

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **7663**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

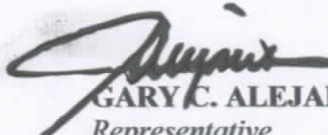
EXPLANATORY NOTE

Crime has a harmful impact on victims and the fabric of society. It threatens not only the life of one individual, but the lives of countless others. Many a time, we have come across such devastating news of victims of heinous crimes leaving behind grief-stricken families that will most likely have to endure the languid justice system of our country.

In light of such problems and while necessary reforms to improve the Philippine criminal justice system is yet to be fully implemented, it is important that the country's criminal justice system address these insufficiencies by considering and respecting the rights of Filipino victims of crime. They and their families deserve to be treated with courtesy, compassion, and respect for their dignity. The Government should stop overlooking the innocent victims of such crimes and the physical, emotional, and financial injuries they suffered.

Under this Act, the State shall guarantee the protection of the rights of victims and strengthen their role in the overall processes of the Philippine criminal justice system.

In view of the foregoing, approval of this measure is earnestly sought.


GARY C. ALEJANO
Representative

Magdalo Parsa sa Pilipino Party-List

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AN ACT
PROVIDING FOR THE RECOGNITION OF THE RIGHTS OF VICTIMS

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

SECTION 1. Short Title.—This Act shall be known as the “Filipino Victims’ Bill of Rights Act.”

SEC. 2. Declaration of Policy.—It is hereby declared the policy of the State to guarantee the protection of the rights of victims in the interest of a more equitable administration of justice. Toward this end, this Act shall establish the fundamental rights of Filipino victims in the overall administration of justice in the Philippine criminal justice system.

SEC. 3. Definitions.—For the purposes of this Act:

Offense means an offense under the Revised Penal Code, the Juvenile Justice and Welfare Act of 2006, or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity and a designated offenses as provided for in Article II of the Comprehensive Dangerous Drugs Act of 2002.

Victim means an individual who has suffered physical or emotional harm, property damage or economic loss as the result of the commission or alleged commission of an offense.

SEC. 4. Acting on Victim’s Behalf.—Any of the following individuals may exercise a victim’s rights under this Act if the victim is dead or incapable of acting on their own behalf:

a. the victim’s spouse or the individual who was at the time of the victim’s death their spouse;

- 1 b. the individual who is or was at the time of the victim's death, cohabiting with
2 them in a conjugal relationship, having so cohabited for a period of at least one year;
3 c. a relative or dependent of the victim;
4 d. an individual who has in law or fact custody, or is responsible for the care or
5 support, of the victim;
6 e. an individual who has in law or fact custody, or is responsible for the care or
7 support, of a dependent of the victim;
8

9 **SEC. 5. *Exception.***—An individual is not a victim in relation to an offense, or entitled to
10 exercise victim's rights under this Act, if the individual is charged with the offense, found guilty of
11 the offense or found not criminally responsible on account of mental disorder or unfit to stand trial
12 in respect of the offense.
13

14 **SEC. 6. *Criminal Justice System.***—For the purpose of this Act, the criminal justice system
15 consists of

- 16 a. the investigation and prosecution of offenses in the Philippines;
17 b. the corrections process and the conditional release process in the Philippines; and
18 c. the proceedings of courts and the Board of Pardons and Parole.
19

20 **SEC. 7. *Victim Rights.***—
21

22 **a. *General Information***—Every victim has the right, on request, to information
23 about:
24

- 25 1. the criminal justice system and the role of victims in it;
26 2. the services and programs available to them as a victim, including
27 restorative justice programs; and
28 3. their right to file a complaint for an infringement or denial of any of their
29 rights under this Act.
30

31 **b. *Investigation and Proceedings***—Every victim has the right, on request, to
32 information about:
33

- 34 1. the status and outcome of the investigation into the offense; and

1 2. the location of proceedings in relation to the offense, when they will take
2 place and their progress and outcome.

3
4 **c. Information about offender or accused**—Every victim has the right, on request,
5 to information about:

- 6 1. reviews under the Board of Pardons and Parole relating to the offender's
7 conditional release and the timing and conditions of that release; and
8 2. hearings held for the purpose of making dispositions, in relation to the
9 accused, if the accused is found not criminally responsible on account of
10 mental disorder or unfit to stand trial, and the dispositions made at those
11 hearings.

12
13 **c. Security**—Every victim has the right to have their security considered by the
14 appropriate authorities in the criminal justice system.

15 **d. Protection from intimidation and retaliation**—Every victim has the right to
16 have reasonable and necessary measures taken by the appropriate authorities in the criminal
17 justice system to protect the victim from intimidation and retaliation.

18 **e. Privacy**—Every victim has the right to have their privacy considered by the
19 appropriate authorities in the criminal justice system.

20 **f. Identity protection**—Every victim has the right to request that their identity be
21 protected if they are a complainant to the offense or a witness in proceedings relating to the
22 offense.

23 **g. Testimonial Aids**—Every victim has the right to request testimonial aids when
24 appearing as a witness in proceedings relating to the offense.

25 **h. Views to be considered**—Every victim has the right to convey their views about
26 decisions to be made by appropriate authorities in the criminal justice system that affect the
27 victim's rights under this Act and to have those views considered.

28 **i. Victim impact statement**—Every victim has the right to present a victim impact
29 statement to the appropriate authorities in the criminal justice system and to have it
30 considered.

31 **j. Restitution Order**—Every victim has the right to have the court consider making
32 a restitution order against the offender.

33 **k. Enforcement**—Every victim in whose favor a restitution order is has the right, if
34 they are not paid, to have the order entered as a civil court judgment that is enforceable
35 against the offender.

1
2 **SEC. 8. General Provisions.—**

3
4 **a. Application—**This Act applies in respect of a victim of an offense in their
5 interactions with the criminal justice system:

- 6 1. while the offense is investigated or prosecuted;
7 2. while the offender is subject to the corrections process or the conditional
8 release process in relation to the offense; and
9 3. while the accused is, in relation to the offense, under the jurisdiction of a
10 court or the Board of Pardons and Parole if they are found not criminally
11 responsible on account of mental disorder or unfit to stand trial.

12
13 **b. Reporting of Offense—**For the purpose of subsection (a), if an offense is reported
14 to the appropriate authorities in the criminal justice system, the investigation of the offense
15 is deemed to begin at the time of the reporting.

16
17 **SEC. 9. Exercise of Rights.—**

18
19 **a.** The rights of victims under this Act are to be exercised through the mechanisms
20 provided by law.

21 **b.** A victim is entitled to exercise their rights under this Act only if they are a Filipino
22 citizen or a permanent resident of the Philippines.

23
24 **SEC. 10. Interpretation of this Act.—**This Act is to be construed and applied in a manner
25 that is reasonable in the circumstances, and in a manner that is not likely to

- 26
27 **a.** interfere with the proper administration of justice, including
28 1. by causing interference with police discretion or causing excessive delay
29 in, or compromising or hindering, the investigation of any offense, and
30 2. by causing interference with prosecutorial discretion or causing excessive
31 delay in, or compromising or hindering, the prosecution of any offense;
32 **b.** interfere with judicial discretion;
33 **c.** interfere with the discretion that may be exercised by any person or body
34 authorized to release an offender into the community;
35 **d.** endanger the life or safety of any individual; or

1 e. cause injury to international relations or national defense or national security.

2
3 **SEC. 11. *Interpretation of Other Acts, Regulations, etc.***—To the extent it is possible to do
4 so, all Philippine acts, statutes, orders, rule or regulation made under such an Act—before, on or
5 after the day on which this Act comes into force must be construed and applied in a manner that is
6 compatible with the rights under this Act.

7
8 **SEC. 12. *Primacy in event of inconsistency.***—If, after the application of sections 10 and
9 11, there is an inconsistency between any provision of this Act and any provision of any Act, order,
10 rule or regulation referred to in section 11, the provision of this Act prevails to the extent of
11 inconsistency.

12
13 **SEC. 13. *No adverse inference.***—No adverse inference is to be drawn against a person who
14 is charged with an offense from the fact that and individual has been identified as a victim in
15 relation to the offense.

16
17 **SEC. 14. *Entering or remaining in the Philippines.***—Nothing in this Act is to be construed
18 so as to permit any individual to:

- 19
20 a. enter the Philippines or to remain in the Philippines beyond the end of period for
21 which they are authorized to so remain;
22 b. delay any removal proceedings or prevent the enforcement of any removal order;
23 or
24 c. delay any extradition proceedings or prevent the extradition of any person to or
25 from the Philippines.

26
27 **SEC. 15. *Remedies.***—

28
29 a. **Complaint to government entity**—Every victim who is of the opinion that any of
30 their rights under this Act have been infringed or denied by a government department,
31 agency or body has the right to file a complaint in accordance with its complaints
32 mechanism.

33 b. **Complaint to authority**—Every victim who has exhausted their recourse under
34 the complaints mechanism and who is not satisfied with the response of the government

1 department, agency, or body may file a complaint with any authority that has jurisdiction to
2 review complaints in relation to that department, agency or body.

3 **c. Complaints mechanism**—Every government department, agency or body that is
4 involved in the criminal justice system must have a complaints mechanism that provides for:

5
6 1. a review of complaints involving alleged infringements or denials of rights
7 under this Act;

8 2. the power to make recommendations to remedy such infringements and
9 denials; and

10 c. the obligation to notify victims of the result of those reviews and of the
11 recommendations, if any were made.

12
13 **SEC. 16. Status.**—Nothing in this Act is to be construed as granting to, or removing from,
14 any victim or any individual acting on behalf of a victim the status of party, intervenor or observer
15 in any proceedings.

16
17 **SEC. 17. No cause of action.**—No cause of action or right to damages arises from an
18 infringement or denial of a right under this Act.

19
20 **SEC. 18. No appeal.**—No appeal lies from any decision or order solely on the grounds that
21 a right under this Act has been infringed or denied.

22
23 **SEC. 19. Implementing Rules and Regulations**—Within six (6) months from the date of
24 effectivity of this Act, the Department of Justice shall formulate the necessary rules and regulations
25 for the implementation of the provisions of this Act.

26
27 **SEC. 20. Separability Clause.**—If any section or provision of this Act shall be held
28 unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain
29 valid.

30
31 **SEC. 21. Effectivity**—This Act shall take effect fifteen (15) days following its publication
32 in at least two (2) newspapers of general circulation.

Approved,