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## **Capital Punishment in the Philippines**

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### **Introduction**

One of the striking features of post-Cold War Southeast Asia (SEA) is the prevalence of capital punishment in their justice systems. So pervasive is its use that Amnesty International has remarked that the region is riding "against the tide" towards abolition (Amnesty International Annual Report, 1997). In fact, of all the ten member states of the Association of South East Asian Nations (ASEAN), no country was willing to abandon capital punishment under the Second International Covenant on Civil and Political Rights' (ICCPR) Optional Protocol (Eldridge, 2002, p. 67). What's more, during the 1990s, the numbers of reported death sentences in SEA increased considerably, and underreporting remained a common practice, especially among countries run by a military government ([See Table 1](#)).[1]

Many experts have pointed to the presence of capital punishment in Asia as reflective of the distinctive Asian view of human rights (Tatsuo, 1999; An-Naim, 1999; Chan, 1999), which emphasizes punitive sanctions for transgressors and absolute authority by the state (Christie & Roy, 2001; Domikova-Hashimoto, 1996; Eldridge, 2002). However, discourse on capital punishment focusing on Southeast Asia remains limited to frequency studies and public opinion polls (Gallup International Millennium Survey, 2000; Simon & Blaskovich, 2002). Furthermore, discussions of the subject are largely framed or cited in reference to the nature of the death penalty in the United States and Europe (Hood, 2001; Zimring & Hawkins, 1986; Zimring, 2003). Surprisingly, the social and political influences of these laws are ignored for the most part. This gap in the literature causes many to question the popularity of capital punishment in Southeast Asian countries.

While an examination of the social and political currents of each country would perhaps be the best way to answer the question "Why is there strong support for capital punishment in Southeast Asia?", this paper will begin this effort by looking specifically at the Philippines, a society that has received more exposure to democratic tenets and human rights advocacy than other Southeast Asian countries (Blitz, 2000).

The post-Marcos administration wavered on human rights issues by initially abolishing the death penalty only to reinstate it six years later. Given the local abolitionists' fervor after twenty years of dictatorship, vacillation on the issue was surprising. To attempt to understand, one must consider both the political dynamics within the Philippine government as well as the influence of the media on public sentiment and perception of crime. Regarding the latter issue, a corollary to the overthrow of the Marcos authoritarian regime was the rise of freedom of the press in reporting human rights violations and other forms of abuse. Media reporting had engendered public frustration over the government's inability to reduce crime. To some extent these reports pushed the public to lobby for tougher anti-crime measures and seek the reinstatement of the ultimate punishment. The option to use capital punishment by the Philippine government was realized by executing seven individuals beginning the year 1999 until a temporary moratorium was enacted in 2001.

Understanding the content of the law on capital punishment may be crucial in explaining Philippine exceptionalism with respect to capital punishment but it cannot itself explain the various factors that influence its enactment. This paper suggests that the likelihood of the emergence of capital punishment in the Philippines can be better understood in the context of (1) the swing toward political conservatism, (2) the social timing, and (3) the impact of the populist movement that emerged after the Marcos overthrow. The rest of the article will compare the Philippines with the American model of capital punishment. This comparison will consider how factors such as state and prevailing social forces mutually transform the degree and directions of change in legislative policies, in particular the historical context and social structure.

## **Background of the Study: The Practice of Capital Punishment in the Philippines**

In the Philippines, the practice of capital punishment predates recorded history (See Chart 1), and only with the accession of Mrs. Corazon Aquino to presidential office, and the drafting of the new Constitution, was capital punishment abolished in 1987. The Aquino government was responsible for restoring various democratic institutions, including the Congress once regulated by Marcos. In 1993, the Philippine government under the Ramos administration reinstated capital punishment through the Republic Act (RA) 7659. The law argued that certain criminals deserve to die because of their horrendous acts; such crimes are considered so evil that killing the perpetrators is the only just way to deal with it. Accordingly, RA 7659 included thirteen classes of crime, but was later expanded to 46 capital offenses (Chan Robles [on-line], retrieved 2002).[2]

As of June 2002, the mandate was responsible in bringing 1,007 (including women, minors, and aged) inmates to death row at the New Bilibid Prison and the Correctional Institution for Women in Manila (FLAG 2002). The Free Legal Assistance Group (FLAG) estimated that the numbers were higher since inmates sentenced from the provincial prisons are still waiting to be transferred to the death row in the capital. FLAG further stated that the majority of the prisoners are poor and barely educated. Sixty percent of them earned less than the government mandated minimum wage prior to conviction. Eighty-six had had their death sentences confirmed, mostly for rape (crimes involving rape, rape of a minor,

incestuous rape, and other aggravated forms of the crime). The death penalty law allows two years and six months after the inmate's sentence is confirmed. The law maintains death only by lethal injection.

## Data and Methodological Concerns

While studies of lawmaking are intertwined with many factors in both modern punishment and sociology, my objective here is to explore the implicit meta-narratives that underlie the reinstatement of the Philippine death penalty. [3] Following Margaret Somers' (1998) method, this paper appropriates "historical narratives" that are based on a relational mechanism that generates causal explanations. Unlike the effort to invoke a "general theory" in research, Somers appropriated Kuhnian realism by privileging causal narratives (mechanisms) and pathway dependence instead of relying on general theories in investigating social phenomena (Somers, 1998, pp. 766-768). Somers pointed out that the success of any explanation resides in its accounting of the relational processes of interaction, between and among identities within the temporal process of the event. This meant, according to Somers, that research on certain social phenomenon must take into account the contextual conditions (such as motivations, information, and institutions) "under which maximization and rational calculation manifest themselves in pure form, under which they assume different forms, and under which they break down" (1988, p. 767).

Attempts therefore to understand the Philippine case of capital punishment depend on the "pathways of agential interactions" that result from past choices and temporally remote events that explain subsequent paths of its development. Earlier studies of Mann (1986), Skocpol (1979), Stichcome (1978), and Tilly (1984, 1990) have demonstrated that social phenomena are both empirically and historically accounted through causal explanation (the relational unit of interaction) that incorporated degrees of path dependency. Hence, as advocated by Somers, the absence of law-like generalization or theory does not prevent us from causal analysis; rather such historical solicitation explains the variation and relational linkages, and can best elucidate how and why capital punishment continues to exist in the Philippines.

Written accounts available from the timeframe before, during, and after the Death Penalty Act was reinstated in the Philippines (1986-1999) were reviewed for analysis. I gathered information for this study from 25 Philippine periodicals, journals, government and non-government organizations, and religious publications.

My data highlights two significant episodes of capital punishment history in the Philippines: first the reinstatement of the law in 1993, and second the execution of Leo Echagaray in 1999. These events became points of national contention regarding the practice and were a lightning rod for both supporters and opponents of the law.

There are several limitations of the study. One is the restricted access to the full records of the Philippine legislature. Therefore secondary materials, worldwide web postings, and other publications within the public sphere were utilized.

## Theoretical Consideration: Capital Punishment and State

Despite numerous investigations as to why capital punishment still exists in modern times, the

contention over its rationale remains unresolved. Neo-liberal thinking, since Beccaria's *Essays on Crime and Punishment* was published in 1764, ignited modern debates about the morality and efficacy of the practice (e.g. see debates on Baird & Rosenbaum, 1995). This preoccupation with capital punishment is hardly the result of a special attraction of many modern scholars to the relationship between punishment and the state (Bedau, 1997; Foucault, 1977; Garland, 1990; Hirsch, 1991; Kirchheimer, 1969; Mitchell and Lefton, 2000; Radelet and Borg, 2000; Rusche and Kirchheimer, 1968; and Torr and Egendorf, 2000). Social scientists drawing on Neo-Marxism have addressed this issue in discussing the role of the "law" and how the modern state became a significant player in enacting mandates, which serve as an apparatus to protect the interest of the capitalist class and to maintain their control over the "dangerous classes" (Chambliss, 1964, 1994; Lynch & Groves, 1986; MacLachlan, 1974; Vold, 1958; Vold & Bernard, 1986; and Vold, et al., 1998). Marxist theory states that the law cannot be understood solely on its content, but rather on the basis of its historically specific interrelationship with other non-penal aspects of social policies. As Quinney (1980) pointed out, the system of punishment is designed not just to control crime, but along with other institutions of capitalist state, to repress the people. Furthermore, it is argued that the laws on punishment in capitalist societies are organized around a series of bourgeois values and ideological conceptions that tie punishment to the logic of capitalist economic relations (Rusche and Kirchheimer, 1968). Marxist theory argues that the law is created by the state to appear that it is serving the interest of the whole society. It is intended to appear relatively autonomous from the dominion of the ruling class, and functions entirely against the interest of the elites. But in reality, its long-term tendencies are instrumental in giving the dominant class a larger role in the practice of state power to preserve their status quo (Garland, 1990, pp. 89-110).

Among Marxist thinkers, the law is viewed as both a form of ideological legitimation and also a political instrument of the bourgeois state to promote ruling class power. The work of Rusche and Kirchheimer (1968) suggests that the law on punishment is not only a social response to criminality, as advocated by Durkheim and Foucault, but is primarily a mechanism operating the struggle between social classes. Based on their account of the late Middle Ages and the middle of the twentieth century penal practices, they explain that choices of penal methods are determined by "the basic social relations" in every regime in history. They further argue that it is the labor market that influences the state's choice of penal methods. According to them, punitive penal policies are a kind of "coercive ancillary" to the labor market, ensuring that the poorer classes are unable to sustain a living by criminal means, and threatening severe penalties for those who are tempted to try. As noted, the widespread use of corporal and capital punishment is evident during periods when there is an ample supply of labor. Conversely, when labor threatens to exceed supply, the state becomes more cautious to dispense human lives since penal exploitation of labor is realized to be significant in the survival of the capitalist mode of production.

Aside from being an instrument of class domination, the law also operates as an ideological apparatus in reproducing cultural categories on which capitalist rule depends. According to Douglas Hay (1975), criminal law details the ways in which ruling class hegemony can be sustained by strategic use of discretion in criminal justice, careful management of symbols and ceremony, and the ideological appeal of a system that generally abides by its own legal ideals. The law reinforces the claims of the ruling elite exercised through punishment. It reproduces the forms and figures of class division as evident from the overrepresentation of the underclass in the criminal justice system. Foucault (1977), although not Marxist in interpretation, echoes that policies such as capital punishment exist as a symbolic display of state power influenced by governing authorities and the dominant group. He suggests that "the governing ideology does not necessarily operate by violence or repression but rather through the law" (Foucault, 1977, pp. 24-28, 257-292). The law legitimizes the claims of the ruling class and

sanctions the legitimacy of their authority through the honorific will of the underclass.

The theoretical trajectory established by variants of Marxist analysis thus contributes to our understanding of the relationship between state and the reinstatement of capital punishment in the Philippines. It is in this formulation that capital punishment represents not only a reaction to punish criminals but was a result emanating from macrohistorical and macrostructural conjectures.

## **Marcos Aftermath: Transition to Democracy**

The years after Marcos was removed by the 1986 People Power Revolution brought major transformations that were significant in producing varying approaches by the government in the application of capital punishment. First, the succeeding governments had to ensure that the political power would be brought back to the local government. This meant that the control of ruling elites in local and national administration would be replaced by giving credence to the highly active participation of a civil society.[4] The passing of the new constitution in 1987 was among the first symbolic victories for many advocates of human rights, since the new Bill of Rights addressed the basic issues significant in reestablishing democracy. Second, neo-liberal economic policies had been adapted to tear down "guarded" industries which had been monopolized by many of Marcos' cronies in order to create market conditions for economic competition and enhancement of traditional export earnings. To ensure public and business confidence, the government enacted several laws that would pave the way for the Medium Term Development Plan, as well as for the country's dream of industrialization by the end of the century. [5] Third, an amalgamation of political interests from peasant movements and the middle and upper classes of Philippine society had been strengthened by their ties to the same experiences under Marcos' machineries of subjugation. The former had always been viewed as a threat to the status quo while the latter, although having the means to resist, were resigned to living under Marcos, so long as their businesses were not affected.

## **Political Transitions**

The transition to democracy meant political reconditioning. The new government had to deal with huge political setbacks including management of old Marcos cronies who were still holding important economic and political seats (Lopez, 1998), military loyalty, and a \$ 27 billion (US dollar) deficit (Iyer, et. al, 1987). Because of this, Aquino appointed "liberal" representatives to her cabinet to oversee that the process of democratization would align to the visions of the new government.[6] Many of these liberal cabinet members were imprisoned by Marcos and had developed a deep sense of propriety to defend the present government from any threat to its security (Mangahas, 1999).

But one of the biggest barriers for the Aquino administration was the military. When Aquino sought peace negotiations for national reconciliation with the communist and Muslim insurgents, the loyalty of ultra conservative armed forces eroded. Dismayed by the "soft approach" of the new administration in dealing with insurgency, the Reformed Army Movement (RAM), the right wing military forces, led six unsuccessful military coups between the years of 1987-1989. Aquino was left with little option but to compromise her position by allowing the military to freely launch counterinsurgency measures, without military threats to the existence of the civilian government. The all-out campaign in the early 1990s against the communist rebels took off after the failure of almost one year of the peace negotiations with the National Democratic Front (NDF), the political body of the underground Left. The military campaign was also expanded in capturing and subjugating powerful Islamic militant groups, the Moro

## National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF).

The effect of military influence broadened the moral panic over "liberalism" in the new government and was exacerbated by associating the term with communism. It caused the purging of several of the cabinet ministers, perceived as being "liberal" who were vocal about human rights violations and were strong campaigners against the death penalty (Hutchcroft, 1996). Pressure from the military and conservative groups, for Aquino to eliminate these ministers from their respective government offices, had reduced the power of the government to deliver its pledges to protect human rights. Furthermore it empowered the militia to build their own defense against the communist rebels and their suspected allies.

When Fidel Ramos entered the presidency in 1992, the conditions to reinstate capital punishment had already gained general acceptance from the public. Ramos and his military allies had earlier spearheaded the passing of a bill to reinstate capital punishment. Being a decorated general himself, containment of insurgency and public order was Ramos' primary concern, and paved the way for his economic strategy to reopen the Philippine economy to international trade.[7] He vehemently insisted in his first State of the Nation address that the new Congress reinstate the death penalty as part of his grand master plan for development (Fookien Times Yearbook, 1993, p. 27). The yearning for speedy industrialization and the growing competition for foreign investment propelled Ramos to impose tougher criminal measures that would bolster public and business confidence, and entice local entrepreneurs and transnational corporate (TNC) investments. He specifically proposed the expansion of the death penalty bill to include economic crimes such as smuggling, illegal export of foreign currency, and bribery.

On December 3, 1993, RA 7659 was passed unanimously under Ramos' direction for the restoration of the death penalty for certain heinous crimes (Labog, 1993). The quick passing of this measure was partly a political move since a majority of those elected in the Congress were from Ramos' political party (i.e. Lakas NUCD-National Union of Christian Democrats). But the move to reinstate capital punishment was not passed without the support and lobbying of emerging political agents in the House of Congress.

## Reemergence of Political Agents

During the economic prosperity of the mid 1990s, there had been an expansion of the "middle class" (Pinches, 2000). Historically, the middle class had been influential in bringing into the mainstream acceptance for the various issues that had been under the heavy shadow of the Philippine class structure. Hounded by threats during the dictatorship, the middle and upper class learned that political transformation could only be ushered in by a new government and through their active participation in movements for social justice. This unique convergence had unleashed the opportunity for the country to improve the stability of democracy, and created the necessary conditions to embrace more "liberal" thoughts to address the many ills of the country.

Many of these so-called society "watchdogs" and active political agents came from the middle class.[8] These groups were split between the new liberals and conservatives. The liberals were mainly comprised of non- government organizations, academics and intellectuals, ethnic minorities, and marginalized populations. The conservatives, on the other hand, belonged to the business classes, professionals, and the military, that derived their power from their institutional positions. Most of the middle class were

well connected, well to do, and had easy access to media. They were the apparent forces wrestling to influence the majority of the population to support or dismiss the reinstatement of capital punishment. The shift in the economic base, with the reemergence of middle class, also shifted the power organizing and influencing the law making process. Often well educated, the middle class was politically sensitive to the many issues surrounding the government. They became the new political agents that had rigorously engaged within the debates about the death penalty.

A number of these political agents were of Chinese descent and held prestigious economic and political seats in the country. However, their economic status made them ideal prey for kidnap-for-ransom gangs that had beleaguered the capital city of Manila. In the beginning of 1993, reports of kidnappings and murder of individuals with Chinese Filipino background caught media attention and was carefully followed-up. The tragedies of kidnappings that befell the Chinese Filipino community incited a strong call for reformation in the criminal justice system. Frustrated over the government's inadequacies in providing protection for their economic enterprises and personal lives, Chinese civic organizations and other middle class-based anti-criminal groups strongly supported the Ramos campaign to restore capital punishment. The coalition of rich Chinese business owners and the Citizen's Action Against Crime (CAAC) were the two main lobbying bodies pressuring the government into taking serious action regarding the state of crime in the country. They staged a series of widely attended demonstrations and campaigned for public awareness of the state of crime in the Philippines (Alampay, 1993; Sarmiento, 1993; Flores & Agnote, 1993).

The vigilance of these lobbying groups also exposed many problems within the judicial system, and reports of judicial corruption became rampant in the media, but to no avail (Pacis, 1993, January 23, p. 4). [9] During 1993, a series of expose articles brought strong criticism highlighting numerous complaints of bribery and obstruction of justice by judges. This in effect instigated several resignations from the Lower and the Supreme Court (de Guzman 1993; Burgos, 1993). There were perceptions that the court worked in favor of the wealthy and the influential, while the poor and ill-educated were vulnerable to the vagaries of a system that they could not afford and did not understand.

The failure of the court to uphold a clean bill of corruption concerned many about how it could insulate itself from business and political interest. After the passing of the death penalty law, the judiciary system, despite its efforts to uphold justice based on reason, was under extreme pressure from the anti-crime groups to apply the law to any crime deemed punishable by death. As Gluckman observed:

In the Philippines the lower courts impose the death penalty. Critics say this procedure spawned a 'death rush' among justices eager to appease the public appetite for vengeance. Indeed, many prisoners went to jail in T-shirt emblazoned with the motto, "Guillotine Club." These were gifts from judges who ascended to the exclusive association by issuing a death decree (1994, p. 4).

The intense public support for the death penalty was instigated, in part, by the media portrayal of the state of crime in the country.

## **The Media**

The attention given by the media to crime was reported side by side with the discussions on reinstating capital punishment. To compare how media influenced public policy on punishment, Table II and III

provide a snapshot of media coverage on rape, murder, graft and corruptions, juxtaposed with coverage on capital punishment.

Table II: Media and periodical coverage on capital punishment by year (1988- 2001)

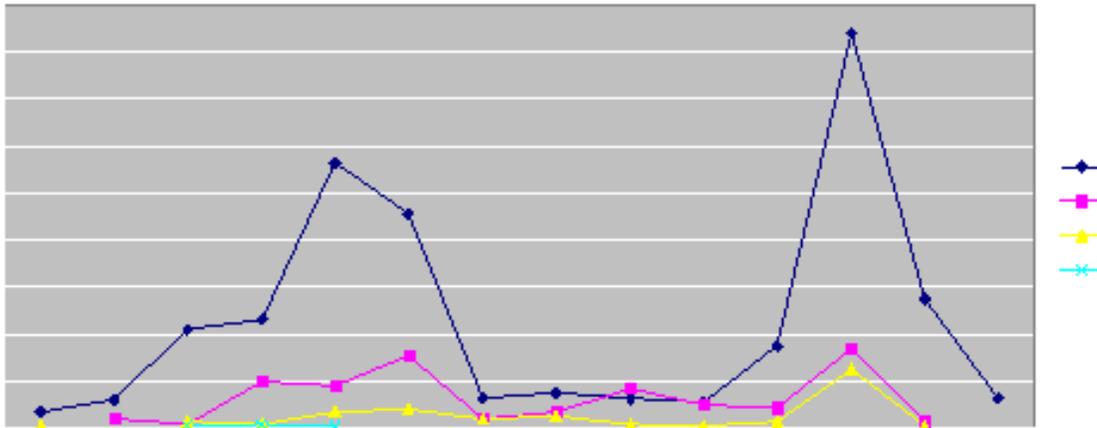
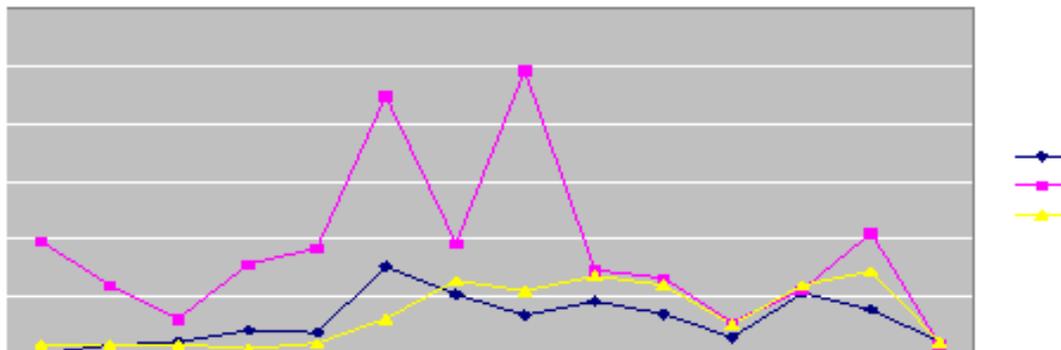


Table III: Number of media coverage on rape, murder, and graft and corruption by year (1988-2001)



## The Saliency of Crime

Since the new constitution assured legal security for the media to freely express their news and opinions, criminal reports became a staple for the sensationalist approach to news reporting. As Table III shows, the year 1993 was the apex of media coverage on rape and murder. The widespread reporting of the rape, murder, and kidnappings of children of rich Filipinos and Chinese-Filipinos meant that many questioned the ability of the Philippine National Police (PNP) to restore order and public safety (PDI, January 1, 1993, p. 1; February 17, 1993, p. 1). The vigilance of media reporters to follow crime reports exposed many illegal activities of local bureaucrats and police officers (PDI, 1993, January 13, p. 1).[10]

Months before the Congress voted for the reinstatement of capital punishment, editorial and opinion writers joined the Ramos administration in pressing lawmakers to make corruption and rape crimes as

principal offenses warranting execution.

## The Echagaray Case

In 1999, the first execution took place after the death penalty was reinstated in 1993. Leo Echagaray, a 35-year-old house painter, was executed for raping his 10 year-old step daughter (PDI, 1999, January 5, pp. 1, 12). The event surrounding Echagaray's execution highlighted a long-standing bifurcation of Philippine society over the practice of the death penalty. Because his execution was the first to take place in more than 1,000 death sentences, it was a symbolic act on the part of the government to prove to the public that they have the political will to abide with the law. The media was quick to pick the issue and placed wide attention both in televised public discussions and newspaper editorials, following the deliberation in court regarding Echagaray's fate (See Table II).

Despite heavy resistance to rescind Echagaray's death penalty from liberal groups and the Catholic Church, the following of death penalty supporters was so immense that one editorial quoted that the country was in a "hanging mood" (Gastardo-Conaco, 1999, January 17, p. 7). Public opinion about the matter weighed deeply against Echagaray. Television polls reported a 3 to 1 ratio of the sampled population in favor of his death (Cruz, 1999, January 6, p. 1), while 8 out of 10 Filipinos supported death for convicts of heinous crimes with rape as the most deserving of death, followed by kidnapping, murder, and drug trafficking (Pazzibugan, 1999, January 16, p. 14).

While there has been more attention given to pro-capital punishment supporters in the media, the anti-death penalty campaigns remained almost invisible to the mainstream media. The Catholic Church, human rights groups, women's groups, and many non-governmental organizations (NGOs) waged their cause within the boundaries of their influence, in their own parishes, the street, and the legislative assembly, through their relatively small demonstrations, fliers, and worldwide web postings. In fact, the Catholic Church and non-profit organizations chose a grass-roots approach for their campaign by mobilizing the urban poor, peasant groups, and industrial workers. However, the majority of the poor of the country lacked the necessary knowledge about the issue. They were completely dependent on the media as source of information and opinions. For the most part, they lacked the political will and the teeth to organize themselves for crises or issues that affected their interests. As observed, they were easily swayed by the pro-capital punishment campaigns whose presence in the media was largely portrayed as experts with authority. The initiatives created by members of NGOs had enlightened a small number of urban poor activists, whose sense of Echagaray's execution was a representation of the inequality existing in Philippine society.

Among the anti-death penalty groups, the Catholic Church received the most criticism from the other camp. This criticism was in part because the Church was the most aggressive and the most manipulative in swaying their members to support the rescinding of Echagaray's execution. But the Church's recent feud with the state over "family planning" had placed its influence in a precarious position for persuading its members and bringing the public to its side. More so, the media had magnified the long time question about the separation of the Church and the State in dealing with issues that concerned the public good (Lim Ubac, 1998: 5). In most cases, the Church had been satirized as too lenient on crime and for disregarding the suffering of the victims.

## Victim's narration

The narration of Echagaray's victim's story on television and in the newspapers, set the spark to a series of demonstrations that besieged the capital (Pazzibugan & Yamsuan, 1999, January 11, p. 2). In the past, rape cases had been underreported in the media. But in the five years before Echagaray's execution there had been an increase in reports on incestual rape or rape with murder (Zarco & Candaliza, 1995). Part of the reason for the increase was the emergence of women's rights movement in the past thirty years. As a result of this movement, more and more female lawmakers were elected to public office. In addition, more women's services had sprung up nationwide in accommodating women who fell victims to domestic violence and rape. However, most women's groups did not favor execution, but rather supported the rehabilitation of the perpetrators (SIBOL, 2001). Nevertheless, what made the Echagaray case unacceptable to the public was that he had violated his own stepdaughter.

Culturally, rape in the Philippines means a lifetime of shame for the victim. Most women would rather separate themselves from their reference group than live with the stigma of being a rape victim. Violation of one's "womanhood" is considered a violation of social expectations. In these circumstances, the role of capital punishment as vengeance comes to the foreground. To pursue execution meant a "closure" to all the tragedies of the victims. In the Philippines, financial compensation from the perpetrators or from the government is non-existent, so that many feel the only way to compensate for all their loss and feelings of injustice, is to execute the perpetrator.

Sympathizing with the grief of Echagaray's victim, a number of politicians and movie actors joined the growing movement to pursue the execution (Lim Ubac & Burgonio, 1999, January 12, p. A1). The sentiment against Echagaray also reverberated from major capital cities in the provinces and far-flung towns. The public cry for executions was not only felt as some schema for vengeance, but a demand to prove that the laws were upheld. Dante Jimenez of the Volunteers against Crime and Corruption (VACC) summed it up:

The protection of human rights is a two way thing. Echagaray had already exhausted all means to absolve himself. On the other side of the law, due process had been served to him. But on the part of the victim, justice is still awaiting to be served. The public is yet to witness a real execution. We cannot say that the death penalty is not a deterrent to crimes (Lubac, 1999, January 1, p. 6).

## **Media Politics**

Conservative points of view dominated the mainstream media on Echagaray's execution, and liberal expressions of opinion were usually met with resistance from the public as being too soft on criminals. The upsurge of conservative news and opinions can be attributed to the financial ownership and structure of the media, at least in the newspapers.

After the People Power Revolution in 1986, ownership of the more than 20 newspaper agencies was by private groups (Dornilla, 1990, p. 94). Though stock ownership was diffused, it was most unlikely for newspaper agencies to take a leftist position, because given the existing political climate, publishing too liberal a position could be financially devastating. Motivated by the need to catch up from their financial losses, newspaper agencies were highly competitive in bidding for advertising from relatively few companies, businesses, and the state, making them susceptible to the maneuvering of the market situation by investors, the government and even the military. This overshadowed the role of the media to deal with the reality of the social conditions affecting crime and punishment in the country.

The most striking aspect of media politics, however, was that owners and publishers of these newspaper agencies were with Aquino during her campaign against Marcos. Some of them had experienced imprisonment, torture, seizure of properties, and exile for criticizing the Marcos government. Although owned by big family businesses with strong ties to the local political oligarchy, these agencies had no guarantee of their safety under martial rule. In fact, many of them had been bullied by Marcos' cronies and were manipulated to conform with Marcos' alleged corrupt activities.[11] Their common experiences under the martial law led many of these owners to support and protect the new government. Media ownership developed a strong commitment to uphold the endeavors of the new government, despite the fact that policies and practices against human rights violations and abuses began to arise elsewhere in the government. In hindsight, the resurgence of the media's privileges to exercise and practice their business with the new government shielding them, resulted in an exclusionary practice of the media refusing to report news and opinions that were perceived to be too radical.

As a result, discussion of crimes in the Philippines focused on sensational cases and on how to punish criminal activities rather than adequately articulating the conditions that led to such actions. In essence, the public was more informed about the immensity of the criminal problem that plagued the country, yet the media did not convey the point of view of the poor, where most of these crimes occurred.

## **State and Social forces**

Until now, the historical and political experience, the social timing, and the active participation of political agents have not been combined to provide an explanatory sociological picture in which capital punishment can be understood. A comparison with the United States is potentially fruitful and instructive to understand the presence of capital punishment in the Philippines since both countries share the same democratic legacy.

The United States is one of the few remaining developed countries in the world that still practices the death penalty.[12] Capital punishment research in the United States has largely focused on its deterrent effects for would-be criminals (Bailey & Peterson, 1997; Bohm, 1999; Hood, 1996, pp. 180-212), race and other determinants of death sentences (Baldus & Woodworth 1998; Keil & Vito, 1995, Radelet & Pierce 1991, Radelet & Zsembik 1993), its economic implications and consequences (Bohn, 1998; Dieter, 1997), the fairness of the practice (Bowers et al, 1998; Givelber, 1997; Gross, 1996; Huff et al, 1996; Leo & Ofshe, 1998), and public opinion polls with respect to retribution (Borg & Radelet, 1999; Cabana, 1996; Denno, 1997; van de Haag, 1997). The example of capital punishment in the United States is a by-product of various political and social indices. The state structure and different political agendas on the application of capital punishment are not solely confined to present political structures, but also by historical, religious and economic rationales. As Banner (2002) puts it, the contention over capital punishment in the United States is "an emotionally charged political issue administered within a legal framework so unworkable that it satisfied no one" (2002, p. 310).

## **Political Culture**

Like the United States, support for capital punishment in the Philippines is diverse. The divergence of the Philippines' stance on the morality of capital punishment is largely a manifestation of the contention between conservative and liberal political strategies. As Garland pointed out, "In such a context, and

with the need to appeal to a range of different audiences, at one and the same time it is no surprise to find that penalty displays a range of rhetorical identifications and a mosaic of symbolic forms" (p. 275).

In the United States, conservatives believe that criminals commit crimes with rational intent and therefore deserve to be punished (Burnham 1970, Lacey 1990, Thorne 1990). This claim supports the logic of deterrence that capital punishment will remedy lawless behavior (Thorne 1990). Liberals, on the other hand, are more skeptical of harsher punishment and prefer social reform as the most effective and just remedy for lawlessness (Garland 2001, Thorne 1990). Despite zealous advocacy of human rights at the national level to abolish capital punishment, American politics are often susceptible to popular influences. One important feature of this is the exploitation of populist sentiment by political candidates through the use of controversial issues in political campaigns in order to entice votes from single-issue voters (Bohm, 1991). Elected officials promote "tough on crime" initiatives because large segments of the public view courts and the legislature as "soft on crime." Furthermore, politicians use political partisanship to enhance their parochial interests. Republicans, for example, can win elections by appealing to the middle class and the working class voters who do not benefit from Republican economic policies (Blank and Blinder 1986; Hibbs 1987), if they would emphasize for issues such as law and order (Beckett 1997, Edsal and Edsal 1991). The Democrat's "soft on crime" approach had earned many Republican votes by appealing to less affluent voters who are more likely to be victims of crime, or living in areas in which violent crimes are likely to occur. The populist political structure of the US has allowed the support of capital punishment to be converted into public policies. These policies are then transferred to the criminal justice system where the influences may not be only legislative, but also prosecutorial in charging decisions, and judicial in the conducting of criminal trials and rendering of verdicts and sentences. The different beliefs and cultural values in the United States had furthered the political and ideological clash when certain states demands for self- determination from the federal government in handling criminals (Zimring, 2003; Zimring and Hawkins, 1996).

A motivating factor for US support of punitive punishments is the nature of American "federalism," which empowers individual states to have their own criminal policies. After the *Furman v. Georgia* case (408 US 238), many state legislatures have resented the interference of the Federal government and the Supreme Court in barring capital punishment as "unconstitutional" (Zimring and Hawkins, 1986). Thirty-eight states at present have retained capital punishment. Fourteen of these states, including the state of California, Texas, Florida, Pennsylvania, and North Carolina accounted for 3,593 executions to date (Bureau of Justice Statistics, 2001). The states that use capital punishment are largely in the South. As Banner (2002) pointed out, the long history of racial tension and inequality in the South resulting from the institution of slavery had embedded punitive traditions that promoted sanction to discourage would-be criminals.

In the Philippines, studies of ideological disparity are almost non- existent but conservatism is apparently the dominant thrust in many of its public policies regarding crime. Philippine conservatism cannot be conceived independently, as it was clustered with the events during the redemocratization process in the mid 1980s. Among these events are the efforts for economic recovery and political stability. In an attempt to respond to the economic downturn, the Aquino and Ramos administrations had to embrace a more globalist approach and enacted more punitive sanctions for criminals to ensure business confidence, national security, and public safety.

The creation of conservative politics in the government was strengthened by the role that the media played in legitimizing the claims of the government. Even with resistance from the Catholic Church and

other NGOs, the effort to dissuade the public from harsh and inhumane treatment of criminals has proven futile. The conflict between the State, Catholic Church, and non-government organizations' grass-roots approach of campaigning for less punitive sanctions, were not successful in influencing public opinion or public policy.

## Social Timing

Why a different configuration of criminal problems in United States and the Philippines should have yielded similar rates of support on the issue is still somewhat unclear. The social timing of how these two countries embraced capital punishment has two facets. The first relates to the macrohistorical context of each country regarding their approaches to crime. The United States move towards capital punishment was driven by almost a half century of political commitment to impose "get tough" crime policies. Recent literature on the subject in the United States points to the presence of capital punishment as a symbol of the American campaign against the perceived increase of crime (Banner, 2002). The US policies on the "war against crime" have resulted in tougher and more punitive punishments despite evidence showing that violent crimes in America have been dropping since the 1990s (Blumstein and Wallman, 2000). Compared with other Western democracies, America's crime situation is no different. Nevertheless, policy differences regarding law and penalty were responsible for the dramatic increase in the prison population from 196,000 in 1972 to 1, 159,000 in 1997 (Tonry & Frase, 2001, p. 7; Mauer, 1999 p. 19). The Philippines, on the other hand, was marred primarily by the events surrounding the political transformations after the 1986 People Power Revolution. The Philippine government needed to revive the failing economy and to sustain the fragile political order of post-Marcos era. In principle, it forwarded the economic agenda at the expense of human rights.

The second facet relates to the construction of crime expressed in public opinion polls and media representation. Opinion polls also influence public perceptions sympathetic to the death penalty (Bohm, 1991; Radelet & Borg, 2000; Sarat, 2001). American electoral politics capitalizes on using these polls as strategies to pronounce the saliency of crime (Bohm, 1991; Garland 2001, p. 152-153). A number of experts have also articulated popular culture as a way of conveying conservative cultural politics (Bessler, 1997; Cabana, 1996). According to Sarat, by watching movies about capital punishment, audiences are offered a juridical role in looking at the particularities of a single case, but are distracted from a more "structuralist" account of the crime (Sarat, 2001, pp. 210- 245). Subtle representations of the media create an ideological sympathy for the victim, however Zimring (2003) notes that the "attempt to create an image of a modern method of putting people to death, and the many different ways that trials and executions have been portrayed as helping victims, are remarkable testimony to the importance of imagery in the political career of a penal policy."

The media at the onset of the political transformation in the Philippines coalesced itself with the government in combating opposition that opposed or challenged the stability of the new government. Like the United States, the Philippines' criminal problem became the government's top political agenda. The Philippine media, unlike the United States, has to exploit news that aligns itself with the political conservatism amidst the growing threats to the newly established democracy. With the influence of media, even the electoral politics, the justice system, and the institution of public safety used "wedge" issues (e.g. public order or crime) as a political strategy to earn the support of the public for the cause. The death penalty was seen as a necessary ingredient to achieve social order, and discourage opponents of the newly established government, and later to would be criminals that were deemed to have committed culturally taboo crimes (e.g. rape, incest). While it was obvious that the rationale for

reinstating capital punishment was deterrence, the public also accepted its as a form of cultural retribution. In the Philippines, the populist influence and control of the political agenda are largely driven by the mistrust of the high court, something that alarmed political agents and caused the media to place more accountability to judges on cases that were deemed to be socially insensitive. Hence, attempts made by the judiciary and anti-death groups to waive execution were met with vehement public pressure through demonstrations and threats to their personal lives.

## **Political Agents**

Unlike the United States, the Philippine political forces were just reemerging from their cocoon after a 20-year hiatus during the Marcos era. The power of political agents in the Philippines varies, yet the influence of lobbying for laws depends considerably on the relative power of the middle and upper class. The majority of those who support capital punishment hold significant political, social and economic capital. The rallies and demonstrations held by these groups were legitimized as voices speaking on behalf of all victims. With the sanction of the state, these political agents had raised the level of public awareness of the need for such sanctions, and later influenced the perceptions of the underclass of the Philippine society. Under these circumstances, the Philippine anti- death penalty agents were forced to concede when strong state-led directives linked with the public's appetite to enforce execution.[13] Not to mention, the information provided by the media was easily transformed into a dominant ideology, since it had adequate mechanisms to disseminate information that eventually caused strong action from vigilant political actors. However, the media's relationship with politics and how it mirrors conservative values exacerbated the moral panic on crime. Equally anomalous was the extent to which media owners aligned themselves with the state's agenda, and were cautious to not interfere with the larger focus of the government.

## **Conclusion**

This case study of the Philippines is an example of how modern punishment is created. Theoretically, the presence of capital punishment can be understood by the instrumental nature of the political state in protecting the capitalist class. Nevertheless, the Philippine experience shows a disaggregated view of the state in explaining the wavering support that evolved under various political administrations after Marcos. Such focus reveals that the post-Marcos government was not a state that was molded primarily by governing elites. Rather, the historic strength in bringing capital punishment back to law was based in large measure on the way the state preemptively organized societal interests, and the display of power by active agents who had the capacity and resources to influence the general public.

The capacity of political groups to influence the state is contingent on specific empirical conditions. The reorganization of the government towards democracy, the prospect of economic growth, the public clamor for more security and order, and the reintroduction of a more liberal world view in conducting politics, had cumulatively shaped the development of civil society. Although in the Philippines attempts were made to blur class lines on issues such as capital punishment, the level of political action and influence simply depends on the relative control of those who have property. Since property is a political resource, often the propertied get their way in politics. The rise of the middle class and its alliances with the state and other select social groups creates more power favoring one side of the issue over the other.

The events that reinstated capital punishment, and executed Leo Echagaray, show that the state is not purely autonomous in conducting the interest of capital class. Capital punishment was reinstated

because of the strong campaigns from the conservative sectors of the society with their alliance to individuals with political power and media that had more power to manipulate public perception of the issue. The overzealous coverage of the media, for example, on highly profiled crimes such as rape and murder exposed sentiments that were sympathetic more toward the victims, rather than looking at the larger issue at hand. Conservative groups placed pressure on government to adhere to the populist claims on enacting tougher mandates. After the terrorist attacks against the World Trade Center on September 11, 2001, the Arroyo-Macapagal administration, for example, lifted the moratorium on capital punishment that was earlier placed by the Estrada administration because of the large concern over terrorism (Mydans, 2001). Similar cases happened with the US *Furman v. Georgia* case that evidently had been overturned by other court rulings. The historical conditions that set the stage for democracy and development were the same conditions that reinstated capital punishment.

The reinstatement of the death penalty in the Philippines demonstrates the value of explanatory models consisting of the dynamic interplay of agent, culture, and structure. To a significant degree, looking at these formidable variables may aid us in our understanding of other conditions that affect the reinstatement of capital punishment in Southeast Asia. Although it is difficult to establish a complete explanatory model on Southeast Asian capital punishment, this is a good starting point for future systematic comparative study of other countries in the region. Thailand, Singapore, Malaysia and Indonesia, for example, share the same democratic claims with the Philippines. Future assessment of these countries may require a more thorough inquiry of other dimensions of capital punishment.

## Endnotes

1 The 1990s was a period of major regime and economic changes in several SEA states, most notably was the 1997 Asian economic crisis. These apparent transformations have varying implications to the support of the ten major human rights treaties, including the Second Protocol, enacted by the United Nations. For further discussion on these treaties see Eldridge (2001). Although part of the ASEAN group, Cambodia has declared itself abolitionist for all crimes although not a signatory to 2nd ICCPR Protocol. Brunei has not executed anyone since 1957. Laos, although a retentionist, has no reported record of execution.

**Table 1: Capital punishment trends in Southeast Asia**

Countries	1996		1997		1998		1999		2000[i]		2001	
												
Indonesia	--	--	33	--	30	--	8	--	10	2	--	--
Malaysia	--	49	7	2	6	--	1	--	13	2	4	1
Myanmar	--	--	--	2	6	--	--	--	--	--	--	--
Philippine	--	--	170	--	400	--	350	6	--	1	--	--
Singapore	--	104	8	14	5	28	5	21	--	21	--	2
Thailand	--	--	37	--	32	--	100	17	130	45	72	10
Vietnam	--	--	56	9	53	18	200	8	112	12	55	10
Total	--	435	311	27	494	78	664	52	265	83	131	23

Sentenced  Executed 

Source: Amnesty International 2002, 2001, 2000, 1999, 1998, and 1997

[2] The 13 crimes are (1) rape; (2) parricide, murder; (3) infanticide; (4) kidnapping and serious illegal detention; (5) robbery with violence against or intimidation of persons; (6) car theft with homicide; (7) qualified bribery, wherein a public officer refrains from arresting or prosecuting one who committed a heinous crime, in consideration of any offer, promise, gift or present; (8) destructive arsons; (9) treason; (10) piracy or mutiny in the high seas or in Philippine waters; (11) plunder, wherein the amount acquired illegally is at least P50, 000 million; (12) offenses related to prohibited drugs, namely: importation or manufacture; cultivation of sources, sale, administration, delivery, distribution and transportation; possession or use in certain quantities; and (13) maintenance of a den, dive or resort for prohibited drug users. Plea bargaining, or negotiating for a lighter penalty, for the drug related crime is not allowed under the measures.

[3] According to Cohen and Kennedy (2000), meta-narratives are simply "grand" theories claiming possess demonstrably valid explanations for all societal evolution and change. Rather, they also offer epic stories about the truth of human experience (p. 378).

[4] The role of many non-government organizations (NGOs) suddenly became significant, coming to the forefront of government initiatives to participate in the development of many reform-oriented policies. The 1987 constitution specifically paid attention to the recognition of NGOs as legitimate political bodies that were encouraged by the Aquino government, as a part of the "people power" governance.

[5] Among the major laws enacted by Ramos's administration are RA 7844 (The Export Development Act), RA 8179 (Further liberalizing Foreign Investments), RA 7721 (Liberalizing banking in the Philippines), RA 7651 (Revitalizing and strengthening the Bureau of Customs), RA 7916 (Creating the Philippine Economic Zone Authority), RA 7640 (Constituting the Legislative-Executive Development Council, Extending the Life of the Asset Privatization Trust), SBN 345 (Promoting the Development of Interisland Shipping) and SBN 358 (Development of Micro and Cottage Industries). The slow and yet stable economic growth exhibited in the mid 1990s (growth in exports on manufactured goods and merchandise, steady national investment, reduction of foreign debt servicing, and high rate of employment) were ascribed to the strong state economic and political policies (Fookien Times 1995) until the Asian economic crisis hit the region in 1997.

[6] I define liberals as individuals who believe in running the government by consent, personal, and especially economic freedom. They believe in the value of secularism and democracy.

[7] The higher growth evident since 1994 had facilitated impressive degrees of transformation in many industrial sectors, most obviously in airlines and shipping. Thanks to measures liberalizing foreign exchange and foreign investment, many of the new competitive pressures have come from a major influx of international investment. The major push for change, however, has generally come not from the business sector anxious to alter often unproductive modes of operation, but rather from a committed core of reformers within the Ramos administration. Exercising effective and persistent leadership at a propitious crossroads in the country's history, they have indeed begun to effect change.

[8] Although there is no set indicator to categorize the middle class as a single monolithic group, the media refers to them as socially and culturally mobile and having strong buying power.

[9] For example, in 1993, a Supreme Court Judge resigned amidst controversy of a court's decision that preserved the monopoly of the Philippine Long Distance Company (PLDT) on overseas calls (Tirol-Cadiz, January 28, 1993; Coronel, May 31, 1993). PLDT had protected its turf from its rival by using influence as well as the Congress, in the executive branch, and in the court system.

[10] Among these crimes is a double murder/rape case involving a local politician that exposed the country to the grim reality of political warlordism in the peripheral provinces (PDI, 1993, August 14, p. 1). This incident had invited government investigations to other mayhem committed by bureaucrats in other regions (PDI July 8, 1993, October 28, 1993). Reports of corruption also remained endemic in many areas of the government. As one editorial noted: "Graft and corruption is no less than a cancer and should be treated like cancer" (PDI, 1993, July 17, p. 4).

[11] After martial law was declared, many editors and journalists were among the first to be arrested and incarcerated in military prison camps. Only three newspapers were allowed by the government to reopen. During the 1980s, there had been a resurgence of a handful of tabloid newspapers to counter pro government media despite constant intimidation from the government. Among these publications and the people behind them were: the father and son team of Jose Burgos who were behind the courageous tabloid *WE Forum* and its broadsheet affiliate, *Pahayagang Malaya*; Felix Bautista and Melinda Q. de Jesus edited *Veritas*; Raul and Leticia Locsin published *Business Day* (now *Business World*); Eugenia D. Apostol and Leticia J. Magsanoc published and edited *Inquirer* and *Mr. and Ms. Magazine*. Other notable alternative newspapers emerged at state and private university campuses (Tuazon, 2002).

[12] Many Western democracies abandoned the death penalty for ordinary crimes either de jure or de facto. Many countries had already abandoned it for all crimes, including terrorism, treason, and military offenses (Amnesty International 2001). At least in 1998, execution was known to have been carried out in the following countries: Afghanistan, Bahamas, Belarus, China, Congo (Democratic Republic), Cuba, Egypt, Ethiopia, Guatemala, Iran, Iraq, Japan, Jordan, Kuwait, Kyrgyzstan, Lebanon, Nigeria, Oman, Pakistan, Palestinian Authority, Russian Federation, Rwanda, Saint Christopher and Nevis, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Thailand, United Arab Emirates (UAE), United States of America, Uzbekistan, Vietnam, Yemen, Zimbabwe (Amnesty International 1999).

[13] Estrada's manipulation of the Supreme Court during the Echagaray case proved that state agents had a larger role in maneuvering social justice. Estrada specifically appointed judges that would outweigh members of the court, who were against Echagaray's execution during the appeal process to reopen Echagaray's case (Labog-Javellana, 1999, January 6, p. 1).

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## Chart 1: Philippine Capital Punishment Timeline

### Pre-History

Pre-Spanish history records the existence of the Code of Kalantiyaw, a common law followed by

indigenous groups in appropriating punishment, including capital punishment over deviances in society (see Zaide's discussion on pre-Spanish era, 1964, 1979).

#### **Spanish Period - 1521-mid 19th century**

Early colonization process of Spain to the Philippines had imported many of European medieval practices of criminal execution, which oftentimes were legally sanctioned and sometimes practiced by Church authorities. Capital punishment was used to struck fear in controlling the new colony.

#### **1840-1875**

During this period 1,703 death sentences, 46 executions were recorded to have taken place.

#### **Late 19th century**

The enlightenment movement became entrenched in many European countries and spread to their colonies. As a result capital punishment in the Philippines were no longer for everyone but rather reserved for common offenders, which were usually poor indios, male and illiterate (Bankoff 1996:182).

#### **American Occupation (1898-1934)**

The Americans adopted the *Codigo Penal* of 1848 as the main body of law at the start of their occupation and later adopted the Revised Penal Code and came into force seven capital offences including treason, piracy, parricide, kidnapping, rape and robbery with homicide.

#### **Japanese Occupation - (1941-1945)**

Like its earlier colonizer, extrajudicial executions were pervasive as part of pacification process of the country.

#### **Post World War II**

Anti-subversion law was enacted as part of campaign to subvert peasant rebellion, particularly the Hukbong Bayan Laban sa mga Hapon (Hukbalahap) and Communist Party of the Philippines (CPP), which started as resistance movement against Japanese forces. The law carried death penalty but no execution was made for leaders that were caught.

#### **1946-1965**

Thirty-five people were executed for "savage crimes" marked, in the words of Supreme Court judges who reviewed the cases, by "senseless depravity" or "extreme criminal perversity."

#### **The Marcos Years (1965-1986)**

Congress added new capital offenses involving hijacking, dangerous drugs and carnappings as a response to burgeoning political and social unrest in the country, and pinpointing the formation of the CPP and its armed wing the New People's Army (NPA) as its main cause. Nineteen executions took place before the application of martial law (1965-1972). Twelve executions were carried out on 1967 alone. During the martial law, 24 offenses were punishable by death. Out of twelve executions during the martial law, 11 were convicted under the civilian court, and one by a military tribunal. The last execution took place in 1976. The National Assembly was formed in 1979 and several voices in the house were against the application of death penalty in the Philippines. Marcos, amidst growing pressure and criticism from its neighboring ASEAN countries and other Western allies, coupled with collapse of the economy in the mid 80s, halted the execution of more than 500 inmates in death row.

#### **President Corazon Aquino (1986-1992)**

Death penalty was abolished under the promulgation of the new 1987 Constitution and reduced those who are previously sentenced to death to reclusion perpetua or life imprisonment. Plagued by series of right wing military coup and upsets by the insurgents in the countryside, top military officials call for the reinstatement of death penalty for serious crimes. Officials identified that the lack of legislative support in their anti- insurgency campaign was lowering the morale of the Armed Forces of the Philippines (AFP). A bill was passed under the leadership of Gen. Fidel

Ramos. Widely publicized criminal activity in the media and government's effort to anti insurgency campaign gained capital punishment ascendancy in the public polls.

**President Fidel Ramos (1993-1998)**

Upon his step to office, Fidel Ramos announced that capital punishment will be among his top legislative priority and had urged Congress to expedite the bill he proposed while acting as the chief of the AFP. As a result, Republic Act 7659 was signed by joint measure of the Congress and President Ramos to restore death penalty in December 1993-taking effect on January 1, 1994 despite opponents of the bills had been vociferous of the unconstitutionality of the measure.

**President Joseph "Erap" Estrada (1998-2001)**

It was under President Joseph Estrada that the first execution took place under public pressure. Several executions followed. However, amidst growing threat of impeachment on corruption charges and attempts to reconcile with its long feud with the Catholic Church, Estrada declared a moratorium on all death sentences. He was later ousted from office through People Power III.

**2001**

Macapagal-Arroyo (2001-present) Continued military clash with Muslim insurgents, and post September 11 effects in the Philippines had pushed Arroyo to lift the moratorium earlier declared by Estrada.

## References

"30 Manila cops linked to drugs". (1993, January 13). *Philippine Daily Inquirer*, pp. 1, 8.

Alampay, R. (1993, January 14). "Let there be no more Charlenes". *Philippine Daily Inquirer*, pp. 1, 8.

Amnesty International. (1997). *Amnesty International Report*. London.

Amnesty International. (1998). *Amnesty International Report*. London.

Amnesty International. (1999). *Amnesty International Report*. London.

Amnesty International. (2001). *Amnesty International Report*. London.

Amnesty International. (2002). *Amnesty International Report*. London.

An-Na'im, A. A. (1999). "The cultural mediation of human rights: The Al Arqam case in Malaysia". In J. Bauer & D. Bell (Eds.), *The East Asian challenge for human rights* (pp. 147-168). London: Cambridge University Press.

Baird, R. M. & Rosenbaum, S. E. (Eds.). 1995. *Punishment and the death penalty: The current debate*. New York: Prometheus Books.

Bailey, W. C., & Peterson, R. D. (1997). "Murder, capital punishment, and deterrence: A review of the literature". In H. Bedau (ed.), *The death penalty in America: Current controversies* (pp. 135-161). NY: Oxford University Press.

Baldus, D. C., & Woodworth, G. (1998). *Race Discrimination and the Death Penalty: An Empirical and*

Legal Overview. In J. R. Acker, R. M. Bohm, & C. S. Lanier (eds.), *America's experiment with capital punishment*. Durham, NC: Carolina Academy Press.

Bankoff, G. (1996). *Crime, society, and the state in the nineteenth century Philippines*. Quezon City, Philippines: Ateneo de Manila University Press.

Banner, S. (2002). *The death penalty: The American history*. MA: Harvard University Press.

Bauer, J. & Bell, D. (Eds.). (1999). *The East Asian challenge for human rights*. New York: Cambridge University Press.

Beccaria, C. (1999). *On crimes and punishments* (H. Paolucci, Trans.) Indianapolis: Bobs-Merrill. (Original work published 1764).

Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. NY: Oxford University Press.

Bedau, H. A. 1997. "Prison homicides, recidivist murder, and life imprisonment". In H. Bedau (ed.) *The death penalty in America: Current controversies* (pp. 176-182). NY: Oxford University Press.

Bessler, J. (1997). *The death in the dark: Midnight executions in America*. MA: Northeastern University Press.

Blank, R. & Blinder, A. (1986). "Macroeconomics, income distribution, and poverty". In S. Danziger and D. Wienberg (Eds.), *Fighting poverty* (pp. 180-208). Cambridge, MA: Harvard University Press.

Blitz, A. (2000). *The contested state: American foreign policy and regime change in the Philippines*. MD: Oxford, Rowman and Littlefield Publisher.

Blumstein, A. & Wallman, J. (Eds.). (2000). *The crime drop in America*. NY: Cambridge University Press.

Bohm, R. M. (1991). *The death penalty in America: Current research*. OH: Anderson Publishing Co.

Bohm, R.M. (1999). *Deathquest: An introduction to the theory and practice of capital punishment in United States*. Cincinnati, OH: Anderson.

Borg, M. J., and Radelet, M. L. (1999). "On botched executions". In P. Hodgkinson and W. Schabas (Eds.), *Routes to Abolition: The Law and Practice of the Death Penalty*. New York: Cambridge University Press.

Bowers, W. J., Sandy, M., & Steiner, B. D. (1998). "Foreclosed impartiality in capital sentencing: Jurors' predispositions, guilt-trial experience, and premature decision making". *Cornell Law Review*, 83, pp. 1476- 1556.

Bureau of Justice Statistics [on-line]. (2001). Available: <http://www.ojp.usdoj.gov/bjs/abstract/cp00>.

htm

- Burgos, R. (1993, October 29). "Erap: Government up vs. crooks in high places". *Philippine Daily Inquirer*, pp. 1, 9.
- Cabana, D. A. (1996). *Death at midnight: The confession of an executioner*. Boston: Northeastern University Press.
- Chambliss, W. J. (1964). "A sociological analysis of the law of vagrancy". *Social Problems*, 12, pp. 67-77.
- Chambliss, W. J. (1994). "Policing the ghetto underclass: The politics of law and law enforcement". *Social Problems* 41, 177-194.
- Chan, J. (1999). "A Confucian perspective on human rights for contemporary China". In J. Bauer & D. Bell (Eds.), *The East Asian challenge for human rights* (pp. 212-237). London: Cambridge University Press.
- Christie, K., & Roy, D. (2001). *The politics of human rights in East Asia*. London: Routledge.
- Coronel, S. (1993, May 31). "2 Justice hit by realty firm". *Philippine Daily Inquirer*, pp. 1, 8.
- Cruz, N. H. (1999, January 3). "Three men who were almost executed but turned out to be innocent". *Philippine Daily Inquirer*, p. 7.
- Denno, D. (1997). "Getting to death: Are executions constitutional?" *Iowa Law Review* 82, 319-464.
- Dieter, R. C. (1997). "Millions Misspent: What Politicians Don't Say about the High Costs of the Death Penalty". In H. Bedau (Ed.) *The death penalty in America: Current controversies*. New York: Oxford University Press.
- Domikova-Hashimoto, D. (1996). "Japan and capital punishment". *Human Affairs* 1, pp. 77-93.
- Dornilla, A. (1990). "Philippines". In C. J. Hamelink and A. Mehra (Eds.), *Communication development and human rights in Asia* (pp. 85-104). Singapore: Asian Mass Communication Research and Information Center (AMIC).
- Durkheim, E. (2001). *Elementary forms of religious life* (C. Cosman., Trans.) NY: Oxford University Press.
- Edsal, T. B. & Edsal, T. B. (1991). *Chain reaction*. NY: W. W. Norton.
- Eldridge, P. J. (2002). *The politics of human rights in Southeast Asia*. London: Routledge
- "ERAP, PACC cited for anti-crime drive". (1993, July 8). *Philippine Daily Inquirer*, pp. 1, 10.
- Flores, N. F. & Agnote, D. (1993, January 17). "Government ineptness vs. crime scored". *Philippine*

*Daily Inquirer*, p. A1

*Fookien Times Yearbook*. (1993). "State of the nation address". Manila: Fookien Times.

*Fookien Times Yearbook*. (1995). "State of the nation address". Manila: Fookien Times.

Foucault, M. (1977). *Discipline and punish: The birth of prison*. Middlesex: Penguin Books.

Free Legal Assistance Group (FLAG). (2002). *Death penalty update*. Manila.

Gallup International Millenium Survey [on-line]. (2001). Available: <http://www.gallup-international.com>.

Garland, David. (1990). *Punishment and modern society: A study in social theory*. IL: University of Chicago Press.

Garland, David. (2001). *The culture of control: Crime and social order in contemporary society*. IL: University of Chicago Press.

Gastardo-Conaco, D. (1999, January 17). "Why is the country in hanging mood?" *Philippine Daily Inquirer*. p. 1.

Gluckman, R. (July 23, 2001). "Divided by Death". *Asiaweek* [on-line]. Available: <http://www.gluckman.com/Death`Penalty2.htm>.

"Government Ineptness vs. Crime Scored". (1993, February 17). *Philippine Daily Inquirer*, pp. 1, 14.

Gross, S. R. (1996). "The risks of death: Why erroneous conviction are common in capital cases". *Buffalo Law Review* 44, pp. 469-500.

Hibbs, D. (1987). *The American political economy*. Cambridge, MA: Harvard University Press.

Hirsch, A von. (1991). "Proportionality in the philosophy of punishment: From 'Why punish?' to 'How much?'" *Israel Law Review* 25, pp. 549-549.

Hood, R. (1996). *The death penalty: A world wide perspective* (Rev. ed.). NY: Oxford University Press.

Hood, R. (2001). "Capital punishment: A global perspective." *Punishment and Society* 3(3), pp. 331-355.

Huff, C. R., Rattner, A., & Sagarin, E. (1996). *Convicted but innocent: Wrongful conviction and public policy*. Thousand Oaks, CA: Sage.

Hutchcroft, P. D. (1996). *The Philippines at crossroad*. NY: Asia Society.

Iyer, P., Aikman, D., Sindayen, N. & Stewart, W. H. (1987, January 5). "Woman of the year: Corazon

Aquino" [on-line]. *Time Magazine*. Available: [http://www.time.com/time/archive/preview/from\\_search/0,10987,1101870105-145738,00.html](http://www.time.com/time/archive/preview/from_search/0,10987,1101870105-145738,00.html)

Keil, T. J. & Vito G. F. (1995). "Race and the death penalty in Kentucky murder trials: 1976-1991". *American Journal of Criminal Justice* 20, pp. 17-36.

Kirchheimer, O. (1969). *Politics, law and social change: Selected essays*. NY: Columbia University Press.

Labog, J. M. (1993, December 9). "Death penalty bill approved, finally". *Philippine Daily Inquirer* pp. 1-14.

Lacey, N. (1988). *State punishment*. England: Routledge.

Langlois, A. J. (2001). *The politics of justice and human rights: Southeast Asia and the universalist theory*. London: Cambridge University Press.

Leo, R. A. & Ofshe, R. J. (1998). "The consequences of false confession: Deprivations of liberty and miscarriage of justice in the age of psychological interrogation". *Journal of Criminal Law and Criminology* 88, pp. 429-496.

Lim Ubac, M. (1998, November 1). "Church asked to fight for victim's rights, too". *Philippine Daily Inquirer*. p. 1.

Lim Ubac, M. & Burgonio, T. J. (1999, January 12). "Loi, Stars march for Death Penalty". *Philippine Daily Inquirer* 14, 35: pp. 1, 18.

Lopez, A. (July 31, 1998). "The Marcos cronies come back". *Asiaweek* [on-line]. Available: [http://www.asiaweek.com/asiaweek/98/0731/nat\\_1.html](http://www.asiaweek.com/asiaweek/98/0731/nat_1.html)

Lynch, M. J. & Groves, W. B. (1986). *A primer in radical criminology*. NY: Harrow and Heston.

Mangahas, M. (1999). "The Role of Media Promoting Transparent and Participatory Social Development" (Paper read during the Manila Social Forum on November 8-12, 1999 [on-line]. Available: [http://www.worldbank.org/eapsocial/library/files/435\\_mmangahas.pdf](http://www.worldbank.org/eapsocial/library/files/435_mmangahas.pdf)

Mann, M. (1986). *Sources of social power* (v. 1). NY: Cambridge University Press.

Mauer, M. (1999). *Race to incarcerate: The sentencing project*. NY: The New Press.

Mitchell, G. & Lefton, R. (2000). *Who owns death? Capital punishment, the American conscience, and the end of executions*. NY: William Morrow and Co.

Moore, B. (1966). *The social origins of dictatorship and democracy*. Boston: Beacon Press.

Mydans, S. (2001, October 19). "Philippines: Execution moratorium lifted". *New York Times*.

- Pacis, V. (1993, January 30). "Death penalty for graft and corruption". *Philippine Daily Inquirer*, p. 4.
- Pazzibugan, D. & Yamsuan (1999, January 11). "Baby E: 'I will not give up'". *Philippine Daily Inquirer*, pp.14, 34.
- "People of the Philippines vs. Echagaray". (1993, January 4). *Philippine Daily Inquirer*, p. 4.
- Pinches, M. (1999). *Culture and privilege in capitalist Asia*. NY: Routledge.
- Radelet, M. L. & Borg, M. J. (2000). "The changing nature of death penalty debates". *Annual Review of Sociology* 26, pp. 43-61.
- Radelet, M. L., & Pierce, G. L. (1991). "Choosing who will die: Race and death penalty in Florida". *Florida Law Review* 43, pp. 1-34.
- Radelet, M. L. & Zsembik, B. A. (1993). "Executive clemency in Post- Furman capital cases". *University Richmond Law Review* 27, pp. 289-314.
- Radelet, M. L., Bedau, H. A., & Putnam, C. E. (1992). *In spite of innocence*. Boston: Northeastern University Press.
- Riding against the tides [on-line] (1997). Amnesty International. Available: <http://www.amnesty-usa.org/abolish/abret.html>.
- Robles, Chan. (2001). Republic Act No. 7659 December 13, 1993 An Act to impose the death penalty on certain heinous crimes, amending for that purpose the revised penal laws, as amended, other special penal laws, and for other purposes [on-line]. Available: [http://www.lawphil.net/statutes/repacts/ra1993/ra\\_7659\\_1993.html](http://www.lawphil.net/statutes/repacts/ra1993/ra_7659_1993.html)
- Rusche, G. & Kirchheimer, O. (1968). *Punishment and social structure*. New York: Russell and Russell.
- "Sanchez in jail for rape slays". (1993, August 14). *Philippine Daily Inquirer*, pp. 1, 14.
- Sarat, A. (2001). *When the state kill*. Princeton, NJ: Princeton University Press.
- Sarmiento, E. (1993, January 17). "Closure of Chinese schools suggested". *Philippine Daily Inquirer* pp. 1, 8.
- "Senators vow to act on death penalty bill". (1993, July, 17). *Philippine Daily Inquirer*, p. 1.
- SIBOL (Sama-samang inisyatiba ng kababaihan sa pagbabago ng batas at lipunan). (1999). Women say no to the death penalty [on-line]. Available: [wysiwyg://11/http://www.philsol.n2/A99a/SIBOL-feb99.htm](http://www.philsol.n2/A99a/SIBOL-feb99.htm)
- Skocpol, T. (1979). *State and social revolutions*. NY: Cambridge University Press.

- Somers, M. (1998, November). "We're no angels: Realism, rational choice, and relationality in social science". *The American Journal of Sociology* 104 (3), pp. 722-784.
- Tatsuo, I. (1999). "Liberal democracy and Asian orientalism". In J. Bauer & D. Bell (Eds.), *Asian Challenge for Human Rights* (pp. 27-59). UK: Cambridge University Press.
- The Death Penalty Worldwide: Abolitionist and Retentionist Countries [on-line]. (2001) Amnesty International. Available <http://www.amnesty-usa.org/abolish/abret.html>.
- "The year that was". (1993, January 1). *Philippine Daily Inquirer*, p. 6.
- Thorne, M. K. (1990). *American conservative thought since WWII*. NY: Greenwood.
- Tilly, C. (1984). *Big structures, large processes, huge comparisons*. New York: Russell Sage.
- Tirol-Cadiz, S. (1993, January 28). "A fake ruling". *Philippine Daily Inquirer*, p. 4.
- Tonry, M. & Frase, R. (2001). *Sentencing and sanctions in western Countries*. NY: Oxford University Press.
- Torr, J. D. & Egendorf, L. K. (2000). *Problems of death: Opposing viewpoint*. San Diego, CA: Greenhaven Press.
- Tuazon, R. (2002). The media press and its initial stages. Media Trends [on-line]. Available: [http://www.comcentrum.ph/perspective/media\\_trends/centrum\\_print.htm](http://www.comcentrum.ph/perspective/media_trends/centrum_print.htm)
- Van de Haag, E. (1997). "The death penalty once more". In J. R. Acker, R. M. Bohm, C. S. Lanier (Eds.), *America's experiment with capital punishment*. Durham, NC: Carolina Academy Press.
- Vold, George B. (1958). *Theoretical criminology*. NY: Oxford University Press.
- Vold, George B. & Bernard, Thomas J. (1986). *Theoretical criminology* (3th Edition). NY: Oxford University Press.
- Vold, George, Bernard, Thomas, & Snipes, Jeffrey. (1998). *Theoretical criminology* (4th Edition). NY: Oxford University Press.
- Zarco, R. & Candaliza, F. (1995). "An analysis of rape incident in Metro Manila". *Philippine Sociological Review* 52, pp. 1-4.
- Zimring, Frank. (2003). *The contradiction of capital punishment in America*. UK: Oxford University Press.
- Zimring, Frank & Hawkins, Gordon. (1986). *Capital punishment and the American agenda*. Cambridge, UK.

