

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 199

Introduced by **Honorable Roilo Golez**

EXPLANATORY NOTE

Entitled "AN ACT DEFINING THE RIGHTS OF VICTIMS OF CRIME, ESTABLISHING THE OFFICE OF VICTIMS OF CRIME UNDER THE DEPARTMENT OF JUSTICE AND FOR OTHER PURPOSES," also known as "Victims of Crimes Act," this bill was conceptualized, in 1998, in a proposal submitted by then, Commissioner Dante L. Jimenez of the Presidential Anti-Organized Crime Commission (PAOCC) and who is also the chairman of the Volunteers against Crime and Corruption (VACC), to the Office of the President and several legislators.

During the Thirteenth Congress, this bill was filed as House Bill 5601 by this representation, but failed to attain the status of a law.

One incident that has transpired during that time was this case, to wit: Juan was murdered during a burglary, and his wife, Maria, was severely beaten. For Maria, getting physical therapy meant time away from work, and getting physical treatment for her depression meant counseling that she could not afford. Just as physical injury takes time to heal. The healing process will be uneven. It can take weeks or months for victims to regain their emotional balance. Time and understanding are the best remedies for dealing with the impact of a serious crime.

Crime disrupts the health, personal outlook and relationships of victims need to be treated with dignity, respect, courtesy and sensitivity.

During the past few months, Filipinos have witnessed the commission of several heinous crimes being perpetrated. In such cases, the victims' right, are more often than not set aside in the interest of the rights of the accused.

Presently, there are many countries who have shown great interest to victims of crime, one of which is the United States. We therefore need to define the basic principles of justice for victims of crime to increase public awareness of victims' special needs and to uphold the age-old principle that justice is blind and that it doesn't tilt the scales to favor anyone.

This bill, therefore, seeks to define the rights of the victim, establish an Office of Victims of Crime, create a crime victims fund administered to all populations affected by victimization,

including undeserved populations, such as sexually exploited children and victims residing on tribal lands in order to compensate and assist victims of crime.

In view of the foregoing premises, the passage of this bill, which has long been overdue, is earnestly sought.



ROILO GOLEZ

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AN ACT
DEFINING THE RIGHTS OF VICTIMS OF CRIME, ESTABLISHING THE OFFICE OF VICTIMS
OF CRIME UNDER THE DEPARTMENT OF JUSTICE AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives in Congress assembled:

SECTION 1. **Title.** – This Act shall be known and cited as the Victims of Crime Act of 2010.

SEC. 2. **Declaration of Policy.** – It is the policy of the State to ensure that all victims and witnesses of crime be treated with dignity, respect, courtesy and sensitivity; and that the rights herein accorded to victims of crime be honored and protected by law enforcement agencies, prosecutors and judges in a manner no less vigorous than the protections afforded criminal defendants.

SEC. 3. **Definition of Terms.** – For purposes of this Act, the words and phrases used herein shall, unless the context indicated otherwise, mean and understood to mean as follows:

- (a) "Crime victim compensation" is a direct payment to or on behalf of, a crime victim for crime-related expenses such as unpaid medical bills, mental health counseling, funeral costs, and lost wages;
- (b) "Crime victim compensation program" is an eligible crime victim compensation program for the purpose of this Act if:
 - (1) such program is operated by a local government unit and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence;
 - (2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;

- (3) such local government unit certifies that grants received under this Act will not be used to supplant national funds otherwise available to provide crime victim compensation;
 - (4) such program, as to compensable crimes occurring within the locality, makes compensation awards to victims who are non-residents of the locality on the basis of the same criteria used to make awards to victims who are residents of such State;
 - (5) such program provides compensation to victims of national crimes occurring within the locality on the basis that such program provides compensation to victims of national crimes;
 - (6) such program provides compensation to residents of the locality who are victims of crimes occurring outside the locality if the crimes would be compensable crimes had they occurred inside the local government unit; and the places the crimes occurred in are local government units not having eligible crime victim compensation programs;
 - (7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender; and
 - (8) such program provides such other information and assurances related to the purposes of this Act as the Director may reasonably require;
- (c) "Compensable crime" means a crime the victims of which are eligible for compensation under this Act and includes driving while intoxicated and domestic violence;
 - (d) "Local government unit / locality" refers to the political subdivision of the Philippines pursuant to Republic Act No. 7160 and other special laws;
 - (e) "Medical expenses" includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses or other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by law;
 - (f) "Offenses against the Philippines" does not include criminal violations of pertinent military laws; an offense against the laws of the Autonomous Region in Muslim Mindanao and the Cordillera Autonomous Region; an offense triable by tribal courts;
 - (g) "Property damage" does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental services;

- (h) "Victim assistance" includes services such as crisis intervention, counseling, emergency transportation to court, temporary housing and criminal justice support and advocacy.

SEC. 4. **Rights of the Victim.** - The State shall treat victims of crime fairness, dignity and respect for their privacy. The State shall ensure that crime victims have all the following privileges and protections:

- a) to be given information about victim services and how the criminal justice system works;
- b) to receive information, including but not limited to the status of the police investigation, the status of the prosecution, status of the court case, and the administration of the offender's sentence;
- c) timely disposition of case;
- d) the opportunity to attend court proceedings unless trial court finds sequestration is necessary to a fair trial for the defendant;
- e) reasonable protection from the accused throughout the criminal justice process;
- f) notification of court proceedings or to be informed of and not excluded from the public proceedings;
- g) the opportunity to confer with the prosecution;
- h) the opportunity to make a statement to the court at disposition, restitution or compensation;
- i) to be heard if present or to submit a timely statement at a public proceeding to determine a release from custody, acceptance or plea, or sentencing;
- j) to be informed of an escape or release pursuant to a public or parole proceeding;
- k) to be informed of and not excluded from, and to be heard if present or to submit a timely statement, at a parole proceeding to the extent these rights are afforded to the convicted offender;
- l) to a final disposition free from unreasonable delay;
- m) to an order of restitution from the convicted offender, to have the safety of the victim considered in determining the release or detention of the accused or convicted offender;

- n) to apply for benefits under this Act, to cover costs such as loss of income or wages, counseling expenses, medical expenses not covered by private medical plan; and
- o) to notice these rights.

SEC. 5. Services for Victims. – Local government units are encouraged to provide victims and witnesses the following services:

- a) Court appearance notification services including cancellation of appearances;
- b) Victim compensation and social services referrals, including witness fee collection, case-by-case referrals and public information;
- c) Escort and other transportation services related to the investigation or prosecution of the case, if necessary or advisable;
- d) Case progress notification services which may be combined with services under this Section.
- e) Assistance in providing the court with information pertaining to the economic, physical and psychological effect of the crime upon the victim;
- f) Employer intercession services;
- g) Protection services;
- h) Family support services, including child and other dependent care services;
- i) Waiting facilities.

SEC. 6. Office of Victims of Crime. – An Office of Victims of Crime is established under the Department of Justice to administer projects serving victims of drug-related crimes; support national programs to improve and coordinate services for crime victims; sponsor conferences, training for criminal justice practitioners, medical and mental health personnel, the clergy and others who work with crime victims and their families; and sponsor each year a National Crime Victims' special needs and to honor those who work on behalf of victims.

SEC. 7. Director. – The Office shall be headed by a director who shall be appointed by the President of the Philippines upon recommendation by the Secretary of Justice, hereinafter referred to as Secretary. The director shall have the following powers and duties:

- a) Execute and administer the policies and programs formulated by the OVC;
- b) Prepare, disburse, and administer the approved budget of the OVC in accordance with existing auditing rules and regulations;

- c) Direct and supervise the day to day operations of the OVC;
- d) Prepare annual work plans for approval of the Secretary;
- e) Identify and recommend measures and procedures to address issues affecting operations and programs of the OVC;
- f) Appoint, subject to civil service laws, rules and regulations the officers and staff of the OVC, except the deputy director and division chiefs, who shall be appointed by the Secretary;
- g) In accordance with law, remove, suspend or otherwise discipline for just cause any employee of the OVC lower than that of deputy director and division chiefs;
- h) Prepare and submit, within ninety (90) days after the close of each fiscal year, an annual report to the President and the Congress of the Philippines through the Secretary; and
- i) Perform such other duties as may be assigned by the Secretary pursuant to this Act.

SEC. 8. **Deputy Director.** – The director shall be assisted by a deputy director who shall be appointed by the Secretary upon the recommendation of the director.

SEC. 9. **Qualifications of Director and Deputy.** - No person shall be appointed Director or Deputy Director of the OVC unless one is a citizen of the Republic of the Philippines, at least thirty-five (35) years of age, of good moral character, a college graduate with career executive service eligibility, has at least five (5) years progressive experience in the social science field. The Director shall a member of the Bar and have practiced law for at least three (3) years.

SEC. 10. **Crime Victims Fund.** - There is created in the Treasury a separate account to be known as the Crime Victims Fund, hereinafter referred to as Fund. Except as limited by existing laws, there shall be deposited in the Fund all fines that are collected from persons convicted of offences; penalty assessments; proceeds of forfeited appearance bonds, bail bonds and any money ordered to be paid into the Fund. The Fund shall help support local compensation programs for crime victims.

SEC. 11. **Use of the Fund.** – The Fund shall provide financial assistance to local governments to compensate and assist victims of crime: *Provided That*, the Fund shall be used to compensate crime victims for expenses, such as medical costs, resulting from their victimization; use of local government units for programs that provide direct services to victims of sexual assault, spouse abuse, and child abuse and to assist previously underserved victim populations, such as victims of drunk drivers or the families of homicide victims.

SEC. 12. **Crime Victim Compensation.** – The Director shall make an annual grant from the Fund to an eligible crime victim compensation program of forty percent (40%) of the

amounts awarded during the preceding fiscal year, other than amounts awarded for property damage. A grant under this Act shall be used by such program only for awards of compensation.

If the sums available in the Fund for grants under this Act are insufficient to provide grants of forty percent (40%), the Director shall make, from the sums available, a grant to eligible crime victim compensation program at the same percentage of amounts awarded by such program during the preceding fiscal year, other than amounts awarded for property damage.

SEC. 13. **Assistance by the Government Entities.** – The OVC may call upon any government entity for assistance in the performance of its functions and duties. All heads of departments, agencies, corporations and offices of the government are hereby enjoined to render full assistance and cooperation to the OVC to ensure the attainment of its objectives.

SEC. 14. **Funding.** – The amount of Fifteen million pesos (PhP 15,000,000.00) is hereby authorized to be appropriated out of any funds in the National Treasury not otherwise appropriated to carry onto effect the purpose of this Act.

Expenses incurred in the implementation of the Act may be recovered as part of the cost or indemnity imposed upon the accused.

Further, other funding schemes or sources, subject to the limitations of the law, shall be allowed in furtherance hereof.

SEC. 15. **Separability Clause.** - The declaration of unconstitutionality or invalidity of any provision of this Act shall not affect the other provisions thereof.

SEC. 16. **Effectivity.** - This Act shall take effect after fifteen (15) days following its complete publication in two (2) newspapers of general circulation.

Approved,