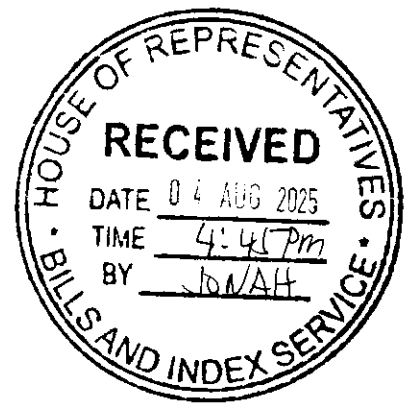


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

House Bill No. 2951



Introduced by **Hon. Janice V. Degamo**

EXPLANATORY NOTE

Section 1, Article III of the 1987 Philippine explicitly states that “ No person shall be deprived of life, liberty, or property without due process of law.” A person’s right to life is intimately connected to one’s liberty and as such, these fundamental rights are placed high in the hierarchy of rights.

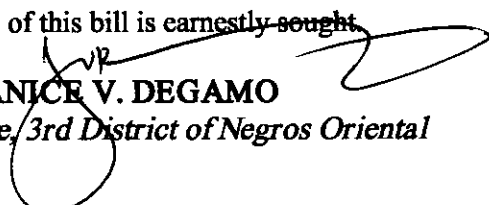
Unjust imprisonment or detention as well as other violent crimes such as rape, murder, and torture continue to persist in the Philippines. Alarming, children are not spared from such violence. As a consequence, victims including their families are confronted with devastating long term-consequences.

In 1992, the Philippines enacted Republic Act No 7309 which 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. R.A. 7309 entitles victims of unjust detention a maximum of P1,000 per month of imprisonment while victims of violent crimes may be entitled to a compensation of not exceeding P10,000. Victims must also file a claim within six month period from the time of release or from the date of damage or injury.

However, this 33 year old law has not been amended since its passage and the amount provided is not relevant considering the present economic conditions. Moreover, the process of claiming the compensation is tedious and challenging for most victims and their family members which might discourage them from applying for compensation.

While the injustices suffered by the victims and their families cannot be fully compensated, this bill proposes to adjust the amounts of compensation and award non-monetary compensation for the victims and their families, broaden the list of claimants, and improve the process of application of the compensation.

Approval of this bill is earnestly sought.


JANICE V. DEGAMO
Representative, 3rd District of Negros Oriental

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

TWENTIETH CONGRESS
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House Bill No. 2951

Introduced by Hon. Janice V. Degamo

AN ACT
AMENDING 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 2 of Republic Act No 7309 is hereby amended to read as follows:

"Section 2. Powers and Function of the Board - The board shall have the following powers and functions:

- a) ***
- b) ***
- c) to deputize, COORDINATE WITH, AND REFER TO appropriate government agencies in order to provide necessary support and services to victims for the effective implementation of this Act;
- d) ****"

SEC. 2. Section 3 of Republic Act No. 7309 is hereby amended to read as follows:

"Section 3. Who May File Claims - The following may file claims for compensation:

- a) Any person who was unjustly accused and DETAINED but subsequently released by virtue of a judgment of DISMISSAL or acquittal;
- b) ***
- c) ***
- d) Any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include, BUT NOT BE LIMITED TO rape, MURDER, HOMICIDE, TORTURE AND OTHER CRUEL, INHUMAN, DEGRADING TREATMENT OR PUNISHMENT (CIDTP) AS

DEFINED BY REPUBLIC ACT NO 9745 OR THE ANTI-TORTURE ACT OF 2009, HUMAN TRAFFICKING, ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC) AS DEFINED IN REPUBLIC ACT NO. 11930 OR THE ANTI-ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC) AND ANTI-CHILD SEXUAL ABUSE OR EXPLOITATION MATERIALS (CSAEM) ACT, TRAFFICKING IN PERSONS AS DEFINED UNDER REPUBLIC ACT 11862 OR THE EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022, SERIOUS PHYSICAL INJURIES, ENFORCED DISAPPEARANCE AS DEFINED BY REPUBLIC ACT NO 10353 OR THE ANTI-ENFORCED OR INVOLUNTARY DISAPPEARANCE ACT OF 2012, KIDNAPPING OR SERIOUS ILLEGAL DETENTION, and shall likewise refer to crimes committed with malice which resulted in death or serious physical/ or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelly or barbarity; and

- e) ANY CHILD WHO IS A VICTIM OF TORTURE AND/OR CIDTP UNDER REPUBLIC ACT NO. 9745 OR THE ANTI- TORTURE ACT OF 2009, SEC. 5(B) OF REPUBLIC ACT NO. 7610 AS AMENDED OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT, OR ANY GRAVE CHILD RIGHTS VIOLATION AS DEFINED IN REPUBLIC ACT NO. 11188 OR SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT ACT.”

SEC. 3. 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 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 ONE HUNDRED THOUSAND PESOS (P100,000.00).

This is without prejudice to the right of the claimant to seek other remedies under existing laws. THE AMOUNT HEREIN PROVIDED SHALL BE ADJUSTED EVERY FIVE (5) YEARS TO ACCOUNT FOR THE PREVAILING COST OF MONEY BASED ON THE CURRENT CONSUMER PRICE INDEX”

SEC. 4. A new Section 4-A is hereby inserted to read as follows:

“SECTION. 4-A. NON MONETARY COMPENSATION - THE BOARD, AFTER EVALUATING THE CLAIM, MAY LIKEWISE AWARD NON-MONETARY COMPENSATION TO THE VICTIM AND/OR HIS/HER FAMILY. THE BOARD SHALL COORDINATE AND REFER THE VICTIM AND/OR HIS/HER FAMILY TO THE DEPARTMENT OF HEALTH (DOH), THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD), THE DEPARTMENT OF EDUCATION (DEPED) THE COMMISSION ON HIGHER EDUCATION (CHED), THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA), THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), AND SUCH OTHER GOVERNMENT AGENCIES WHO SHALL THEN PROVIDE AND RENDER NON MONETARY COMPREHENSIVE PACKAGE OF REPARATION TO THE VICTIMS AND/OR THEIR FAMILIES INCLUDING BUT NOT LIMITED MEDICAL AND PSYCHOSOCIAL SERVICES, EDUCATIONAL ASSISTANCE AND SCHOLARSHIPS, SKILLS ENHANCEMENT TRAINING SERVICES, AND LIVELIHOOD PROGRAMS AND OPPORTUNITIES.”

SEC. 5. Section 5 of Republic Act No. 7309 is hereby amended to read as follows:

“Section 5. When to File Claims- Any person entitled to compensation under this Act must, within TWO (2) YEARS after being released from imprisonment or detention, or from the date the victim suffered damage or injury, file HIS/HER claim with the BOARD OF CLAIMS OR ANY OF THE PROSECUTION OFFICES, otherwise, HE/SHE is deemed to have waived the same. PROVIDED HOWEVER, THAT IN CASES OF TRAFFICKING IN PERSONS, ONLINE SEXUAL ABUSE OR EXPLOITATION OF CHILDREN (OSAEC), KIDNAPPING OR SERIOUS ILLEGAL DETENTION, THE VICTIM AND/OR HIS/HER FAMILY SHALL FILE THE CLAIM FROM THE TIME OF RESCUE OR RELEASE OF THE VICTIM. PROVIDED FURTHER THAT IN CASES OF TORTURE AND CIDTP UNDER REPUBLIC ACT NO. 9745, RAPE, OR GRAVE CHILD RIGHTS VIOLATION UNDER REPUBLIC ACT NO. 11188, THE CLAIM SHALL BE FILED WITHIN TWO (2) YEARS FROM THE TIME OF REPORTING OF TORTURE AND CIDTP.

IN CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCE, THE PROVISIONS OF REPUBLIC ACT NO. 10353, OTHERWISE KNOWN AS THE ANTI-ENFORCED OR INVOLUNTARY DISAPPEARANCE ACT OF 2012 SHALL APPLY.”

SEC. 6. Section 6 of Republic Act No. 7309 is hereby amended to read as follows:

“Section 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 heirs, in the following order: by spouse, children, natural parents, brother and/or

sister, GRANDPARENT WHO HAS THE CUSTODY OF THE CHILD-VICTIM OR LEGAL GUARDIAN."

SEC. 7. Section 9 of Republic Act No. 7309 is hereby amended to read as follows:

"Section 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. THEREAFTER, THE APPROPRIATION FOR THIS PURPOSE SHALL BE INCLUDED IN THE ANNUAL BUDGET OF THE DEPARTMENT OF JUSTICE.

The subsequent annual funding shall also partly come from THREE PERCENT (3%) of the net income of the Philippine Amusement and Gaming Corporation and THREE PERCENT (3%) of the proceeds and sales and other disposition and military camps in Metro Manila by the Base Conversion and Development Authority.

SEC. 10. A new Section 10 is hereby inserted to read as follows:

"SECTION 10. *MONITORING AND REPORTING SYSTEM* - THE BOARD SHALL SUBMIT TO THE PRESIDENT AND TO THE CONGRESS OF THE PHILIPPINES THE ANNUAL REPORT WHICH INCLUDES AMONG OTHERS IDENTIFICATION OF STRENGTHS AND WEAKNESSES IN THE IMPLEMENTATION OF THE ACT, TRENDS AND PATTERNS OF CASES ASSISTED, AND DEMOGRAPHIC DATA ON VICTIMS ASSISTED DISAGGREGATED BY SEX, AGE, DISABILITY, AND ETHNICITY."

SEC. 7. *Implementing Rules and Regulations.* Within thirty (30) days from the approval of this Act, the Board, upon consultation with relevant stakeholders, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 8. *Separability Clause.* If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 9. *Repealing Clause.* Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 10. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,