

WA 08/2003 - Philippines

Philippines: Child offenders sentenced to death

APPEAL CASE

“Sometimes you reach a point where you lose all hope. It has been almost seven years that I have been in prison”. Saturani, sentenced to death for a crime committed when he was only 15.

“I feel I am too young to die...I am mentally tortured just thinking about the death penalty”. Ronald, sentenced to death for a crime committed when he was 17.

At least seven child offenders are currently under sentence of death in the Philippines. Ramon Nicodemus, Saturani Panggayong, Roger Pagsibigan, Elmer Butal, Christopher Padua, Ronald Bragas and Larina Perpinan were reportedly under the age of 18 at the time their alleged crimes were committed. They were sentenced to death in flagrant contravention of both Philippine domestic law and the Convention on the Rights of the Child (CRC), to which the Philippines is party. [Click here to read some of their stories.](#)

In July 2002 the Supreme Court of the Philippines ordered that they be transferred off death row. Their cases were referred back to the lower courts to allow for evidence of minority to be presented. However, more than one year later they remain under sentence of death. All the above child offenders have been detained with adults since they were first arrested. Some of them have reported being beaten or subjected to other torture or ill-treatment on arrest, sometimes to force them to confess. Most had extremely limited access to lawyers.

BACKGROUND

Larina Perpinan

Larina Perpinan was sentenced to death in 1998, along with ten others, for the kidnap for ransom of an elderly woman, who was later released unharmed. Larina is reported to have been 17 years old when she was arrested. She is reported to have barely seen her lawyer before the trial and lied to the judge about her name, age and address for fear of getting into trouble at home. When she finally obtained her birth certificate proving that she was only 17 at the time of the crime, the judge had already passed the death sentence and reportedly refused to reverse the decision. Larina, who was pregnant at the time of her arrest, later gave birth to a baby boy in prison.

Elmer Butal

Elmer Butal formerly worked as a farmer in the province of Bukidnon, Mindanao. He was sentenced to death for his alleged involvement in the murder of a local government official and the shooting of two others. The crimes were committed when Elmer was 17 years old. One month after his arrest he saw his lawyer for the first time and only saw him on one more occasion before his trial. Elmer has claimed he is innocent. He says: “I knew nothing about what they had accused me of, since I had almost no schooling”. After the death sentence was passed and he was transferred to the national penitentiary, he said: “I was only 20 years old and for me life had lost all meaning...I felt worse because I would not be able to see my loved ones. Mindanao was too far away”.

Saturani Panggayong

Saturani Panggayong was sentenced to death in May 2001 for murder with robbery, a crime allegedly committed when he was only 15 years old. He says that when he was first interrogated there was no lawyer present and he did not understand much of the proceedings. During his trial, he says he was not asked to testify. He says: “When I was meted the death sentence, it was as if I could not see... All my hopes were dashed... I had thought that the death sentence meant that I was finished... that as soon as I got to Muntinlupa [the national penitentiary] I would be lethally injected”.

All the above individuals have been convicted of serious crimes. Amnesty International has the greatest sympathy for the victims of these crimes and their relatives. Some of the child offenders deny the charges against them and are appealing or intend to file appeals. Amnesty International takes no position on whether they are guilty or innocent, but believes they have been treated in contravention of both Philippine and international law which stipulate that child offenders should not be sentenced to death.

Philippine law states explicitly that the death penalty may not be imposed on those aged under 18 at the time the offence is committed. However, one vital oversight in the juvenile justice system is the absence of any requirement to establish whether or not a suspect is below the age of 18. This means that children in conflict with the law are sometimes detained as adults. The Philippines authorities are reported to have admitted sentencing at least 27 other child offenders to death, who have since had their sentences commuted.

Take action!

Please send letters by post or fax to the Secretary of Justice and to the President. You can copy and paste the text of the sample letter below and send this to the addresses listed.

SAMPLE LETTER

Dear

I am very concerned that child offenders have been sentenced to death in the Philippines for crimes committed when they were under the age of 18. This is a serious breach of both Philippine domestic law and the Convention on the Rights of the Child, to which the Philippines is party.

Ramon Nicodemus, Saturani Panggayong, Roger Pagsibigan, Elmer Butal, Christopher Padua, Ronald Bragas and Larina Perpnan were reportedly under the age of 18 at the time their alleged crimes were committed. In July 2002 the Supreme Court ruled that they be transferred from death row pending examination of their cases by the lower courts. I respectfully urge you to take steps to ensure their death sentences are removed without further delay.

I also appeal to you to establish an automatic and immediate process of removing death sentences, should they be passed in error on child offenders.

Please do everything in your power to ensure that the law prohibiting the sentencing to death of minors is strictly enforced.

Yours sincerely,

TARGET

Please send appeals to:

Secretary of Justice
Simeon Datumanong
Department of Justice
Padre Faura, Ermita, Manila
Philippines
Fax: +63 2 521 1614
Salutation: Dear Secretary of Justice

President Gloria Macapagal-Arroyo
Malacañang Palace
J.P. Laurel St
San Miguel 1005
Manila

Philippines

Salutation: Dear President Macapagal-Arroyo

PHOTO CAPTIONS

Larina Perpinan (far right), held under sentence of death, with her baby.

Corridor in Manila women's prison

LINKS

Read the stories of some of the youth offenders on death row

Philippines: Something hanging over me – child offenders under sentence of death

<http://www.web.amnesty.org/library/index/engasa350142003>

Background: Children in detention in the Philippines: <http://web.amnesty.org/pages/phl-110403-action-eng>

Further information about the death penalty: <http://web.amnesty.org/pages/deathpenalty-index-eng>