

Ratification of the Rome Statute at the
Crossroads: Issues and Perspectives in Order
to Render Philippine Courts Fully
Competent to Prosecute Crimes Covered
by the Rome Statute

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51 ATENEO L.J. 935 (2007)

*SUBJECT(S): PUBLIC INTERNATIONAL LAW, INTERNATIONAL
HUMANITARIAN LAW*

KEYWORD(S): ROME STATUTE, INTERNATIONAL CRIMINAL COURT (ICC)

The Rome Statute of the International Criminal Court, which gave rise to the International Criminal Court (ICC), hailed as a significant achievement in the field of international humanitarian law. The ICC seeks to remedy the situation wherein State actors are either unable or unwilling to investigate, prosecute, and punish violators of human rights, even when they are within their powers to do so. With respect to the Philippine context, it must be determined what penalty a Philippine court must apply if called upon to decide a case involving an offense covered by the Rome Statute upon which Philippine law enjoins the imposition of the death penalty.

Philippine courts may properly impose the death penalty when they assume jurisdiction over crimes covered by the Rome Statute, which are punishable by death under Philippine law. Since the Philippines is a dualist nation, any conflict between treaty law and municipal law must be resolved in favor of municipal law. Also, since there is a possible insufficiency of Philippine penal legislation to address criminal liability under the Rome Statute, some laws may be in need of amendment for Philippine courts to assume jurisdiction over crimes covered by the Rome Statute.