

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 7310



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

Republic Act No. 7309 is the law creating the Board of Claims under the Department of Justice (**DOJ**) granting compensation for victims of unjust imprisonment or detention and victims of violent crimes.

One of the more disturbing problems in the area of justice and human rights is the implementation of the constitutional provision against the deprivation of life, liberty and property without due process of law. Persons have been accused and imprisoned for crimes they did not commit, only to be subsequently acquitted. Government and society have become notably indifferent to victims of crimes and criminals. A judicial way of filing a claim for compensation may be too long. Congress opted for an administrative procedure of filing the claims by creating the Board of Claims.

Who may apply for compensation?

1. A person who was unjustly accused convicted and imprisoned and subsequently released by virtue of a judgment of acquittal;

A person who was unjustly detained and released without being charged;

2. A person who is a victim of arbitrary detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; or
3. A person who is a victim of a violent crime which includes rape and offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or

disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

The claim should be filed with the Board by the person entitled to compensation under this Act within six (6) months after being released from imprisonment or detention or from the date he suffered damage or injury; otherwise he is deemed to have waived his claim.

A claimant may file a claim with the board by filling up an application form provided for the purpose with the Secretariat of the Board of Claims, Department of Justice, Padre Faura Street, Ermita, Manila. Thereafter, he will be interviewed and he will be duly notified of the action taken by the Board.

1. For the victims of unjust imprisonment, the compensation shall be based on the number of months of imprisonment and every fraction thereof shall be considered one month, but in no case shall such compensation exceed *ONE THOUSAND PESOS (P1,000.00) per month*.
2. In all other cases the maximum for which the Board may approved a claim shall not exceed *TEN THOUSAND PESOS (P10,000.00)* 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, whichever is lower to be determined by the Board.

R. A. No. 7309 was published **on 13 April 1992** in the Philippine Star and Philippine Daily Inquirer, hence, the effectivity day of R.A. No. 7309 is 14 April 1992.

The provisions of the Act shall be applied prospectively. All incidents or bases for filing an application under Sec. 3 of R.A. 7309 must have happened on or after 14 April 1992 and within the period provided for in No. 4, to be covered by the law.

Section 8 provides that: "Any aggrieved claimant may appeal, within fifteen (15) days from receipt of the resolution of the Board, to the Secretary of Justice whose decision shall be final and executory."

This House Bill seeks to provide **Modernization Funding** to the **Board of Claims (BOC)**, to improve the lives of the victims of violent crimes and those who have been unjustly accused and imprisoned.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

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AN ACT

PROVIDING FOR MODERNIZATION FUNDINGFOR THE **BOARD OF CLAIMS (BOC)**, INCREASING AND REORGANIZING ITS ADMINISTRATION, TO ALLEVIATE THE LIVES OF THE VICTIMS OF VIOLENT CRIMES AND THOSE WHO HAVE BEEN UNJUSTLY ACCUSED AND IMPRISONED AND FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared policy of the State to exercise administrative control and operational supervision over and for the victims of unjust imprisonment or detention and victims of violent crimes, to improve the lives of the victims of violent crimes and those who have been unjustly accused and imprisoned.

The state shall continually improve the effectiveness of our Quality Management System towards equitable development for improved quality of life for all.

The state shall formulate policies for the efficient and effective administration and management of all manpower, skills and competencies to ensure compliance.

SECTION 2. MODERNIZATION FUNDING. – The amount of Five Hundred Million Pesos (**Php 500,000,000.00**) for the operation and administration of the **Board of Claims (BOC)** shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**. Thereafter, appropriations for the **Board of Claims (BOC)** shall be included in the budget proposals under the **Department of Justice (DOJ)**.

The **Department of Budget and Management (DBM)** shall rationalize the existing organizational structure and staffing pattern of the in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. A BOARD OF CLAIMS (BOC) MODERNIZATION FUND – There is hereby created the **Board of Claims (BOC) Modernization Fund** to be used exclusively for the **(BOC) Modernization Program**.

The **Board of Claims (BOC) Modernization Fund** shall be administered by the Secretary of the **DOJ** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of **DOJ** shall prepare an annual report on the status of the implementation of the **Board of Claims (BOC) Modernization Programs** which shall be submitted, to the Office of the President and to the Chairpersons of the Committee on Justice of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two **(2)** years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **Board of Claims (BOC)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The **Board of Claims (BOC)** shall continue to exercise and uphold the following powers and functions; but not limited to:

a) to receive, evaluate, process and investigate applications for claims under this Act;

b) to conduct an independent administrative hearing and resolve applications for claims, grant or deny the same;

c) to deputize appropriate government agencies in order to effectively implement its functions; and

d) to promulgate rules and regulations in order to carry out the objectives of this Act.

SECTION 7. INCREASE OF PERSONNEL. – The **Board of Claims (BOC)** shall maintain the sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 8. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 12. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,