

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 564



Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to reasonably compensate, at least financially, the loss suffered by those wrongfully incarcerated by increasing the compensation of victims of unjust imprisonment or detention and victims of violent crimes authorized under Republic Act No. 7309 (RA 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.*" In order to give the Board of Claims the wherewithal to implement this proposal, the bill also proposes to increase the sources of funds for its implementation. Lastly, this proposed legislation also mandates the Courts to notify victims of unjust imprisonment or detention and victims of violent crimes the option to file for a claim.

RA 7309 provides that the maximum amount for which the Board may approve a claim "shall not exceed Ten Thousand Pesos, 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 the injury, whichever is lower." This maximum amount has never changed since the passage of the law in 1992. The amount provided in the law is no longer compatible with the present conditions due to inflation. It is therefore not only timely but also just and equitable to make adjustments in the maximum amount to be claimed in order to keep pace with the changing times.

As to the number of claimants, according to the Board of in the year 2021, it received 828 applications - of which 581 were granted and 68 were left pending. In 2022, there were 1,437 applicants and only 899 were granted. As of December of 2022, 118 applications for claims are still pending. According to the Bureau of Jail Management and Penology, 7,118 individuals were acquitted in 2021. In 2022, 6,044 individuals were acquitted.

The numbers above beg for the question whether those who have been incarcerated are aware of the existence of the Board of Claims. We can see that there is a large disparity between the number of those who have been acquitted and of those who have actually filed for claims for compensation. There may therefore be a need to inform these persons of their option to file for a claim.

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


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AN ACT
AMENDING CERTAIN SECTIONS 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. *Short Title.* – This Act shall be known as the "*Wasted Lives Act*".

SEC. 2. Section 3 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. 3. *Who may File Claims.* – The following may file claims for compensation before the board:

a) any person who was unjustly accused, convicted, and imprisoned but subsequently released by virtue of a judgment of acquittal **OR ANY PERSON WHO WAS UNJUSTLY ACCUSED AND IMPRISONED BUT SUBSEQUENTLY RELEASED BY VIRTUE OF A JUDGMENT OF DISMISSAL;**

b) any person who was unjustly detained and released without being charged;

c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and

d) any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity."

SEC. 3. Section 4 of the same Act 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 (P1,000.00)] **TEN THOUSAND PESOS (P10,000.00)** 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)] **FIFTY THOUSAND PESOS (P50,000.00)** or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of earning capacity, loss of support or other expenses directly related to injury, whichever is [lower] **HIGHER**. This is without prejudice to the right of the claimant to seek other remedies under existing laws.”

SEC. 4. Section 9 of the same Act is hereby amended to read as follows:

“Sec. 9. *Funding.* – For purposes of this Act, the initial amount of Ten Million (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 OF military camps in Metro Manila **AND OTHER AREAS IN THE COUNTRY** 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 of his heirs, agents, assignees 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)] **FIFTY PESOS (P50.00)** 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. 5. A new section after Section 5 of the same Act shall be inserted which shall read as follows:

“SEC. 5-A. DUTY OF THE COURTS TO NOTIFY. – IT SHALL BE INCUMBENT UPON THE COURTS TO NOTIFY VICTIMS OF UNJUST IMPRISONMENT AND VICTIMS OF VIOLENT CRIMES THAT THEY MAY FILE FOR A CLAIM UNDER THIS ACT. SAID NOTIFICATION SHALL BE INCLUDED IN THE RELEASE ORDER OF THE COURTS.”

SEC. 6. *Separability Clause.* – If any portion or provision of this Act is subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

SEC. 7. *Repealing Clause.* – All laws, decrees, ordinances, administrative order, rules and regulations, or any part thereof, which are inconsistent with this Act are repealed or amended accordingly.

SEC. 8. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette and at least two (2) newspapers of national circulation.

Approved,