

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session

HOUSE BILL NO. 778



Introduced by Congressman Harlin Cast. Abayon

EXPLANATORY NOTE

Police records will show that on November 21, 1999, a courageous jeepney barker identified only as "JR" was killed, while his friend Jessico Aganon was wounded by a snatcher in Quezon City when they responded to a woman snatching victim shouting for help.

Previously, on February 20, 1996, a poor and obscure factory worker rushed heroically to the rescue of a fifteen year old girl, Socorro Bihag, who was being molested by three men in Old "Balara" Queson City. Although he succeeded in frustrating their evil intensions, the rescuer, Renato Mendoza, was callously stabbed to death by one of the malefactors. After the death of Renato, his widow and children live in dire poverty and hardship.

Again, on February 20, 1968, an amuck, wielding a knife, threatened a UST coed. A nineteen-year old corn vendor, Agripino de la Cruz, chivalrously came to her rescue, but was stabbed to death.

On August 14, 1969, another young man, Rogelio Dimaano attempted to apprehend single-handedly a thief who had just snatch the handbag of an elderly lady. The culprit, too, cold-bloodedly knifed him to death.

The foregoing cases are typically of the heroic deeds of plain, ordinary citizens, who consider it their duty, at the risk of life and limb, to help in the maintenance of peace and order. It is unfortunate that such deeds have often been looked upon with cynical indifference for the public and the administration. They have been considered eligible for posthumous TOYM award or a "Hero of the Year" citation. Under present laws, informers arte entitled to substantial rewards from public coffers, but heroes like "JR", Jessico Aganon, Renato Mendoza, Agripito de la Cruz and Rogelio Dimaano, who have given not mere information, but their very lives in the performance of a civic duty, are not even qualified for any kind of compensation to help the surviving spouse and minor children, who have been suddenly deprived of their support. Seldom, if ever, does society, pass the hat around for contributions to aid the bereaved family.

It is no surprising, therefore, that a great majority of our citizenry would rather look the way than come to the aid of victims of violence, thereby unwittingly abetting the general

breakdown of peace and order. Even intelligent, law-abiding citizens avoid witness duty like the plague.

To give the due recognition, incentive and compensation, no matter how inadequate, to the exercise of civic consciousness in its highest form, Great Britain and New Zealand began in 1964 to make lump-sum payments to victims of violent crimes or their heirs. At the same time, Arthur Goldberg, while a Justice of the United States Supreme Court, advocated the enactment of similar legislation and launched a trend toward compensation in the United States.

In the lines with this trend, California passed in 1960 a law providing the so-called "Good Samaritan" aid to person who are injured when they try to prevent a crime on the ground that,

As stated by its sponsor, State Senator George Millen, Jr., "Just as society bears the responsibility for crime prevention, it should shield the private citizen who steps forward to assist in an emergency."

It is believed that similar legislation in the Philippines is long overdue, especially because the "malakas" mentality still prevails in many parts of the country. Such a law will give courage and certain amount of security to all citizens in the performance of their civic duty to help in the restoration of peace and order in this country, even at the risk of life itself. No one can deny that it is the duty of the State to alleviate their sufferings or that of their families consequent upon their heroism, in the same manner that soldiers, who are injured or die on the battlefield, are given pension and other forms of compensation.

In view of the foregoing, approval of the bill is urgently requested.



HARLIN CAST. ABAYON

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AN ACT

PROVIDING COMPENSATION TO PERSONS WHO ARE KILLED OR INJURED WHILE COMING TO THE AID OR RESCUE A VICTIM AND/OR TRYING TO PREVENT A COMMISSION OF A VIOLENT CRIME, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7309, AND FOR OTHER PURPOSES.

Be enacted by the Senate and House of Representatives of the Philippines in Congress assembly;

SECTION 1. Section 3 of Republic Act No. 7309, is hereby amended to read as follows:

“SEC. 3. **Who may file claims.** – The following may file claims for compensation before the Board:

- a) Any person who was unjustly accused (convicted,) and imprisoned but subsequently released by virtue of a judgment of acquittal.
- b) Any person who was unjustly detained and released without being charged;
- c) Any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;
- d) ANY PERSON WHO WAS INJURED OR KILLED WHILE COMING TO THE AID OR RESCUE OF A VICTIM OF A VIOLENT CRIME;
- e) ANY PERSON WHO WAS INJURED OR KILLED WHILE TRYING TO PREVENT THE COMMISSION OF A VIOLENT CRIME;
- f) Any person who is a victim of violent crimes. For purpose of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in the death or serious physical and/or psychological

injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.”

SEC. 2. Section 4 of the same Act is hereby amended to read as follows:

“SEC. 4. **Award Ceiling.** - For victims of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention and every fraction thereof shall be considered one month: Provided, however, That in no case shall such compensation exceed one thousand pesos (Php 1,000.00) per month.

“IN ALL OTHER CASES, THE COMPENSATION SHALL BE BASED ON THE INJURY OR INCAPACITY SUSTAINED:

“A) WHEN THE PHYSICAL INJURY SUSTAINED SHALL INCAPACITATE HIM FROM LABOR FOR A PERIOD OF ONE DAY BUT NOT EXCEEDING NINE DAYS, OR SHALL REQUIRE MEDICAL ATTENDANCE FOR THE SAME PERIOD, HE SHALL BE ENTITLED TO COLLECT ONE HUNDRED SEVENTY-FIVE PESOS (Php75.00) FOR EACH DAY OF INCAPACITY FROM LABOR OR MEDICAL ATTENDANCE PLUS THE ACTUAL COST OF MEDICAL ATTENDANCE AND/OR HOSPITALIZATION OR PHP 10,000.00 WHICHEVER IS LOWER;

“B) WHEN THE PHYSICAL INJURY SUSTAINED SHALL INCAPACITATE HIM FROM LABOR FOR A PERIOD OF TEN DAYS OR MORE OR SHALL REQUIRE MEDICAL ATTENDANCE FOR THE SAME PERIOD, BUT NOT EXCEEDING THIRTY DAYS, HE SHALL BE ENTITLED TO COLLECT TWO HUNDRED PESOS (Php 200.00) FOR EACH DAY OF INCAPACITY OR MEDICAL ATTENDANCE PLUS THE ACTUAL COST OF MEDICAL ATTENDANCE AND/OR HOSPITALIZATION OR TWENTY THOUSAND PESOS (Php 20, 000.00) WHICHEVER IS LOWER.

“C) WHEN THE PHYSICAL INJURY SUSTAINED SHALL INCAPACITATE HIM FROM LABOR OR FROM WORK, IN WHICH HE WAS HERETOFORE HABITUALLY ENGAGED, FOR MORE THAN THIRTY DAYS, HE SHALL BE ENTITLED TO COLLECT TWO HUNDRED PESOS (Php 200.00) PER DAY OF INCAPACITY OR MEDICAL ATTENDANCE UNTIL HE RECOVERS THEREFROM PLUS ACTUAL COST OF MEDICAL ATTENDANCE AND/OR HOSPITALIZATION OR THIRTY THOUSAND PESOS (Php 30, 000.00) WHICHEVER IS LOWER. IN CASE HE BECOMES PERMANENTLY INCAPACITATED, THE PROVISIONS OF THE NEXT PARAGRAPH SHALL APPLY.

“D) WHEN THE PHYSICAL INJURY SUSTAINED SHALL RENDER HIM TO BE INSANE, IMBECILE, IMPOTENT OR TO BE COMPLETELY BLIND, MUTE OR DEAF OR SHALL RESULT IN THE LOSS OF AN EYE, A FOOT, AN ARM, OR A LEG, OR IN ANY PERMANENT DEFORMITY OR DISABILITY WHICH RENDERS HIM UNFIT FOR THE WORK IN WHICH HE WAS HABITUALLY ENGAGE, AND IN ALL CASES WHERE THE INJURY RENDERS HIM PERMANENTLY INCAPABLE OF SUPPORTING HIMSELF, HE SHALL BE ENTITLED TO COLLECT THE MINIMUM WAGE MONTHLY FOR LIFE PLUS THE ACTUAL COST OF MEDICAL ATTENDANCE AND/OR HOSPITALIZATION OR FORTY THOUSAND PESOS (Php 40, 000.00) WHICHEVER IS LOWER.

“E) WHEN AS A RESULT OF THE INJURY OR INJURIES SUFFERED BY HIM, HE DIES, THE SURVIVING SPOUSE AND/OR EACH MINOR CHILD OR CHILDREN SHALL BE ENTITLED TO RECEIVE THREE HUNDRED PESOS MONTHLY, UNTIL ALL SURVIVING CHILDREN REACH THE AGE OF TWENTY-ONE, PLUS THE ACTUAL COST OF MEDICAL ATTENDANCE AND/OR HOSPITALIZATION AND/OR WAKE AND FUNERAL EXPENSES OF THE DECEASED OR FIFTY THOUSAND PESOS (Php 50, 000.00) WHICHEVER IS LOWER. PAYMENTS UNDER THIS PARAGRAPH SHALL BE MADE DIRECTLY TO THE SURVIVING SPOUSE WITHOUT THE NECESSITY OF FILING GUARDIANSHIP PROCEEDINGS OR OFFICE OF THE GOVERNMENT. IN CASE THERE IS NO SURVIVING SPOUSE BUT ONLY A MINOR CHILD OR CHILDREN, THEN PAYMENTS SHALL BE MADE TO THE NEAREST NATURAL GUARDIAN IN THE ORDER ESTABLISHED BY THE CIVIL CODE WITHOUT THE NECESSITY FOR GUARDIANSHIP PROCEEDINGS BUT IN SUCH CASE, THE GUARDIANS SHALL SUBMIT AN ANNUAL ACCOUNTING OF THE MONEY RECEIVED BY HIM TO THE DEPARTMENT OF JUSTICE, WHICH MAY CHANGE SUCH GUARDIAN AT ANY TIME IF IT FINDS THAT HE OR SHE IS NOT SERVING WELL THE INTEREST OF THE WARD OR WARDS.”

SEC. 3. The Department of Justice is hereby tasked to formulate the implementing rules and guidelines to enforce this Act.

SEC. 4. The sum of million pesos (Php 10,000,000.00) is hereby appropriated for the calendar year 2000, exclusively for the payment of compensation as provided in this Act, and thereafter the necessary amount shall be included in the annual General Appropriations Act under the Department of Justice; Provided, however, That under no circumstances shall this appropriation be transferred to any other item or used for any other purpose.

SEC. 5. All laws, decrees, executive orders, letters of instructions, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 6. This Act shall take effect upon its approval.

Approved,