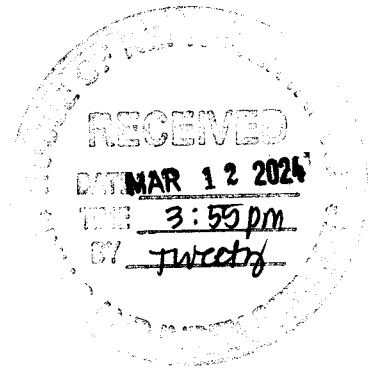


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Batasan Hills, Quezon City  
  
NINETEENTH CONGRESS  
Second Regular Session  
  
**HOUSE BILL NO. 10126**



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Introduced by: **Hon. Margarita Ignacia B. Nograles**

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### Explanatory Note

The Philippine penal laws provide retribution against the offender, protection to the public, and restitution to the victim. Restitution has the objective of placing the offended party in the same condition as he was before the offense was committed against him. However, no amount of restitution can be made when life is taken. Life, once lost, can never be restored. No sufficient reparation or indemnification can be made for something invaluable. Nevertheless, the Revised Penal Code provides that a person criminally liable for a felony is also civilly liable. Consequently, The Republic Act No. 386 or the "Civil Code of the Philippines" provides compensation for the wrongful death of a person whether caused by crime or quasi-delict.

Article 2206 of the Code, which was enacted in the year 1949, sets the minimum amount at Three Thousand Pesos (P3,000.00). As time passes by, the Supreme Court in multiple decisions increased the amount to P6,000.00, P9,000.00, P12,000.00 and in 1990, to P50,000.00 or 75,000.00 when the crime is punishable by death penalty.

For a long time, the amount remained at P50,000.00 until in 2013 when the Court in *People v. Gambao*, G.R. No. 172707, October 1, 2013, raised the minimum amount to the rate of P100,00.00. Such amount is awarded as a matter of course for wrongful death, without need of proof other than the fact of death resulting from crime or quasi-delict and the fact that the accused was responsible for such death.

About three years later, the Court in *People v. Jugueta*, G.R. No. 202124, April 5, 2016, provided for a more comprehensive and detailed schedule of amounts as damages for death caused by a crime or quasi-delict. The Supreme Court took into proper

consideration the stages of execution and gravity of the offenses, as well as the number of victims in composite crimes. Other factors were weighed by the Court.

While the wording of the law and the decisions rendered by the Supreme Court both agree that the amount provided is only the minimum, it has become common practice for our courts to award death indemnity as well as moral and exemplary damages only within the minimum amount. Hence, we are introducing amendments clarifying that the amounts provided in the law are only the minimum and that courts are empowered to use their discretion in granting a higher amount, based on the rate of inflation and circumstances unique to the case. Without saying that human life or human suffering has an equivalent price or cost, the minimum amount is set in stone at P100,000.00.

The law must always evolve with the society. Unfortunately, Article 2206 is an obsolete piece of legislation which no longer reflect the present realities. Change must be made in order to keep the law relevant.

Hence, approval of the bill is earnestly sought.

  
HON. MARGARITA "ATTY. MIGS" B. NOGRALES  
PBA Party-list Representative

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NINETEENTH CONGRESS  
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**AN ACT**  
**INCREASING THE AMOUNT OF DAMAGES FOR DEATH CAUSED BY A CRIME**  
**OF QUASI-DELICT, AMENDING FOR THE PURPOSE ARTICLE 2206 OF REPUBLIC**  
**ACT NO. 386 OR THE "CIVIL CODE OF THE PHILIPPINES"**

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 is hereby amended to read as follows:

Article 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least **ONE HUNDRED THOUSAND PESOS**, even though there may have been mitigating circumstances. In addition:

xxx

**SECTION 2.** *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations and other issuances, or any part thereof, inconsistent with this Act are hereby repealed, modified or amended accordingly.

**SECTION 3.** *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

*Approved,*