



**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
Third Regular Session**

HOUSE BILL NO. 11473

Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

The Speedy Trial Act of 1998 excludes any period of delay resulting from the fact that the accused is mentally incompetent or physically unable to stand trial in computing the time within which trial must commence. This exclusion in counting delay has resulted to instances where mentally incompetent or physically unable persons have been detained in detention facilities or mental health institutions with their respective trials suspended.

In the National Center for Mental Health (NCMH) alone, as of January 2023, the average overstay was four years and five months for one hundred ninety-six identified accused who are mentally incompetent or physically unable to stand trial.¹ This overstaying has resulted to an estimated cost of PHP 79.7 million from the NCMH's budget.²

Clearly, there is a policy gap. This measure can address not only the costs incurred by mental health institutions like the NCMH, but also the priceless costs associated with the freedom of a mentally incompetent or physically unable accused who is undergoing an experience that is nothing short of Kafkaesque.

Hence, this representation seeks the passage of this measure.



RUDYS CAESAR G. FARIÑAS I

¹ Quimbo, W, Galindez, EC, Sevilleja, JE. Cost of overstaying service users at the forensic wards of the National Center for Mental Health. NCMH Report. (January 2023)

² Id. (January 2023)



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**AN ACT
PROVIDING ADDITIONAL TRIAL TIME-LIMIT SAFEGUARDS FOR ACCUSED
PERSONS WHO ARE MENTALLY INCOMPETENT OR PHYSICALLY UNABLE
TO STAND TRIAL, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
8493, OTHERWISE KNOWN AS THE “SPEEDY TRIAL ACT OF 1998”**

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

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2 **SECTION 1.** A new Section 11 is inserted, with the subsequent sections re-
3 numbered accordingly, shall read as follows:

4
5 “SECTION 11. MENTAL INCOMPETENCE OR PHYSICAL INABILITY OF AN
6 ACCUSED. – IN INSTANCES WHERE THE ACCUSED IS MENTALLY
7 INCOMPETENT OR PHYSICALLY UNABLE TO STAND TRIAL,
8 ARRAIGNMENT MAY PROCEED AND AN IMPROVIDENT PLEA MAY BE
9 PLACED.

10 THE JUSTICE OR JUDGE *MOTU PROPRIO* OR ON MOTION OF THE
11 ACCUSED OR HIS OR HER COUNSEL, OR ON THE REQUEST OF THE
12 PUBLIC PROSECUTOR, ON THE BASIS OF THE JUSTICE OR JUDGE’S
13 FINDINGS THAT THE ENDS OF JUSTICE OUTWEIGH THE BEST INTEREST
14 OF THE PUBLIC AND THE DEFENDANT IN A SPEEDY TRIAL, MAY ALLOW
15 BAIL ON RECOGNIZANCE AND SIMILAR UNDERTAKINGS BY FAMILY
16 MEMBERS OR RELEVANT MEMBERS OF THE COMMUNITY TO ENSURE
17 THE ACCUSED FACES TRIAL WITHOUT BEING ADVERSELY AFFECTED
18 BY AN UNDUE DETENTION IN A DETENTION FACILITY OR A MENTAL
19 HEALTH INSTITUTION.”

1
2 **SEC 2. *Implementing Rules and Regulations.*** – The Supreme Court shall
3 promulgate rules, regulations, administrative orders and circulars which shall
4 seek to accelerate the disposition of criminal cases. The rules, regulations,
5 administrative orders and circulars formulated shall provide sanctions against
6 justices and judges who willfully fail to proceed to trial without justification
7 consistent with the provisions of this Act.

8 **SEC 3. *Separability Clause.*** – If any provision of this Act is subsequently
9 declared invalid or unconstitutional, the other provision hereof which are not
10 affected thereby shall remain in full force and effect.

11 **SEC 4. *Repealing Clause.*** – Republic act No. 8493, otherwise known as
12 “THE SPEEDY TRIAL ACT OF 1998” is hereby amended or modified accordingly.

13 All other laws, acts, presidential decrees, executive orders, issuances,
14 presidential proclamations, rules and regulations or parts thereof, which are
15 contrary to or inconsistent with any provision of this Act are hereby repealed,
16 amended or modified accordingly.

17 **SEC 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
18 its complete publication in the Official Gazette or in at least two (2) newspapers
19 of general circulation.

20
21 Approved,