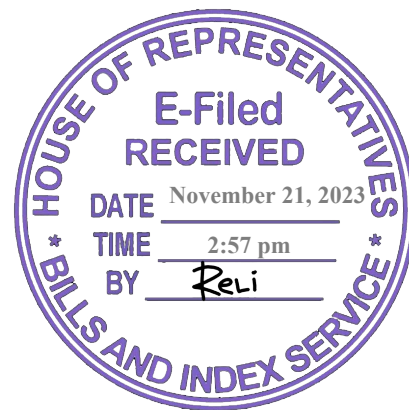


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 9597



Introduced by Honorable Ma. Alana Samantha Taliño Santos

AN ACT ADJUSTING THE MINIMUM AMOUNT FOR DEATH INDEMNITY, MORAL AND EXEMPLARY DAMAGES UNDER REPUBLIC ACT NO. 386 OR THE CIVIL CODE OF THE PHILIPPINES

EXPLANATORY NOTE

In our justice system, civil indemnity is awarded to the offended party as a kind of monetary restitution or compensation to the victim for the damage done by the accused. Hence, in crimes where a person dies, an offender may also be ordered to pay a monetary penalty, in addition to serving imprisonment.¹ Aside from civil indemnity, courts may also award moral damages to compensate the victim for manifold injuries such as physical suffering, mental anguish, serious anxiety, besmirched reputation, wounded feelings and social humiliation. Moral damages are awarded to compensate the victim or in cases of death, the family of the victim for the damage caused by the offender.² Lastly, courts may also award exemplary or corrective damages. Exemplary damages are “punitive” in nature, and are imposed to serve as a deterrent to commit serious wrongdoings. Also known as “*punitive*” or “*vindictive*” damages, exemplary damages are intended to deter those guilty of outrageous conduct and to undue sufferings and wanton invasion of the rights of the injured of the said conduct.³

Article 2206 of the Civil Code imposes a minimum amount for civil indemnity, worth Php 3,000, for awards of civil indemnity in cases of crimes or quasi-delict that cause death of the victim. On the other hand, for moral damages, the fixing of the monetary award is discretionary upon the court depending on the mental anguish or suffering of the private offended party; and courts may modify the amount of moral damages for as long as it does not exceed the award of civil indemnity.

The amount for civil indemnity under the Civil Code is a price floor, and courts are able to adjust the amount as needed. In *People v. Jugueta*⁴, the Supreme Court summarized the guidelines on the amount of damages to be awarded in cases of crimes or quasi delict. In crimes like murder and parricide, or when the circumstances surrounding the crime would justify the imposition of the death penalty were it not for the application of RA No. 9346 or the “Act Prohibiting the Imposition of Death Penalty in the Philippines”, the amount for civil indemnity, moral damages and exemplary damages is pegged by the courts at Php 100,000 each. Meanwhile, the courts set a lower indemnity and damages in case of death at Php 75,000.00 where the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance.

¹ *People v. Jugueta*, G.R. No. 20124, April 5, 2016.

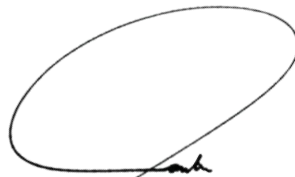
² *Del Mundo v. CA*, G.R. No. 104576, Jan. 20, 1995.

³ *People v. Jugueta*, G.R. No. 202124, April 05, 2016.

⁴ *Ibid.*

The minimum amount for civil indemnity, a modest sum considering present economic conditions, was established more than six decades ago, in 1949, when the Civil Code was enacted. While it remains within the purview of the courts to adjust the amount of damages as the present circumstances of the case warrant, it is imperative that the minimum threshold be revised to establish a more robust benchmark for courts when determining appropriate civil indemnities.

The passage of this bill is a pressing necessity to modernize outdated indemnity provisions within our existing laws and to establish more effective penalties that genuinely discourage incidence of heinous crimes. Moreover, it aims to enhance the much-needed compensation for victims and their families. In summary, this bill is an essential step towards modernizing our legal provisions, offering stronger penalties to deter highly reprehensible conduct of offenders, and providing better support and compensation for victims and their families.



HON. MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato

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

Section 1. Article 2206 of Republic Act No. 386, otherwise known as the “Civil Code of the Philippines” is hereby amended to read as follows:

“ART. 2206. The amount of damages for death caused by a crime or quasi-delict **SHALL BE AT LEAST THREE HUNDRED THOUSAND PESOS**, even though there may have been mitigating circumstances. **THE COURT, IN ITS DISCRETION, MAY AWARD A HIGHER AMOUNT, BASED ON THE RATE OF INFLATION AND THE CIRCUMSTANCES OF EACH CASE.** In addition:

(1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;

(2) If the deceased was obliged to give support according to the provisions of article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;

(3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased.”

Section 2. Article 2216 of the same Act is hereby amended to read as follows:

“Article 2216. No proof of pecuniary loss is necessary in order that moral, nominal, temperate, liquidated or exemplary damages, may be adjudicated. The assessment of such damages, except liquidated ones, is left to the discretion of the court, according to the circumstances of each case. **PROVIDED, THAT THE AMOUNT OF MORAL AND EXEMPLARY DAMAGES SHALL BE AT LEAST TWO HUNDRED THOUSAND PESOS IN CASE OF DEATH RESULTING FROM A CRIME OR QUASI-DELICT. THE COURT, IN ITS**

DISCRETION, MAY AWARD A HIGHER AMOUNT BASED ON PREVAILING CIRCUMSTANCES AND THE RATE OF INFLATION.”

Section 3. ***Repealing Clause.*** – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent or contrary to the provision of this Act is hereby repealed or modified accordingly.

Section 4. ***Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or a newspaper of general circulation.

Approved