

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

FIFTEENTH CONGRESS
FIRST REGULAR SESSION

H.B. No. 1138

Introduced by **HON. AL FRANCIS C. BICHARA**

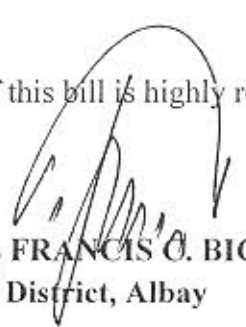
EXPLANATORY NOTE

This Bill seeks to redress a wrong and correct an injustice brought about by a wrongful detention of a person by the State and its Agents.

The very first section of the Bill of Rights of our Constitution guarantees that "no person shall be deprived of life, liberty or property without due process of law, or shall any person be denied the equal protection of the laws." This guarantee, the right to be free, is one of the most, if not the most cherished right of any human being. But then, as in every society, nothing is perfect. There are many instances in our country when persons, especially the poor and marginalized, have been deprived of their liberty wrongfully and at times, without due process of law. Worse, there are cases where an accused had been languishing and spending the best and productive years of his life in jail only to find out decades later, that he is innocent.

Indeed, nothing can compensate the deprivation of one's liberty. Be that as it may, the State should compensate these persons who are wrongfully detained. At the same time, however, compensation should be limited only to detainees who have been declared innocent in a full-blown trial on the merits and not as a result of mere desistance or failure to prosecute by the private complainant. Admittedly, this measure does not pretend to compensate the sufferings, deprivations and trauma caused by a wrongful detention. But it is hope that by this gesture, the State will be able to correct an injustice and redress a wrong.

In view of the foregoing considerations, the approval of this bill is highly recommended.



AL FRANCIS C. BICHARA
2nd District, Albay

H.B. No. **1138**

Introduced by **HON. AL FRANCIS C. BICHARA**

**AN ACT INCREASING THE COMPENSATION AND/OR INDEMNITY OF
UNLAWFULLY DETAINED PERSONS, APPROPRIATING FUNDS THEREFORE,
AND FOR OTHER PURPOSES**

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

Section 1. Any person who, had been detained as a result of a criminal information filed in court but subsequently acquitted or found innocent by a final judgment or resolution of a court of competent jurisdiction after a full-blown trial on the merits, shall be compensated and/or indemnified at a rate of Sixty Thousand Pesos (Php 60,000.00) for every year of detention, provided however, that should the detention be less than one year, the rate of compensation shall be computed at Five Thousand Pesos (Php 5,000.00) per month or proportion thereof.

Section 2. The amount of Ten Million Pesos (Php 10,000,000.00) is initially appropriate to carry the purpose of this Act. Thereafter, the appropriation for this purpose shall be included in the annual budget of the Department of Justice.

Section 3. the Department of Justice shall promulgate the necessary guidelines, rules and regulations to achieve the objectives of this Act.

Section 4. All other laws, acts, decrees, executive orders, issuances and rules and regulations or part thereof which are inconsistent with any provisions of this Act are hereby repealed, amended or modified accordingly.

Section 5. This Act shall take effect within fifteen (15) days upon publication in a newspaper of general circulation.

Approved,