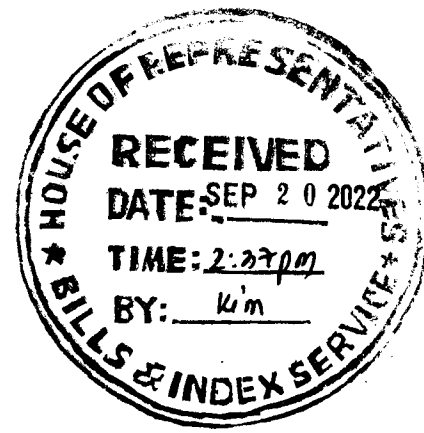


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. 5029



Introduced by Hon. MARVIN C. RILLO
Representative, Fourth District, Quezon City

EXPLANATORY NOTE

Section 1 Article III of the 1987 Philippine Constitution states 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." In a broad sense, right to due process is the right to be treated fairly, efficiently and effectively by the administration of justice.

Republic Act No. 7309 created the Board of Claims (BOC) to compensate the victims of unjust imprisonment or detention and victims of violent crimes. This law was enacted in 1992 and the value of the award has not kept up with the changing times. Now, it is time to amend a 20 years old law that compensates victims of heinous crimes and those who have been wrongfully convicted.

Thus, this bill aims to reasonably compensate, at least financially increased the wrongfully-detained persons or the loss suffered by the victims of unjust imprisonment by increasing the compensation of victims of unjust imprisonment or detention and victims of violent crimes authorized under Republic Act No. 7309 from P1,000 to P5,000 per month, while providing guidelines for establishing such claims. This bill also proposes increasing annual funding and increased allocation for the Victims Compensation Fund.

On behalf of the people of the Fourth District of Quezon City, the approval of this Bill is earnestly sought.


MARVIN C. RILLO
Representative
4th District, Quezon City

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House Bill No. 5029

Introduced by REPRESENTATIVE MARVIN C. RILLO

“AN ACT AMENDING SECTION 4 AND 9 OF REPUBLIC ACT NO. 7309 ENTITLED, “AN ACT CREATING A BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES AND FOR OTHER PURPOSES”

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

SECTION 1. *Section 4 of Republic Act No. 7309, otherwise known as “An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes”, 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 (P 1,000)~~] **FIVE THOUSAND PESOS (P5,000.00)** per month.

“In all other cases, the maximum amount for which the Board, may approve a claim shall not exceed [~~Ten thousand pesos (P10,000.00)~~] **FIFTY THOUSAND PESOS (P50,000.00)** 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 injury, whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws.

THE DAMAGES AWARDED PURSUANT TO THIS SECTION SHALL NOT EXCEED TWICE THE AMOUNT OF THE CLAIMANT’S INCOME IN THE YEAR PRIOR TO THE CLAIMANT’S INCARCERATION OR ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR EACH YEAR OF INCARCERATION, WHICHEVER IS HIGHER. IN ADDITION, THE CLAIMANT SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY’S FEES.”

SEC. 2. *Section 9 of Republic Act No. 7309 is hereby amended to read as follows:*

"Sec. 9. Funding - For purposes of this Act, the initial 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.

The subsequent annual funding shall also partly come from [~~one percent (1%)~~] **THREE PERCENT (3%)** of the net income of the Philippine Amusement and Gaming Corporation and [~~one percent (1%)~~] **THREE PERCENT (3%)** of the proceeds and sales and other disposition and military camps in Metro Manila by the Bases Conversion and Development Authority.

The proceeds from any contract relating to the depiction of a crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment, of any kind, or in any other form of commercial exploitation of any convict's story, recollection, opinion and emotions with regard to the offense committed shall not be released to convict in a criminal case or his heirs, agents, assignees or successors in interest until full compensation for damages suffered by or awarded to the victim, his heirs or successors in interest is paid or arranged for, and the state is able to collect/ assess fines and costs and any other amounts due it in case of a conviction by final judgment. Such damages shall include, but shall not be limited to, judicial awards, funeral expenses, medical expenses, lost earning and the like.

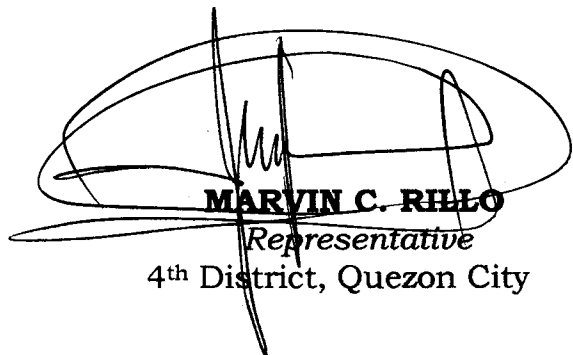
To ensure the continuity of the funding requirements under this Act, the amount of [~~Five Pesos (P5.00)~~] **THIRTY PESOS (P30.00)** shall be set aside from each filing fee in every civil case filed with the court, the total proceeds of which shall constitute the Victim's Compensation Fund to be administered by the Department of Justice."

SEC. 3. Separability Clause. - If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

SEC. 4. Repealing Clause. - All laws, presidential decrees, executive orders, rules and regulations, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 5. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.


MARVIN C. RILLO
Representative
4th District, Quezon City