

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2421



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

Republic Act No. 7309 was enacted in 1992 to provide financial assistance to victims of unjust imprisonment or detention and victims of violent crimes. However, the amounts of compensation set by the law — One Thousand Pesos (P1,000.00) per month for the unjustly imprisoned and a maximum of Ten Thousand Pesos (P10,000.00) for victims of violent crimes — have not been adjusted in over three decades. This proposed measure seeks to address this by increasing the financial assistance for qualified claimants and by expanding the scope of covered offenses.

The bill proposes to raise the monthly compensation for unjust imprisonment or detention to Five Thousand Pesos (P5,000.00), with a maximum cap of Three Hundred Thousand Pesos (P300,000.00). For other qualified victims, such as those who suffered rape, murder, human trafficking, torture, or online sexual exploitation, the financial assistance will increase up to Fifty Thousand Pesos (P50,000.00) or the equivalent amount of verified expenses, whichever is lower. It also gives victims a longer period—up to one year—to file a claim, as opposed to the current period of only six months.

In addition, the bill expands the powers of the Board of Claims under the Department of Justice to include public awareness campaigns and program monitoring. To ensure sustainability of the Victim's Compensation Fund, the bill increases to Fifty Pesos (P50.00) the amount to be set aside from the filing fee of every civil case filed with the Court.

This measure is a long-overdue reform that upholds justice not only in the courtroom, but also in helping victims and the wrongfully accused rebuild their lives. It recognizes the harm they have suffered and ensures that the State does its part in helping them recover with dignity.


REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

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AN ACT

INCREASING THE AMOUNT OF COMPENSATION FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE 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"

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

SECTION 1. Section 1 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:

"SECTION 1. Creation and Composition of the Board. – There is hereby created a **VICTIMS' COMPENSATION PROGRAM TO BE ADMINISTERED BY THE** Board of Claims under the Department of Justice, hereinafter referred to as the Board, to be composed of one (1) [chairman] **CHAIRPERSON** and two (2) members to be appointed by the Secretary of the said Department."

SEC. 2. Section 2 of the same Act is hereby amended to read as follows:

"SEC. 2. Powers and Functions of the Board. – The Board shall have the following powers and functions:

(a) [to receive] **RECEIVE**, evaluate, process and investigate applications for claims under this Act;

(b) [to conduct] **CONDUCT** an independent administrative hearing and resolve application for claims, **AND** grant or deny the same;

(c) [to] **COORDINATE WITH AND** deputize appropriate government agencies in order to effectively implement its functions; [and]

(d) [to promulgate] **PROMULGATE** rules and regulations in order to carry out the objectives of this Act[.];

(E) **UNDERTAKE PROJECTS AND MEASURES TO PROMOTE AWARENESS REGARDING THE VICTIMS' COMPENSATION PROGRAM;**

(F) **MONITOR, EVALUATE, AND ASSESS THE IMPLEMENTATION OF THE VICTIMS' COMPENSATION PROGRAM; AND**

(G) **EXERCISE ALL THE POWERS NECESSARY TO CARRY OUT THE OBJECTIVES OF THIS ACT."**

SEC. 3. Section 3 of the same Act is further 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 **DETAINED OR imprisoned but subsequently released by virtue of a judgment of acquittal OR DISMISSAL BY THE TRIAL COURT OR ON APPEAL[.];**

FOR PURPOSES OF THIS ACT, A PERSON IS UNJUSTLY ACCUSED, DETAINED, OR IMPRISONED IF IT IS SHOWN THAT THE DETENTION, INFORMATION FILED, OR JUDGMENT RENDERED IS CONTRARY TO LAW OR IS NOT SUPPORTED BY THE EVIDENCE, AND THE SAME WAS DONE WITH CONSCIOUS AND DELIBERATE INTENT TO DO AN INJUSTICE, OR IF IT IS SHOWN THAT THE PROSECUTOR OR JUDGE ACTED WITH GROSS INEXCUSABLE NEGLIGENCE OR IGNORANCE OF THE LAW;

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

c) any victim of arbitrary **DETENTION, UNLAWFUL ARREST,** or illegal detention by the authorities as defined in the Revised Penal Code [under] **BASED ON** a final judgment of the **PROPER** court; [and]

d) any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include [rape]:

1. **RAPE;**
2. **HOMICIDE;**
3. **MURDER;**
4. **SERIOUS PHYSICAL INJURIES;**
5. **KIDNAPPING OR SERIOUS ILLEGAL DETENTION;**
6. **HUMAN OR CHILD TRAFFICKING;**
7. **ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC);**

8. **SEXUAL ABUSE UNDER SECTION 5(B) OF REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT";**
9. **TORTURE UNDER REPUBLIC ACT NO. 9745, OTHERWISE KNOWN AS "AN ACT PENALIZING TORTURE AND OTHER CRUEL, INHUMAN AND DEGRADING TREATMENT OR PUNISHMENT AND PRESCRIBING PENALTIES THEREFOR";**
10. **ENFORCED OR INVOLUNTARY DISAPPEARANCE UNDER REPUBLIC ACT NO. 10353, OTHERWISE KNOWN AS "AN ACT DEFINING AND PENALIZING ENFORCED OR INVOLUNTARY DISAPPEARANCE";**

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[.]; AND

E) ANY PERSON WHO IS A VICTIM OF AN OFFENSE WHERE THE LAW ALLOWS COMPENSATION."

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

"SEC. 4. Award Ceiling. – For victims [of unjust imprisonment or detention] **UNDER PARAGRAPHS A), B) AND C) OF THE PRECEDING SECTION**, 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)] **SHALL BE IN THE AMOUNT OF FIVE THOUSAND PESOS (₱5,000.00) per month, BUT SHALL NOT EXCEED A TOTAL OF THREE HUNDRED THOUSAND PESOS (₱300,000.00) FOR EACH CLAIM.**

"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 (₱50,000.00)** 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."

SEC. 5. Section 5 of the same Act is hereby amended to read as follows:

"SEC. 5. When to File Claims. – Any person entitled to compensation under this Act must [within six (6) months after being released from imprisonment or detention, or from the date the victim suffered damage or injury, file his claim with the Department, otherwise, he is deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever is valid.] **FILE THE CLAIM WITHIN ONE (1) YEAR:**

A) AFTER THE CLAIMANT IS RELEASED FROM PRISON OR DETENTION;

B) FROM THE DATE OF THE FINALITY OF THE JUDGMENT OF THE PROPER COURT IN CASES OF ARBITRARY DETENTION, UNLAWFUL ARREST, AND ILLEGAL DETENTION;

C) FROM THE DATE OF RELEASE OR RESCUE IN CASES OF HUMAN OR CHILD TRAFFICKING, OSAEC, AND KIDNAPPING OR SERIOUS ILLEGAL DETENTION;

D) FROM THE DATE OF DISCOVERY OR REPORTING OF THE INCIDENT OF RAPE OR SEXUAL ABUSE UNDER RA 7610; AND

E) FROM THE DATE THE VICTIM SUFFERED DAMAGE OR INJURY.

SEC. 6. Section 6 of the same Act is hereby amended to read as follows:

"SEC. 6. Filing of Claims by Heirs. – In case of death or incapacity of any person entitled to any award under this Act, the claim may be filed by [his] THE VICTIM'S heirs, in the following order: [by his] THE VICTIM'S surviving spouse, children, [natural] parents, GRANDPARENTS, [brother and/or sister] SIBLINGS."

SEC. 7. 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%) of the net income of the Philippine Amusement and Gaming Corporation and One percent (1%) of the proceeds and sales and other disposition of military camps in Metro Manila by the Bases Conversion and Development Authority **APPROPRIATED TO FINANCE THE MULTI-YEAR PROGRAM OF THE PROSECUTION SERVICE PURSUANT TO REPUBLIC ACT NO. 7227, AS AMENDED BY REPUBLIC ACT NO. 7917, OTHERWISE KNOWN AS THE "BASES CONVERSION AND DEVELOPMENT ACT OF 1992."**

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, opinions and emotions with regard to the offense committed shall not be released to a 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)] **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. 8. A new Section 9-A is hereby inserted after Section 9 of the same Act, to read as follows:

"SECTION 9-A. TRUST FUND. – THE FUNDS REMITTED UNDER SECTION 9 OF THIS ACT SHALL ACCRUE TO A TRUST FUND TO BE ADMINISTERED AND MANAGED BY THE BOARD, WHICH SHALL BE USED EXCLUSIVELY FOR THE FOLLOWING PURPOSES:

- A) PAYMENT OF COMPENSATION FOR THE COVERED VICTIMS;**
- B) PROVISION FOR THE NECESSARY TECHNICAL AND ADMINISTRATIVE SUPPORT SERVICES TO THE BOARD;**
- C) FOR OPERATING EXPENSES OF THE BOARD, SUCH AS PAYMENT OF HONORARIA TO THE PERSONNEL AND PROCUREMENT OF NECESSARY EQUIPMENT FOR THE USE OF THE PERSONNEL IN THE DELIVERING OF THEIR SERVICES;**
- D) PROMOTIONS OF INFORMATION AND DISSEMINATION CAMPAIGN ON VICTIM COMPENSATION PROGRAM."**

SEC. 9. *Separability Clause.* – If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 10. *Repealing Clause.* – All other laws, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby amended or repealed accordingly.

SEC. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,