10 years; 11 percent were employed for more than 20 years. 17.6 percent of the inmates did not indicate how long they were employed before they were arrested.

**Table 13. Length of Employment Prior to Arrest**

Length of Employment Prior to Arrest	Total	Percent
0-3 Years	291	33.1%
4-6 Years	114	13.0%
7-10 Years	110	12.5%
11-15 Years	70	8.0%
16-20 Years	43	4.9%
More than 20 Years	97	11.0%
Not Indicated	155	17.6%
<b>Total</b>	<b>880</b>	<b>100%</b>

Of the 880 inmates who were employed prior to their arrest, 76 were living in absolute poverty, earning less than the government set poverty line. Half of the inmates (51 percent or 449 inmates) earned below government-mandated minimum wage levels. 55 inmates were minimum wage earners, while 63 inmates earned between Peso 7,001 and Peso 10,000 monthly. 7 inmates earned more than Peso 50,001 a month; 4 inmates earned in US dollars (between US \$ 200 and US \$ 800 a month). 158 inmates did not indicate the amount of their monthly wages.

Based on these findings, 73.1 percent of the inmates belong to the lowest and lower classes of Philippine society, earning below Peso 10,000 a month. 8.2 percent of the inmates belong to the middle class of society, earning between Peso 10,001 and Peso 50,000 a month. Only 7 inmates (0.8 percent) may be said to belong to the upper socio-economic class of Philippine society, earning more than Peso 50,001 a month.

**Table 14. Monthly Wages of Death Inmates**

<b>Monthly Wages</b>	<b>Total</b>	<b>Percent</b>
1300 and Below (Absolute Poverty)	76	8.6%
Below Minimum Wage (1301-6900)	449	51.0%
Minimum Wage (6901-7000)	55	6.3%
7001-10000	63	7.2%
10001-15000	37	4.2%
15001-20000	16	1.8%
20001-30000	8	0.9%
30001-40000	4	0.5%
40001-50000	3	0.3%
50001 and Over	7	0.8%
US \$ 200-500	2	0.2%
US \$ 501-800	2	0.2%
Not Indicated	158	18.0%
<b>Total</b>	<b>880</b>	<b>100%</b>

Of the 880 inmates who were employed, 47.6 percent said their monthly wages were sufficient to meet their needs, while 41.1 percent said their monthly wages were not sufficient to meet their needs. 11.3 percent did not indicate whether their monthly wages were sufficient or not.

**Table 15. Sufficiency of Monthly Wages of Death Inmates**

<b>Sufficiency of Monthly Wages</b>	<b>Total</b>	<b>Percent</b>
Sufficient	419	47.6%
Insufficient	362	41.1%
Not Indicated	99	11.3%
<b>Total</b>	<b>880</b>	<b>100%</b>

*Housing and Household Situation.* Most death inmates (77 percent) lived in houses prior to their arrest and conviction. 10.8 percent of the inmates were squatters; the rest lived in apartments (4 percent), or in boarding houses (2.7 percent). 35 inmates did not indicate where they lived prior to their arrest and conviction.

**Table 16. Type of Housing**

Type of Housing	Total	Percent
House	685	77.0%
Apartment	36	4.0%
Boarding House	24	2.7%
Employee Housing	9	1.0%
Squatter	96	10.8%
Housing Project	2	0.2%
Hotel	2	0.2%
Homeless	1	0.1%
Not Indicated	35	3.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

Half of the inmates (55.5 percent) own their homes. One fourth (25.1 percent) of the inmates lived with their relatives or friends. 11.1 percent rented their residences. 57 inmates did not indicate whether they owned their homes or were renting, or staying with family or friends, or were housed by their employers.

**Table 17. Ownership of Housing**

Ownership of Housing	Total	Percent
Owner	494	55.5%
Renter	99	11.1%
Staying with Relatives/Friends	223	25.1%
Stay In (Employee Housing)	16	1.8%
Not Applicable – Homeless	1	0.1%
Not Indicated	57	6.4%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 551 inmates who own their homes, ownership was achieved through purchase (26 percent of owners) or inheritance (23.2 percent of owners). A little more than one fifth (22.9 percent of owners) of the inmates said their houses were constructed by other inmates. 18 percent did not indicate how they came to own their homes.

**Table 18. Means of Ownership of Housing**

Means of Ownership of Housing	Total	Percent
Inheritance	128	23.2%
Purchase	143	26.0%
Government Grant	27	4.9%
Installment Payment	28	5.1%

Constructed by Inmate	126	22.9%
Not Indicated	99	18.0%
<b>Total</b>	<b>551</b>	<b>100%</b>

One fifth of the owner-inmates (20.5 percent of owners) claimed they spent less than Peso 10,000 to construct their homes. 15.8 percent of owner-inmates claimed they spent between Peso 10,001 and Peso 20,000 to build their homes. 9.6 percent of owner-inmates claimed they spent between Peso 50,001 and Peso 100,000 to construct their homes. 36.5 percent of the inmates did not indicate how much they spent to build their homes.

**Table 19. Housing Cost**

Housing Cost	Total	Percent
Below 10000	113	20.5%
10001-20000	87	15.8%
20001-30000	23	4.2%
30001-40000	16	2.9%
40001-50000	22	4.0%
50001-100000	53	9.6%
100001-500000	19	3.4%
500001-750000	6	1.1%
750001-1 million	6	1.1%
1 - 3 million	3	0.5%
3 - 5 million	2	0.4%
Not Indicated	201	36.5%
<b>Total</b>	<b>551</b>	<b>100%</b>

More than half of the inmates who own their homes (59.2 percent) say their homes are not mortgaged. Only 5.7 percent of the owner-inmates said their homes are mortgaged. 35.1 percent did not indicate whether their homes were mortgaged or not.

**Table 20. Mortgage Status of Housing of Death Inmates**

Housing Mortgage	Total	Percent
Mortgaged	34	5.7%
Not Mortgaged	354	59.2%
Not Indicated	210	35.1%
<b>Total</b>	<b>598</b>	<b>100%</b>

Of the 99 inmates who were renting their homes, 18.2 percent were paying less than Peso 500 in monthly rental. 28.3 percent were paying between Peso 501 and Peso 1,000 a month in rental, while 23.2 percent were paying between Peso 1,001 and Peso 2,500 in monthly rental. 14 inmates did not indicate their monthly rental costs.

**Table 21. Monthly Housing Rental**

<b>Monthly Housing Rental</b>	<b>Total</b>	<b>Percent</b>
Below 500	18	18.2%
501-1000	28	28.3%
1001-2500	23	23.2%
2501-5000	7	7.1%
5001-7500	4	4.0%
7501-10000	1	1.0%
15001-20000	2	2.0%
Over 20000	2	2.0%
Not Indicated	14	14.1%
<b>Total</b>	<b>99</b>	<b>100%</b>

Of the 223 inmates who were living with relatives or friends, more than half (58.3 percent) contributed to household expenses, instead of paying monthly rental. 40.8 percent did not contribute to household expenses. 2 inmates did not indicate whether they contributed to household expenses or not.

**Table 22. Contributory Share in Lieu of Rental**

<b>Contributory Share in Lieu of Rental</b>	<b>Total</b>	<b>Percent</b>
Contributes in Lieu of Rental	130	58.3%
Does not Contribute	91	40.8%
Not Indicated	2	0.9%
<b>Total</b>	<b>223</b>	<b>100%</b>

Of those who contributed to household expenses, slightly less than half (43.9 percent) contributed on a monthly basis while one fourth (26.5 percent) contributed only when they were able to do so. 5 inmates did not indicate how often they contributed to household expenses.

**Table 23. Frequency of Contributory Share**

<b>Frequency of Contributory Share</b>	<b>Total</b>	<b>Percent</b>
Daily	16	12.1%
Weekly	14	10.6%
Every 15 Days	4	3.0%
Monthly	58	43.9%
When Able	35	26.5%
Not Indicated	5	3.8%
<b>Total</b>	<b>132</b>	<b>100%</b>

The homes of most death inmates were constructed with wood (43.8 percent) or concrete (41.8 percent). Other homes were constructed with light material such as bamboo (7.5 percent) and grass (3.1 percent). 3.7 percent of the inmates did not indicate the material their homes were constructed with.

**Table 24. Housing Materials**

Housing Materials	Total	Percent
Concrete	372	41.8%
Wood	390	43.8%
Sawali/Bamboo	67	7.5%
Kogon/Talahib/Grass	28	3.1%
Not Indicated	33	3.7%
<b>Total</b>	<b>890</b>	<b>100%</b>

The roofs of the homes of death inmates were constructed mostly with metal or galvanized iron sheets (66.9 percent). The roofs of the homes of 16.7 percent of the inmates were made from the leaves of palm trees, while the roofs of the homes of 6.3 percent of the inmates were made from tall grass. 3.7 percent of the inmates did not indicate the roofing materials used in their homes.

**Table 25. Roofing Materials**

Roofing Materials	Total	Percent
Metal/GI Sheet	595	66.9%
Plastic Sheet	21	2.4%
Pawid/Nipa/Anahaw/Leaves of Palm Trees	149	16.7%
Talahib/Kogon/Grass	56	6.3%
Kawayan/Bamboo	26	2.9%
Cement/Concrete	10	1.1%
Not Indicated	33	3.7%
<b>Total</b>	<b>890</b>	<b>100%</b>

6.3 percent of the inmates said their homes did not have any bedrooms. 28.1 percent of the inmates said their homes had one bedroom. One third of the inmates (33.7 percent) said their homes had two bedrooms, while 13.7 percent of the inmates said their homes had three bedrooms. 9.1 percent of the inmates did not indicate the number of bedrooms in their homes.

**Table 26. Number of Bedrooms**

Number of Bedrooms	Total	Percent
None	56	6.3%
One	250	28.1%
Two	300	33.7%
Three	122	13.7%
Four	46	5.2%
Five	13	1.5%
Six Bedrooms and More	20	2.2%

Not Indicated	81	9.1%
Not Applicable - Boarding House/Employee Housing	2	0.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

Most (63.6 percent) of the inmates had one toilet-bathroom in their homes. 7.6 percent of the inmates said their homes did not have any toilet-bathroom. 5.7 percent of the inmates said their homes had two toilets-bathrooms. 21 percent of the inmates did not indicate the number of toilets-bathrooms in their homes.

**Table 27. Number of Bathrooms**

Number of Bathrooms	Total	Percent
None	68	7.6%
One	566	63.6%
Two	51	5.7%
Three and More	18	2.0%
Not Indicated	187	21.0%
<b>Total</b>	<b>890</b>	<b>100%</b>

The majority of the inmates do not have access to good sanitation facilities. Most of the inmates (62.6 percent) use the pail system in their toilets; only 12.9 percent of the inmates had access to the flush system. 16.9 percent buried their wastes, while 2.2 percent wrapped their wastes in newspapers and disposed of them. 5.4 percent of the inmates did not indicate the type of sanitation they use.

Lack of access to sanitation also provides information on the socio-economic standing of death inmates. Those without access to sanitation (e.g., those who bury or wrap their wastes and who have no toilet facilities in their homes) may be considered as belonging to the poorest of the poor.

**Table 28. Type of Sanitation**

Type of Sanitation	Total	Percent
Flush	115	12.9%
Pail	557	62.6%
Wrap/Newspaper	20	2.2%
Buried	150	16.9%
Not Indicated	48	5.4%
<b>Total</b>	<b>890</b>	<b>100%</b>

Slightly less than half of the inmates (41.7 percent) had access to running water in their homes. 44.9 percent accessed water from deep wells. 7.4 percent accessed water from streams, creeks or springs, while 4.2 percent purchased water. 15 inmates did not indicate their source of water.

Lack of access to water is another indicator of the socio-economic standing of the death inmates. Those who access water from streams, springs or who use rainwater, or who

purchase water, may be considered as belonging to the absolute poor in Philippine society.

**Table 29. Water Source**

<b>Water Source</b>	<b>Total</b>	<b>Percent</b>
Faucet	371	41.7%
Poso/Balon/Well	400	44.9%
Bukal/Batis/Stream/Spring	66	7.4%
Purchased Water	37	4.2%
Rainwater	1	0.1%
Not Indicated	15	1.7%
<b>Total</b>	<b>890</b>	<b>100%</b>

Almost two thirds of the inmates (69 percent) had access to electricity. Almost one third (29.1 percent) however, did not have any access to electricity. 17 inmates did not indicate the availability of electricity in their homes.

Lack of access to electricity is an indicator of rural poverty; the 29.1 percent of the death inmates without access to electricity are among the country's rural poor.

**Table 30. Availability of Electricity**

<b>Availability of Electricity</b>	<b>Total</b>	<b>Percent</b>
With Electricity	614	69.0%
Without Electricity	259	29.1%
Not Indicated	17	1.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 276 inmates without access to electricity, 81.9 percent used gas as their source of light and energy. 7.2 percent of the inmates used wood. 21 inmates did not indicate their alternative source of light and energy.

**Table 31. Alternative Sources of Light and Energy**

<b>Alternative to Electricity</b>	<b>Total</b>	<b>Percent</b>
Gas	226	81.9%
Candle	5	1.8%
Wood	20	7.2%
Charcoal	4	1.4%
Not Indicated	21	7.6%
<b>Total</b>	<b>276</b>	<b>100%</b>

13.4 percent of the inmates do not own a single appliance; they may be considered among the lowest class of Philippine society. Also part of the lowest class are the 40 percent of the inmates who own between one to three types of appliances. 18.8 percent of the



inmates own between 4 to 7 types of appliances, indicating they most likely belong to the second lowest class of society. 9.4 percent of the inmates own between 8 to 14 types of appliances, indicating middle class status, while 5.2 percent of the inmates own between 15 and 34 types of appliances, indicating upper class status.

**Table 32. Ownership of Appliances**

<b>Ownership of Appliances</b>	<b>Total</b>	<b>Percent</b>
1-3 Appliances/Class E	356	40.0%
4-7 Appliances/Class D	167	18.8%
8-14 Appliances/Class C	84	9.4%
15-34 Appliances/Class AB	46	5.2%
None	118	13.3%
Not Indicated	119	13.4%
<b>Total</b>	<b>890</b>	<b>100%</b>

Most death inmates (57.8 percent) do not own any vehicles. 26.6 percent of the inmates own vehicles. 15.6 percent of the inmates did not indicate whether they owned any vehicles or not.

Lack of ownership of vehicles is again another indicator of the socio-economic standing of the death inmates. The majority of inmates who do not own vehicles may be considered as belonging to the lower classes of Philippine society.

**Table 33. Ownership of Vehicles**

<b>Ownership of Vehicles</b>	<b>Total</b>	<b>Percent</b>
With Vehicle	237	26.6%
Without Vehicle	514	57.8%
Not Indicated	139	15.6%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 376 inmates who own vehicles, or did not indicate whether they own vehicles or not, 48.9 percent own one vehicle. 9.3 percent own two vehicles. 36.4 percent of the inmates did not indicate the number of vehicles they own.

**Table 34. Number of Vehicles**

<b>Number of Vehicles</b>	<b>Total</b>	<b>Percent</b>
One	184	48.9%
Two	35	9.3%
Three	7	1.9%
Four	6	1.6%
Five and Above	7	1.9%
Not Indicated	137	36.4%
<b>Total</b>	<b>376</b>	<b>100%</b>

The most common vehicles owned by the death inmates are bicycle (owned by 19.9 percent of the inmates), tricycle (owned by 9.6 percent of the inmates), motorcycle (owned by 8 percent of the inmates), boat (owned by 7.7 percent of the inmates), car (owned by 7.4 percent of the inmates) and jeep (owned by 7.2 percent of the inmates). 36.2 percent of the inmates did not indicate the type of vehicle they own.

The kind of vehicles owned by death inmates is instructive. With the exception of cars and trucks, the other vehicles (bicycles, motorcycles, tricycles, etc.) are not very expensive, and may be accessed by those in the lower classes of society.

**Table 35. Type of Vehicles**

Type of Vehicles	Total	Percent
Car	28	7.4%
Jeep	27	7.2%
Tricycle	36	9.6%
Karitela/Horse Drawn Carriage	14	3.7%
Boat	29	7.7%
Motorcycle	30	8.0%
Bicycle	75	19.9%
Truck	1	0.3%
Not Indicated	136	36.2%
<b>Total</b>	<b>376</b>	<b>100%</b>

Most death inmates (75.1 percent) had no house helpers. 7.1 percent of the inmates had house helpers. 17.9 percent of the inmates did not indicate whether they had house help or not.

**Table 36. Availability of House Helpers**

Availability of Househelper	Total	Percent
With Househelper	63	7.1%
Without Househelper	668	75.1%
Not Indicated	159	17.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

Of the 222 death inmates with house helpers, or who did not indicate whether they had house help, 14.9 percent had one house helper. 5.9 percent of the inmates had two house helpers. 72.1 percent of the inmates did not indicate the number of house helpers they had.

**Table 37. Number of House Helpers**

Number of Househelpers	Total	Percent

One	33	14.9%
Two	13	5.9%
Three	2	0.9%
Four	5	2.3%
Five and above	9	4.1%
Not Indicated	160	72.1%
<b>Total</b>	<b>222</b>	<b>100%</b>

Of the 222 death inmates with house helpers, or who did not indicate whether they had house help, 21.2 percent said their house helpers were salaried, while 5.9 percent said their house helpers were not paid salaries. 73 percent did not indicate whether their house helpers were paid or not.

**Table 38. Paid House Help**

<b>Paid Househelp</b>	<b>Total</b>	<b>Percent</b>
Salaried Helper	47	21.2%
Helper Not Salaried	13	5.9%
Not Indicated	162	73.0%
<b>Total</b>	<b>222</b>	<b>100%</b>

Of the 47 death inmates who paid their house help, 29.8 percent paid their house helper between Peso 1001 and Peso 1500 a month. 21.3 percent of the death inmates paid their house helper between Peso 501 and Peso 1000 a month. 4 inmates did not indicate the amount of the salary of their house help.

**Table 39. Salary of House Help**

<b>Salary of House helpers</b>	<b>Total</b>	<b>Percent</b>
500 and below	3	6.4%
501-1000	10	21.3%
1001-1500	14	29.8%
1501-2000	5	10.6%
2001-2500	5	10.6%
2501 and above	6	12.8%
Not Indicated	4	8.5%
<b>Total</b>	<b>47</b>	<b>100%</b>

Of the 13 death inmates who did not compensate their house help, 5 said they provided free board and lodging in lieu of wages; while 5 said they supported the studies of their house helper. 3 inmates did not indicate what other compensation they provided to their house helpers.

**Table 40. Other Compensation of House Helpers**

<b>Other Compensation of Helpers</b>	<b>Total</b>	<b>Percent</b>
Free Board and Lodging	5	38.5%
Supporting Study	5	38.5%
Not Indicated	3	23.1%
<b>Total</b>	<b>13</b>	<b>100%</b>

## The Question of Whether the Death Penalty Deters Crime Still Unanswered

Whether the death penalty deters crime is a contentious and highly debated issue; the results of the survey indicate that this issue remains unsolved. A majority of the inmates admitted that they knew of the death penalty before they committed their offenses; this knowledge seems to indicate that the death penalty, by and of itself, is no deterrent to crime. Yet, more than half of the death inmates, while knowing about the death penalty, did not know that the crimes for which they were sentenced to death were subject to capital punishment. These contradictory findings do not help answer the issue of whether the death penalty deters crime.

What is clear is that those inmates who knew about the death penalty and who knew that their offenses were subject to the death penalty were simply not deterred by the death penalty.

*Awareness of Death Penalty.* More than half (60.1 percent) of the death inmates were aware that the death penalty was in force and in effect in the Philippines prior to the commission of their alleged crimes. A little over one third (36.7 percent) of the inmates did not know about the death penalty. 28 inmates did not indicate whether they were aware or unaware of the death penalty prior to the commission of their alleged offenses.

**Table 41. Prior Awareness of the Death Penalty**

Awareness of Death Penalty	Total	Percent
Aware	535	60.1%
Not Aware	327	36.7%
Not Indicated	28	3.1%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Awareness of Capital Offenses.* While most inmates were aware of the death penalty, more than half (57.1 percent) of them did not know that their alleged offenses were covered by the death penalty. One third (36.6 percent) of the inmates knew that their alleged offense was punishable by death. 56 inmates did not indicate whether they were aware that their alleged offense was punishable by death.

**Table 42. Awareness of Capital Offenses**

Awareness of Death Penalty Case	Total	Percent
Aware	326	36.6%
Not Aware	508	57.1%
Not Indicated	56	6.3%
<b>Total</b>	<b>890</b>	<b>100%</b>

## Majority of Death Offenses Involves Crimes against Persons

Fifty-two (52) offenses are now subject to the death penalty: thirty (30) are mandatory death offenses, while twenty two (22) are death eligible offenses.

The United Nations Human Rights Committee found 11 capital crimes to be a high number.<sup>1</sup> Yet the Philippines imposes the death penalty on 52 offenses—five times the number found to be “high” by international standards.

In addition, the International Tribunal for the former Yugoslavia, the International Tribunal for Rwanda, and the International Criminal Court cannot impose the death penalty for genocide and crimes against humanity.<sup>2</sup> If the death penalty cannot be imposed on heinous and offensive crimes such as genocide and crimes against humanity, the death penalty cannot—and should not—be imposed upon these 52 crimes.

Of the 52 death offenses, 15 (or 28.85 percent) are the offenses for which the country’s death inmates have been sentenced to death. No one has been sentenced to death for the 37 other crimes that are subject to the death penalty.<sup>3</sup>

*Crime.* The crimes of the death inmates can be classified into nine major offenses: murder, parricide, rape, kidnap, robbery, carnap, bribery, violation of the dangerous drugs law, and violation of Republic Act 7610 (“Special Protection of Children against Child Abuse, Exploitation and Discrimination Act”).

A little less than half (45.5 percent) of the inmates were sentenced to death for rape. One fifth (21.5 percent) of the inmates were sentenced to death for murder. 14.5 percent of inmates were sentenced to death for kidnap offenses. 11.3 percent were sentenced to death for robbery. 2.9 percent were sentenced to death for violating the dangerous drugs law. Less than one percent of inmates were sentenced to death for bribery (0.8 percent), parricide (0.8 percent), carnap (0.4 percent), and violation of RA 7610 (0.1 percent). 2.1 percent of death inmates did not indicate their crime.

**Table 43. Crimes of Death Inmates**

Crime	Total	Percent
<b>MURDER</b> Murder	142	16.0%

<sup>1</sup> UN Doc. CCOR/c.sr.62, SEC 43 cited by W.A. Schabbas, The Abolition of the Death Penalty in International Law (1993).

<sup>2</sup> UN Security Council Resolutions Numbers 827 (1993) and 955 (1994).

<sup>3</sup> These include destructive arson; rape when the victim is under the custody of the police or military authorities or any law enforcement or penal institution; rape when committed in full view of spouse, parent, child, or relative within 3<sup>rd</sup> civil degree of consanguinity; rape when offender knows he is afflicted with HIV/AIDS; use of lands of public domain for cultivation of plants classified as dangerous drugs; financier of cultivation of plants as dangerous drugs in lands of public domain; planting of evidence in dangerous drugs cases; maintenance of den, dive or resort where dangerous or regulated drugs are sold, delivered or administered to minors; treason; qualified piracy; infanticide not committed by mother or maternal grandparents; illegal manufacture of prohibited drugs; unlawful prescription of dangerous drugs; misappropriation, mis-application or failure to account for seized or confiscated drugs or plant sources of dangerous drugs or instruments of the crime, by apprehending or arresting officer.

Murder w Illegal Poss of Firearms	1	0.1%
Murder and Attempted Parricide	2	0.2%
Murder and Frustrated Murder	6	0.7%
Murder w Frustrated Murder & Homicide	1	0.1%
Murder with Robbery	1	0.1%
Murder, Robbery with Homicide	1	0.1%
Murder, Robbery with Rape	1	0.1%
Murder w Multiple Attempted Murder	2	0.2%
Murder, Frustrated Murder, Attempted Murder	1	0.1%
Murder, Attempted Kidnap, Rob in Band, KFR	1	0.1%
Double Murder	12	1.3%
Double Murder and Homicide with Rape	1	0.1%
Double Murder w Frustrated Murder	2	0.2%
Multiple Murder	10	1.1%
Multiple Murder w Frustrated Murder	4	0.4%
Multiple Murder and Robbery w Homicide	2	0.2%
Multiple Murder, Carnap, Robbery with Rape	1	0.1%
<b>Sub-Total, Murder</b>	<b>191</b>	<b>21.5%</b>
<b>PARRICIDE</b>		
Parricide	5	0.6%
Parricide and Murder	2	0.2%
<b>Sub-Total, Parricide</b>	<b>7</b>	<b>0.8%</b>

<b>Crime</b>	<b>Total</b>	<b>Percent</b>
<b>RAPE</b>		
Rape	289	32.5%
Rape, Acts of Lasciviousness	1	0.1%
Rape and Physical Injury	1	0.1%
Rape and Attempted Rape	1	0.1%
Rape, Attempted Rape, Statutory Rape	1	0.1%
Multiple Rape	2	0.2%
Qualified Rape	42	4.7%
Statutory Rape	10	1.1%

Attempted Rape	3	0.3%
Attempted Rape w Homicide	1	0.1%
Rape with Homicide	50	5.6%
Rape with Homicide, Murder & Frustr Mur	2	0.2%
Rape with Frustrated Homicide	1	0.1%
Rape with Multiple Murder	1	0.1%
<b>Sub-Total, Rape</b>	<b>405</b>	<b>45.5%</b>
<b>KIDNAP</b>		
Kidnap	15	1.7%
Kidnap withh Murder	1	0.1%
Kidnap with Serious Illegal Detention	2	0.2%
Kidnap w Serious Ill Det, Rape & Murder	2	0.2%
Kidnap with Rape	2	0.2%
Kidnap with Homicide	2	0.2%
Kidnap with Homicide, Carnap	1	0.1%
Kidnap with Frustrated Murder	1	0.1%
Kidnap, Carnap	2	0.2%
Kidnap with Carnap, Homicide, Illegal Explosives	1	0.1%
Kidnap for Ransom	89	10.0%
Kidnap for Ransom with Murder	2	0.2%
Kidnap for Ransom with Homicide	2	0.2%
Kidnap for Ransom w Double Homicide	3	0.3%
Kidnap for Ransom with Carnap	2	0.2%
Kidnap for Ransom, Murder with Robbery in Band	1	0.1%
Kidnap for Ransom, Robbery & Illegal Poss of FA	1	0.1%
<b>Sub-Total, Kidnap</b>	<b>129</b>	<b>14.5%</b>

<b>Crime</b>	<b>Total</b>	<b>Percent</b>
<b>ROBBERY</b>		
Robbery	2	0.2%
Robbery, Rape with Homicide	1	0.1%
Robbery, Rape and Robbery, Physical Injury	1	0.1%
Robbery with Homicide	66	7.4%
Robbery with Double Homicide	4	0.4%
Robbery with Homicide, Carnap	1	0.1%
Robbery with Multiple Homicide	1	0.1%
Robbery w Hom and Multiple Murder	3	0.3%
Robbery with Rape	14	1.6%
Robbery with Hold Up and Rape	1	0.1%



Robbery with Murder	5	0.6%
Robbery with Multiple Murder	1	0.1%
Robbery in Band with Homicide	1	0.1%
<b>Sub-Total, Robbery</b>	<b>101</b>	<b>11.3%</b>
<b>CARNAP</b>		
Carnap with Homicide	3	0.3%
Carnap and Rape	1	0.1%
<b>Sub-Total, Carnap</b>	<b>4</b>	<b>0.4%</b>
<b>BRIBERY</b>		
Bribery	1	0.1%
Qualified Bribery, Graft and Corrupt Prac	6	0.7%
<b>Sub-Total, Bribery</b>	<b>7</b>	<b>0.8%</b>
<b>VIOLATION OF DANGEROUS DRUGS LAWS</b>		
Violation of RA 9165 (Drugs)	8	0.9%
Violation of RA 6425 (Drugs)	18	2.0%
<b>Sub-Total, Violation of Dangerous Drugs Laws</b>	<b>26</b>	<b>2.9%</b>
<b>Violation of RA 7610</b>	<b>1</b>	<b>0.1%</b>
<b>Not Indicated</b>	<b>19</b>	<b>2.1%</b>
<b>Total</b>	<b>890</b>	<b>100.0%</b>

*Counts of Crime.* Most (67.5 percent) death inmates were tried and sentenced for one count of their crime. 12.6 percent of inmates were tried and sentenced for two counts of their crimes. 10.3 percent of inmates did not indicate how many counts of their crime they were tried and sentenced for.

**Table 44. Counts of Crimes of Death Inmates**

Counts of Crime	Total	Percent
One	601	67.5%
Two	112	12.6%
Three	35	3.9%
Four	12	1.3%
Five	15	1.7%
Six to Ten	15	1.7%
Eleven and Over	7	0.8%
Not Indicated	93	10.4%
<b>Total</b>	<b>890</b>	<b>100.0%</b>

## Death Row Represents Maladies of the Philippine Criminal Justice System

A fair criminal justice system is essential in capital cases. Yet in the Philippines, the criminal justice system is fraught with defects: faulty police work, coerced confessions, prosecutorial misconduct, inept defense counsel, mistaken or perjured testimony, and trial court decisions based on seemingly conclusive evidence. These flaws are reflected in the country's judicial error rate of **71.77 percent**, recognized by the Philippine Supreme Court in *People v. Mateo*, GR No. 147678-87 (7 July 2004).

The conduct of crime investigations in the Philippines leaves much to be desired. According to the Investigative Manual of the Philippine National Police, police investigators should rely on the following evidence, in order of importance: confessions, eyewitness testimony, circumstantial evidence, and associate evidence.<sup>4</sup> As a result, in practice, the police tend to focus on a suspect and then gather evidence to incriminate him/her. A suspect's alibi is rarely, if ever, verified by the police to exclude the suspect as the perpetrator of a crime. In fact, according to the Investigative Manual of the Philippine National Police, only in homicide cases are investigators specifically instructed to verify a suspect's alibi.<sup>5</sup>

In many capital cases, the Supreme Court found police irregularities attended the investigations of capital crimes. These irregularities include, among others, the use of shortcuts, and planted and recycled evidence against an accused in a capital case. In *People v. Sapal*, GR No. 124526 (17 March 2000) the Court held: "The practice of planting evidence for extortion or as a means to compel one to divulge information or merely to harass witnesses is not uncommon."

In other instances, convictions in capital crimes have been traced to incompetent counsel—lawyers without substantial years of litigation experience in the field of criminal defense, lawyers unfamiliar with the ethics, practice and rules of criminal procedure, lawyers inexperienced in the use and presentation of expert witnesses and evidence, and lawyers inexperienced in death penalty trials and appeals.

The flaws in the Philippine criminal justice system are reflected in the survey findings.

Most death inmates (73.9 percent) were arrested **without** warrants; a significant number (27.6 percent) were merely "invited" for questioning, without realizing that the "invitation" extended by the police served as an arrest. More importantly, most (78.3 percent) inmates were not informed of their constitutional rights at the time they were arrested.

Even worse, most inmates (90 percent) were not assisted by counsel during police investigation, questioning and interrogation. The absence of counsel could, perhaps, explain why 13.5 percent of the inmates claimed they were forced to confess to their crimes, and 45.1 percent of the inmates claimed the police tortured them.

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<sup>4</sup> PNP Investigative Manual, page 2.

<sup>5</sup> PNP Investigative Manual, page 176.

For the very small number of inmates who were assisted by counsel during police investigation, questioning and interrogation (only 43 of 890 inmates), or did not indicate whether their lawyer was present during police investigation, 12.1 percent of the inmates said the police provided them with lawyers.

During trial, more than half (59 percent) of the inmates were represented by lawyers from the Public Attorneys Office (PAO). The choice of trial attorney was largely a decision of the inmate him/herself or his/her family (42.7 percent of inmates). More than half (57.6 percent) of the inmates did not pay for the services of their trial lawyer. One third (31.3 percent) of the inmates said their trial attorneys were middle aged (between the ages of 35 and 44); but most inmates (87.5 percent) could not say how long their attorneys had been engaged in the practice of law.

What is alarming is the poor quality of professional legal representation the death inmates received at trial, as indicated by the number of lawyer-client consultations held. Lawyer-client consultations are essential for these provide the attorney with the opportunity not only to gather factual circumstances and other information needed to adequately prepare for trial, including presenting witnesses and evidence on the accused’s behalf, but also the information necessary to confront witnesses against the accused, on cross examination. Without competent and professional attorneys defending the accused, the fairness of capital trials is put into question.

A significant number of inmates (27.5 percent) said they **never** had a consultation with their trial lawyer, or had **only one** consultation with their attorney. One fourth (24.9 percent) of the inmates said they had between 2 to 5 consultations with their trial lawyer. Another one fourth (23.5 percent) of the inmates said they had consultations with their trial lawyer at every hearing or had many consultations with their trial lawyer.

The Public Attorneys Office represents 45.1 percent of the inmates in their appeals before the Court of Appeals and Supreme Court. Appellate lawyers are chosen by the inmates’ family (19.8 percent of inmates) or were provided by the Court (12 percent of inmates).

## Arrest

*Circumstances of Arrest.* Almost half (49.9 percent) of the death inmates were arrested by elements of the Philippine National Police. One fourth (27.6 percent) were technically not arrested, but invited by elements of the Philippine National Police for questioning; however they later found out that the “invitation” was an arrest. 10.3 percent of the inmates voluntarily surrendered to the police. 2.8 percent of the inmates did not indicate the circumstances surrounding their arrest.

**Table 45. Circumstances of Arrest**

Circumstances of Arrest	Total	Percent
Arrested by Police	444	49.9%
Arrested by NBI	1	0.1%
Arrested by Barangay Tanod	1	0.1%
Voluntarily Surrendered to Police	92	10.3%

Voluntarily Surrendered to Judge	1	0.1%
Made to Surrender	12	1.3%
Surrendered by Relatives/Employer/Co-Accused	6	0.7%
Raided/Subjected to SONA	34	3.8%
Invited by Police but not Arrested	246	27.6%
Invited by Barangay Captain then Arrested by Police	13	1.5%
Citizen's Arrest	15	1.7%
Not Indicated	25	2.8%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Warrant of Arrest.* Most (79.3 percent) of the inmates were not shown warrants of arrest at the time they were arrested. Only 13.1 percent of the inmates were shown warrants for their arrest.

**Table 46. Presentation of Warrants of Arrest**

Warrant of Arrest	Total	Percent
Warrant Shown	117	13.1%
No Warrant Shown	706	79.3%
Not Indicated	67	7.5%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Requirement to Inform Inmates of Constitutional Rights upon Arrest.* Law enforcers are required to apprise all arrestees of their constitutional rights at the time of arrest. However, most (78.3 percent) of the inmates said they were not informed of their constitutional rights at the time they were arrested. Only 13.4 percent of the inmates were informed of their constitutional rights upon their arrest.

**Table 47. Inmates who were Apprised of their Constitutional Rights**

Constitutional Rights	Total	Percent
Apprised of Constitutional Rights	119	13.4%
Not Apprised of Constitutional Rights	697	78.3%
Not Indicated	74	8.3%
<b>Total</b>	<b>890</b>	<b>100%</b>

## Investigation

*Confession.* The majority (75.1 percent) of the death inmates did not confess to the crime for which they were arrested, tried and sentenced to death. 6 percent voluntarily confessed while 13.5 percent said they were forced to confess. 5.5 percent of the inmates did not indicate whether or not they confessed to the crime for which they were charged.

**Table 48. Confessions**

Confession	Total	Percent

Voluntarily Confessed	53	6.0%
Made to Confess	120	13.5%
Did Not Confess	668	75.1%
Not Indicated	49	5.5%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Presence of Counsel at Investigation.* During their investigation by law enforcers, 90 percent of the inmates did not have any legal representation; in fact, lawyers were not even present during police investigation, questioning and interrogation. Only 43 inmates said their lawyers were present during their investigation. 46 inmates did not indicate whether their lawyers were present at their investigation.

**Table 49. Presence of Counsel at Investigation**

<b>Presence of Counsel at Investigation</b>	<b>Total</b>	<b>Percent</b>
Counsel Present at Investigation	43	4.8%
No Counsel Present	801	90.0%
Not Indicated	46	5.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Choice of Counsel at Investigation.* Of the 107 inmates who said their lawyers were present at their investigation or did not indicate whether their lawyers were present or not, one fifth (19.6 percent) said the lawyer was chosen by the inmate's relatives or friends. 12.1 percent said they freely chose their lawyer; another 12.1 percent said the police chose their lawyer. 56 inmates did not indicate who chose the lawyer who was present at their investigation.

**Table 50. Choice of Counsel at Investigation**

<b>Choice of Counsel</b>	<b>Total</b>	<b>Percent</b>
Freely Chosen by Inmate	13	12.1%
Chosen by Inmate's Relatives/Friends	21	19.6%
Chosen by Police	13	12.1%
Given by Court	2	1.9%
Given by Fiscal	1	0.9%
Given by Iglesia ni Kristo	1	0.9%
Not Indicated	56	52.3%
<b>Total</b>	<b>107</b>	<b>100%</b>

## **Torture**

*Torture.* Half (50.8 percent) of the inmates said they were not tortured, but 45.1 percent of the inmates claimed they were. 37 inmates did not indicate whether they were tortured.

**Table 51. Incidence of Torture of Inmates**

Torture of Inmates	Total	Percent
Tortured	401	45.1%
Not Tortured	452	50.8%
Not Indicated	37	4.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Form of Torture.* Of the 438 inmates who claimed to have been tortured, 35.4 percent said they were beaten. 25.1 percent said they were threatened either verbally or with a gun. 24 inmates were electrocuted; 5 inmates were submerged in water; 29 inmates were pistol-whipped; 5 inmates were shot; 11 inmates were suffocated through the use of a plastic bag wrapped around their heads. One inmate was forced to masturbate. 96 inmates did not indicate the form of torture they endured.

**Table 52. Forms of Torture Endured by Inmates**

Form of Torture	Total	Percent
Beating	155	35.4%
Electric Shock	24	5.5%
Water Cure	5	1.1%
Telepono	1	0.2%
Threatened (Verbal) and with Gun	110	25.1%
Pistol Whipped	29	6.6%
Gun Shot	5	1.1%
Deprived of Food, Water, Kept in Bartolina	1	0.2%
Sufficated through Plastic Bag	11	2.5%
Forced to Masturbate	1	0.2%
Not Indicated	96	21.9%
<b>Total</b>	<b>438</b>	<b>100%</b>

## **Trial**

*Choice of Trial Lawyer.* The death inmates' trial lawyers were chosen by the inmate (13.1 percent) or the inmate's family (29.6 percent), or were given by the court (26.1 percent). 21.2 percent of the inmates did not indicate who chose their trial lawyer.

**Table 53. Choice of Trial Lawyer**

Choice of Trial Lawyer	Total	Percent
Chosen by Inmate	117	13.1%
Chosen by Inmate's Family	263	29.6%
Chosen by Inmate's Friends	28	3.1%
Chosen by Inmate's Co-Accused	37	4.2%
Given by Court	232	26.1%
Given by Police	4	0.4%

Given by Fiscal	4	0.4%
Given by PAO	4	0.4%
Given by Complainant	1	0.1%
Given by Human Rights	2	0.2%
Given by NGO	1	0.1%
Lawyer Volunteered	8	0.9%
Not Indicated	189	21.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Kind of Trial Lawyer.* More than half (59 percent) of the death inmates were represented by lawyers from the Public Attorneys Office during their trial. Private attorneys represented 36.4 percent of the inmates. 36 inmates did not indicate who represented them at their trials.

**Table 54. Kind of Trial Lawyer**

Kind of Trial Lawyer	Total	Percent
Private	324	36.4%
PAO	525	59.0%
Private and PAO	1	0.1%
IBP	4	0.4%
Not Indicated	36	4.0%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Compensation of Trial Lawyer.* 57.6 percent of the inmates did not pay for the services of their trial lawyer. 35.4 percent of the inmates paid for the services of their trial lawyer. One inmate gave money for expenses, while 61 inmates did not indicate whether their trial lawyers were compensated.

**Table 55. Compensation of Trial Lawyer**

Compensation of Trial Lawyer	Total	Percent
Compensated	315	35.4%
Gives Money for Expenses and Merienda	1	0.1%
Not Compensated	513	57.6%
Not Indicated	61	6.9%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Source of Compensation of Trial Lawyer.* Of the 380 inmates who paid for the services of their trial lawyer, 64.7 percent said their family paid for the services of the trial attorney. 7.1 percent of the inmates paid for the services of their trial lawyers themselves. 5.8 percent of the inmates said their co-accused paid for the services of their trial lawyer. 17.6 percent did not indicate who paid for the services of their trial lawyers.

**Table 56. Source of Compensation of Trial Lawyer**

Source of Compensation of Trial Lawyer	Total	Percent

Inmate	27	7.1%
Inmate's Family	246	64.7%
Inmate's Friends	12	3.2%
Inmate's Co-Accused	22	5.8%
Court	6	1.6%
Not Indicated	67	17.6%
<b>Total</b>	<b>380</b>	<b>100%</b>

*Age of Trial Lawyer.* The age of a trial lawyer indicates how long s/he has engaged in the practice of law, and thus provides some information on the quality of legal representation. The younger the trial lawyer, the less experience s/he has.

Inmates estimated the ages of their trial lawyers. 15.8 percent of the inmates said their trial lawyer was between the ages of 35 and 39; 15.5 percent said their trial lawyer was between the ages of 40 and 44. These findings seem to indicate that the trial lawyers who represented a large number of inmates had between 15 to 25 years of law practice. What is not clear, however, is whether the trial lawyers actively engaged in criminal law practice for most of their professional lives.

**Table 57. Age of Trial Lawyer**

<b>Age of Trial Lawyer</b>	<b>Total</b>	<b>Percent</b>
25-29 Years	15	1.7%
30-34 Years	58	6.5%
35-39 Years	141	15.8%
40-44 Years	138	15.5%
45-49 Years	130	14.6%
50-54 Years	126	14.2%
55-59 Years	93	10.4%
60-64 Years	69	7.8%
65-69 Years	28	3.1%
70 and Over	14	1.6%
Not Indicated	78	8.8%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Trial Lawyer's Years of Experience.* The number of years a trial lawyer has practiced law impacts on the kind of representation s/he may provide. The longer the trial lawyer has been practicing, the greater trial experience s/he may have gained. With greater trial experience, the trial lawyer is better able to render effective and professional legal services.

Unfortunately, most (87.5 percent) of the inmates did not know how long their trial lawyer had been practicing law at the time s/he represented them. Of the 111 inmates who provided the years of experience of their trial lawyer, a little less than one-third (27 percent) said their trial lawyer had more than 20 years of experience. 19.8 percent of the



inmates said their trial lawyer had been practicing law for between 7 to 10 years. 18 percent said their trial lawyer had been practicing law for between 16 to 20 years. 11.7 percent said their trial lawyer had between 11 to 15 years of trial experience. 10.8 percent said their trial lawyer had been practicing for between 4 to 6 years while 9.9 percent said their trial lawyer had been practicing for between 1 to 3 years. 3 inmates said their trial lawyer had less than one year's practice.

**Table 58. Years of Experience of Trial Lawyer**

<b>Trial Lawyers' Years of Experience</b>	<b>Total</b>	<b>Percent</b>
Less than 1 Year	3	0.3%
1-3 Years	11	1.2%
4-6 Years	12	1.3%
7-10 Years	22	2.5%
11-15 Years	13	1.5%
16-20 Years	20	2.2%
More than 20 Years	30	3.4%
Not Indicated	779	87.5%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Number of Consultations.* Consultations between trial lawyers and their clients are important; through consultations, lawyers are better informed of the circumstances and nuances of the case. This information, as well as evidence against the accused, forms the basis for the lawyer to formulate the theory of the case, identify witnesses and evidence to defend their client, and prepare to cross-examine witnesses—and controvert evidence—against their client. Consultations also provide the inmate with the opportunity to actively participate in their own defense, and to be informed of the status of the charges against them. Consultations are thus necessary to ensure that the death inmate receives the best possible legal defense.

Shockingly, 10.2 percent of the death inmates said they **never** had a consultation with their trial lawyer. 16.9 percent said they had **only one** consultation. One fourth (24.9 percent) of the inmates said they had between 2 to 5 consultations with their trial lawyer. 13.3 percent of the inmates said they had consultations with their trial lawyer at every hearing, while 10.2 percent said they had many consultations with their trial lawyer. 14.3 percent of the inmates did not indicate the number of consultations, if any, they had with their trial lawyer.

**Table 59. Number of Consultations between Trial Lawyer and Death Inmate**

<b>Number of Consultations</b>	<b>Total</b>	<b>Percent</b>
Never	91	10.2%
Once	150	16.9%
2-5 Times	222	24.9%
More than 6 Times	19	2.1%
Every Hearing	118	13.3%
Regularly	33	3.7%
Several Times	39	4.4%
Many Times	91	10.2%

Not Indicated	127	14.3%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Length of Trial.* The length of trial of death inmates varies. Over one fourth (27.2 percent) of the inmates said their trials lasted between 1 to 2 years. 18.5 percent of the inmates said their trials lasted between 2 to 3 years. 13.8 percent of the inmates said their trials lasted between 3 to 4 years, while 10 percent of the inmates said their trials lasted between 4 to 5 years. 64 inmates did not indicate how long their trials lasted.

More significantly, 30 inmates said their trials lasted only between 1 to 3 months—a suspiciously short period for a trial in the Philippines. 34 inmates said their trials lasted between 4 to 6 months; 32 inmates said their trials lasted between 7 to 9 months.

**Table 60. Length of Trial of Death Inmates**

Length of Trial	Total	Percent
1-3 Months	30	3.4%
4-6 Months	34	3.8%
7-9 Months	32	3.6%
10-12 Months	32	3.6%
1-2 Years	242	27.2%
2-3 Years	165	18.5%
3-4 Years	123	13.8%
4-5 Years	89	10.0%
5-7 Years	60	6.7%
More than 7 Years	19	2.1%
Not Indicated	64	7.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

## Appeal

*Choice of Appellate Lawyer.* Appellate lawyers were chosen by the inmates' family (19.8 percent of inmates), or were provided to the inmates by the Court (12 percent of inmates). 8.3 percent of the inmates chose their appellate lawyers. 49.6 percent of the inmates did not indicate who chose their appellate lawyer.

**Table 61. Choice of Appellate Lawyer**

Choice of Appellate Lawyer	Total	Percent
Chosen by Inmate	74	8.3%
Chosen by Inmate's Family	176	19.8%
Chosen by Inmate's Friends	12	1.3%
Chosen by Inmate's Co-Accused	16	1.8%
Given by Court	107	12.0%
Given by DOJ	52	5.8%
Given by Police	1	0.1%
Given by NGO	6	0.7%

Given by Lawyer in RTC	2	0.2%
Lawyer Volunteered	3	0.3%
Not Indicated	441	49.6%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Kind of Appellate Lawyer.* The Public Attorneys Office represents slightly less than half (45.1 percent) of the inmates in their appeals before the Court of Appeals and the Supreme Court. Private attorneys represent 21.5 percent of the inmates. **FLAG** represents 5.7 percent of the death inmates. The Integrated Bar of the Philippines represents three inmates. 27.4 percent of the inmates did not indicate who represents them in their appeals.

**Table 62. Kind of Appellate Lawyer**

Kind of Appellate Lawyer	Total	Percent
Private	191	21.5%
PAO	401	45.1%
FLAG	51	5.7%
IBP	3	0.3%
Not Indicated	244	27.4%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Compensation of Appellate Lawyer.* A little less than half (46.6 percent) of the inmates do not pay for the services of their appellate lawyers. 19.2 percent of the inmates do. 34 percent of the inmates did not indicate whether their appellate lawyers are compensated or not.

**Table 63. Compensation of Appellate Lawyer**

Compensation of Appellate Lawyer	Total	Percent
Compensated	171	19.2%
Not Compensated	415	46.6%
Not Indicated	304	34.2%
<b>Total</b>	<b>890</b>	<b>100%</b>

*Source of Compensation of Appellate Lawyer.* About one third (31.2 percent) of the inmates who compensate their appellate lawyers say their families shoulder the fees and other expenses of their lawyers. Most (64.5 percent), however, did not indicate who shoulders the compensation of the appellate lawyers.

**Table 64. Source of Compensation of Appellate Lawyer**

Source of Compensation of Appellate Lawyer	Total	Percent
Inmate	11	2.3%

Inmate's Family	148	31.2%
Inmates' Friends	2	0.4%
Inmate's Co-Accused	7	1.5%
Not Indicated	307	64.6%
<b>Total</b>	<b>475</b>	<b>100%</b>

**FLAG's** opposition to capital punishment is widely known. **FLAG** opposes the death penalty because:

- It has had no deterrent effect since its re-imposition in 1994.
- It violates fundamental constitutional rights and freedoms: it denies due process of law; it is inherently unfair and irrevocable; it violates equal protection of the law; it is barbaric, cruel and inhumane.
- It acts merely to incite public vengeance.
- It obscures the true causes of crime and detracts attention from social and other measures that effectively contribute to crime control and prevention.
- Through the death penalty, the Philippines shows itself to be an untrustworthy member of the international community, as it reneges on its international obligation to abolish capital punishment.

The survey validates **FLAG's** opposition to the death penalty. Survey findings show that the death penalty targets the poor of Philippine society. Survey findings show that the death penalty did not deter inmates who were aware of the death penalty and knew their crimes were punishable by it. Survey findings show that while an inordinately high number of offenses are punishable by death, the death penalty is imposed on 15 of the country's 52 death offenses. Survey findings highlight the defects in the Philippine criminal justice system, which render the death penalty inherently unfair and unjust.

**FLAG** once again calls for the immediate abolition of the death penalty.