

[Act No. 3104, March 17, 1923]

AN ACT TO AMEND SECTION ONE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND TWENTY-SIX AND TO PROVIDE FOR THE MANNER IN WHICH THE DEATH PENALTY SHALL BE EXECUTED

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one of Act Numbered Twenty-seven hundred and twenty-six is hereby amended to read as follows:

"SECTION 1. The death penalty shall be imposed in all cases in which it must be imposed under existing law, except in the following:

"FIRST. When the guilty person was less than eighteen years or more than seventy years of age at the time of the commission of the crime; and

"SECOND. When in the consideration of the case in the second instance there is not a unanimous vote of all the members of the Supreme Court as to the propriety of the imposition of the death penalty: *Provided, however,* That the consideration of the case in the second instance shall always be per curiam; and the sentence shall be signed by all the members of the said Court: And provided, further. That in case one or more Justices are legally disqualified from taking part in the consideration of the case, the unanimous vote and signature of only the remaining justices shall be required."

SEC. 2. The death sentence shall be executed with preference to any other and shall consist in putting the person under sentence to death by electrocution. The death sentence shall be executed under the authority of the Director of Prisons, endeavoring to mitigate the sufferings of the person under sentence as well during electrocution as during the proceedings prior to the execution.

If the person under sentence so desire, he shall be anaesthetized at the moment of the electrocution.

SEC. 3. *Notification and execution of the sentence, and assistance of the offender.*—The court shall designate a working day for the execution, but not the hour thereof; and such designation shall not be communicated to the offender before sunrise of said day, and the execution shall not take place until after the expiration of at least eight hours following the notification, but before sunset. During the interval between the notification and the execution, the offender shall, in so far as possible, be furnished such assistance as he may request in order to be attended in his last moments by priests or minister of the religion he professes and to consult lawyers, as well as in order to make a will and confer with members of his family or persons in charge of the management of his business, of the administration of his property, or of the care of his descendants.