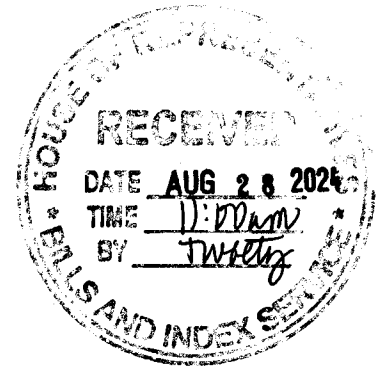


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City
NINETEENTH CONGRESS
Third Regular Session



HOUSE BILL NO. 10831

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

Explanatory Note

The Philippine justice system is no stranger to persons who have been unjustly accused and detained for crimes they did not commit, only to be subsequently acquitted and released. Consequently, people unjustly imprisoned suffer indignities, humiliation and degrading or inhumane treatment in the hands of State agents. Further, they endure the stigma put by society against those imprisoned regardless of the cause of imprisonment or lack of it.

Similarly, victims of violent crimes, such as rape and sexual abuse, suffer pain and trauma that can never be erased, forever etched in the memory of the offended. The affliction is even graver and compounded when the victim is a child. In most cases, the victim's indelible anguish and sufferings are brushed aside, even ignored, despite a clear mandate upon the State to provide restitution, compensation, and rehabilitation.

No less than the 1987 Constitution in Section 1, Article III mandates that "No Person shall be deprived of life, liberty, or property without due process of law." Moreover, Article 14, Paragraph 6 of The International Covenant on Civil and Political Rights (ICCPR), in which the Philippines is a party, provides that "When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the nondisclosure of the unknown fact in time is wholly or partly attributable to him."

The Philippines manifested the aforementioned duties by enacting Republic Act No. 7309 on March 30, 1992. It is the enabling law that provides for a system of compensation to those who were unjustly detained or imprisoned, and those who

were victims of violent crimes. Under this law, victims of unjust detention are entitled to a maximum of Php 1,000 per month of imprisonment, while victims of violent crimes are entitled to compensation not exceeding P10,000. Victims must also file a claim within six months from release or from the date of damage or injury, otherwise, the claim is waived.¹

Unfortunately, R.A. 7309 receives no amendment since its enactment. Considering the present economic conditions, the provisions of the law, especially on the amount of award, has become archaic and irrelevant. While the maximum compensation of P1,000 per month for victims of unjust imprisonment and maximum compensation of P50,000 for victims of violent crimes may be adequate in 1992, such amount is not enough considering the rise in prices over the 30 years since its passing. The goods that could be bought with P1,000 in 1992 will now cost more than P4,000² while P10,000 worth of goods in 1992 now cost P42,856.07, an increase of 328.56%.³

The low amount of compensation, in addition to the slow and tedious process of claiming such, effectively discourages claimants from applying for compensation and getting paid for the injury that it sustained as a result of injustice committed upon them. This is shown as a fact in the statistics provided by the Board of Claims, reflecting a significant drop of Php 7,805,000 approved claims as of September 2019 from Php 18,665,000 in 2018.⁴ In 2021, the approved claims amounted to just Php 9,393,000.⁵

This bill intends to reasonably compensate, at least financially, the loss suffered by the victims of unjust imprisonment, whether a private or public official, by increasing the compensation authorized under Republic Act No. 7309 from One Thousand Pesos (Php 1,000) to Fifty Thousand Pesos (Php 50,000) per month. For victims of violent crimes, the maximum amount to be awarded shall not exceed Five Hundred Thousand Pesos (Php 500,000).

The underlying principle for the increase is that no amount of money can compensate for the sufferings, deprivations, and trauma caused by a wrongful detention or criminal violence. Still, a form of compensation must still be done in order to alleviate, if not totally ease, the distress of the victims. Compensation is not consolation, rather, a redress for the victim to continue living despite the agonizing experience.

¹ Sec. 5.

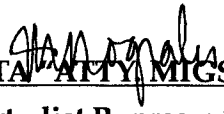
² According to Inflation Calculator available at <https://acesubido.net/ph-inflation-calculator/> (date last accessed February 26, 2024). Exact equivalent if P4,285.61 (328.56% increase)

³ *Id.*

⁴ Department of Justice (Manila), BOARD OF CLAIMS (R.A. 7309), ACCOMPLISHMENT REPORT 1992-2019 (As of September 2019).

⁵ Department of Justice 2022 Annual Report.

Hence, approval of this bill is earnestly sought.


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

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HOUSE BILL NO. 10831

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

AN ACT
INCREASING THE AWARD CEILING FOR VICTIMS OF UNJUST
IMPRISONMENT OR DETENTION, ANY PERSON WHO WAS UNJUSTLY
CONVICTED BUT WAS RELEASED BY VIRTUE OF JUDGMENT OF
ACQUITTAL, OR ANY VICTIM OF VIOLENT CRIMES, AMENDING FOR THE
PURPOSE 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"

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

SECTION 1. Section 4 of Republic Act No. 7309 is hereby amended to read as follows:

Section 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 **FIFTY THOUSAND PESOS (P50,000.00) per month.**

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed **FIVE HUNDRED THOUSAND PESOS (P500,000.00)** 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 BOARD SHALL, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF BUDGET AND MANAGEMENT (DBM), IN CONSULTATION WITH THE DEPARTMENT OF JUSTICE AND OTHER STAKEHOLDERS, REVIEW AND WHEN NECESSARY, ADJUST THE AMOUNT OF THE AWARD CEILING EVERY THREE (3) YEARS AFTER THE EFFECTIVITY OF THIS ACT, TAKING INTO ACCOUNT THE PRESENT CONSUMER PRICE INDEX AS PUBLISHED BY THE PHILIPPINE STATISTICS AUTHORITY (PSA) AND OTHER RELEVANT ECONOMIC INDICATORS, AS REPORTED AND PUBLISHED BY PRESENT GOVERNMENT AGENCIES AND AUTHORITIES.

SECTION 2. Appropriations. The amount necessary for the initial implementation of this Act may be charged against the current appropriations of the Department of Justice. Thereafter, such sums as may be necessary for the continued implementation of this Act must be included in the annual General Appropriations Act.

SECTION 3. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

SECTION 3. *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 4. *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,