



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 11235



Introduced by
HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO

**AN ACT AMENDING SECTIONS 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”**

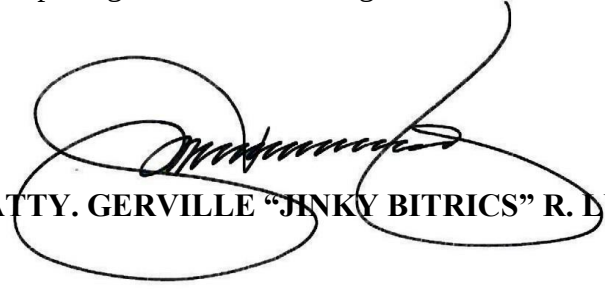
EXPLANATORY NOTE

Section 1, Article III of the 1987 Constitution explicitly states that "No person shall be deprived of life, liberty, or property without due process of law." Additionally, Article 14, Paragraph 6 of the International Covenant on Civil and Political Rights (ICCPR), to which the Philippines is a signatory, asserts 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."

As a commitment to the above, Republic Act No. 7309 was enacted on March 30, 1992, establishing a system of compensation for individuals who were unjustly detained or imprisoned. The amounts indicated in the same Act, however, are not reflective of the prevailing value of the Peso, not being amended since.

While no amount of money can compensate for all the costs associated with unjust detention, the State would be remiss to allow an unjust compensation scheme. This bill proposes to amend the amount of compensation that victims can receive for up to P50,000 per month, raises the maximum amount of claims to P500,000, and introduces a dynamic provision that automatically reviews the compensation amounts every three years.

In view of the foregoing, the urgent passage of this bill is sought.

A large, stylized handwritten signature in black ink, featuring a prominent loop and a long, sweeping tail that extends to the right.

HON. ATTY. GERVILLE “JINKY BITRICS” R. LUISTRO



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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, 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)~~] **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 [~~Ten thousand pesos (P10,000.00)~~] **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.

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)~~] TWENTY PESOS (P20.00) 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,