

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3620



Introduced by Representative Giorgidi B. Aggabao

EXPLANATORY NOTE

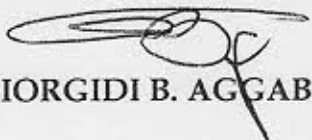
Republic Act Number (RA) 7309 authorizes the granting of compensation to persons who were unjustly imprisoned or detained, or victimized by violent crimes. The law was a piece of landmark legislation because it awards an indemnification of One Thousand Peso (P1,000.00) for every month a qualified claimant had been incarcerated. It also grants reimbursement of hospitalization expenses, compensation for lost income and support to claimants who were physically injured, psychologically scarred or permanently incapacitated.

Under the law, however, the maximum recoverable amount of indemnification is only P10,000.00. This amount is now paltry and inconsequential. The original amount of Php 10,000 has been depreciated so badly that its present value is probably only a tenth of its worth in 1992, when the law was first enacted.

To make the spirit and intent of RA 7309 alive, it is proposed that the rates and ceiling of compensation be adjusted to a more contemporary level. Under the proposed bill, the maximum recoverable amount is Php. 100,000.00 which, to be sure, is still frugal, but nonetheless is a marked improvement on the original amount of Php. 10,000.00.

Further, it is also proposed in this bill that the Board of Claims constituted under the law be transferred from the Department of Justice to the Commission on Human Rights considering that the unjustified incarcerations of claimants amount to a trampling of one of the most basic of human rights — liberty.

The early passage of this bill is earnestly sought.


GIORGIDI B. AGGABAO

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AN ACT
INCREASING THE COMPENSATION OF THOSE UNJUSTLY DETAINED
AND TRANSFERRING THE BOARD OF CLAIMS FROM THE DEPT. OF JUSTICE
TO THE COMMISSION ON HUMAN RIGHTS, AMENDING FOR
THE PURPOSE REPUBLIC ACT NUMBERED 7309"

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

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

"SECTION 1. *Creation and Composition of the Board.* - There is hereby created a Board of Claims under the [Department of Justice] COMMISSION ON HUMAN RIGHTS, hereinafter referred to as Board, to be composed of one (1) chairman and two (2) members to be appointed by the [Secretary] CHAIRMAN of the said [Department] COMMISSION.

ALL REFERENCES IN R.A. 7309 TO THE DEPARTMENT OF JUSTICE AND THE SECRETARY SHALL BE CHANGED TO COMMISSION ON HUMAN RIGHTS AND CHAIRMAN, RESPECTIVELY."

SEC. 2. Section 3 of Republic Act No. 7309 is hereby amended by adding subparagraphs "e" and "f" therein to read as follows:

"SEC. 3. *Who May File Claims.* - The following may file claims for compensation before the Board:

xxx

xxx

xxx

- E) ANY PERSON WHO HAD BEEN APPREHENDED AND ARRESTED BY VIRTUE OF A WARRANT OF ARREST ISSUED BY A JUDGE, OR WITHOUT A WARRANT WHILE UNDERGOING INVESTIGATION, AND/OR WHO, WHILE UNDER DETENTION, WAS SUBJECTED TO BRUTALITIES AND TORTURE COMMITTED BY POLICE, MILITARY AND OTHER LAW ENFORCEMENT AGENCIES AND THEREBY SUFFERED INJURIES AS CERTIFIED BY A LICENSED DOCTOR OR HOSPITAL, OR AS TESTIFIED TO IN A SWORN STATEMENT BY HIS/HER COUNSEL, RELATIVE, NBI INVESTIGATOR, OR ANY OFFICIAL, OR SUPPORTED BY PHOTOGRAPHS, VIDEOS, AND OTHER DOCUMENTARY OR PHYSICAL EVIDENCE;
- F) ANY PERSON UNJUSTLY IMPRISONED ON ONE CHARGE EVEN IF HE/SHE HAS OTHER CASES PENDING AGAINST HIM/HER OR FOR WHICH HE/SHE IS CONVICTED; AND,
- G) ANY PERSON WHO HAD BEEN ARRESTED AND DETAINED FOR AT LEAST FIVE (5) YEARS AND WAS SUBSEQUENTLY ACQUITTED OF THE CHARGE AGAINST HIM/HER BY ANY COURT OF COMPETENT JURISDICTION."

SEC. 3. Section 4 of Republic Act No. 7309 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 (P1,000.00)] TEN THOUSAND PESOS (P10,000.00) per month.

(b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed [Ten Thousand Pesos (P10,000.00)] ONE HUNDRED THOUSAND PESOS (P100,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, or whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws."

SEC. 4. Section 5 of Republic Act No. 7309 is hereby amended to read as follows:

"SEC. 5. *When to File Claims.* - Any person entitled to compensation under this

Act shall, within six (6) months after being released from imprisonment or detention, [or from the date the victim suffered damage or injury] OR AFTER BEING ACQUITTED OF THE CHARGES AGAINST HIM, file his claim with the [Department] COMMISSION, otherwise, he shall be deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever shall be valid."

SEC. 5. A new section shall be added before Section 10 of Republic Act No. 7309, to read as follows:

"SEC 10. SAFEGUARDS AGAINST FALSE CLAIMANTS. - THE FOLLOWING SHALL SERVE AS SAFEGUARDS AGAINST FALSE CLAIMANTS:

- A) THE APPLICATION FOR COMPENSATION SHALL BE SWORN TO;
- B) A SUMMARY HEARING SHALL BE CONDUCTED WHEREIN THE APPLICANT AND HIS/HER WITNESSES ARE SUMMONED BEFORE THE ADMINISTERING BODY AND QUESTIONED ABOUT THE APPLICATION;
- C) PERSONS FOUND GUILTY OF PERJURY SHALL BE PUNISHED IN ACCORDANCE WITH LAW."

SEC. 6. Section 9 of Republic Act No. 7309 is hereby amended to read as follows:

"[Sec. 9. *Funding.* For purposes of this Act, the amount of ten million pesos (P10,000,000.00) is hereby authorized to be appropriated from the funds of the National Treasury not otherwise appropriated.]

SEC. 9. APPROPRIATIONS. - FOR PURPOSES OF CARRYING OUT THE PROVISIONS OF THIS ACT, ALL UNEXPENDED FUNDS OF THE BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE SHALL BE TRANSFERRED TO THE COMMISSION ON HUMAN RIGHTS. THEREAFTER, SUCH SUMS AS MAY BE NEEDED FOR THE PAYMENT OF COMPENSATION TO VICTIMS SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT."

SEC. 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days upon its publication in at least two (2) newspapers of general circulation.

Approved,