

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

**EIGHTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 5347**



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**Introduced by HON. JESUS MANUEL C. SUNTAY**

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**AN ACT**  
**AMENDING REPUBLIC ACT 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**

Sec. 1, Article III of the 1987 Constitution states that "No Person shall be deprived of life, liberty or property without due process of law." Persons have been accused and imprisoned for crimes they did not commit, only to be subsequently acquitted.

The International Covenant on Civil and Political Rights (ICCPR), Article 14 paragraph 6 also provides 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."

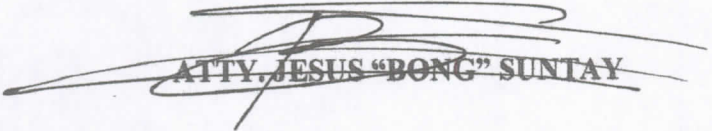
In the Philippines, victims of unjust imprisonment or detention and victims of violent crimes may claim their compensation through Republic Act No. 7309 enacted on March 30, 1992. This law also includes a person that has been unjustly detained and released without being charged; a person who is a victim of arbitrary detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; or a person who is a victim of a violent crime which includes rape and 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.

However, R.A. 7309 has not been amended since its passage. The amount provided in the law is not relevant considering the present economic conditions. Moreover, the process of claiming the compensation is slow and tedious. Effectively, it will discourage claimants from applying for compensation and getting paid for the injury that it sustained as a result of injustice committed upon them. This is apparent in the statistics provided by the Board of Claims. From

a total amount of approved claims of P18,665,000.00 in 2018, it dropped significantly to 7,805,000.00 as of September 2019<sup>1</sup>.

There is therefore an evident need for an amendatory law to be passed in order to adjust the amounts of compensation and to improve the process of approval.

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



ATTY. JESUS "BONG" SUNTAY

<sup>1</sup> Department of Justice (Manila), BOARD OF CLAIMS (R.A. 7309), ACCOMPLISHMENT REPORT 1992-2019 (As of September 2019)

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**AN ACT**  
**AMENDING REPUBLIC ACT NUMBERED 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 Session assembled;*

**SECTION 1.** Section 1 of Republic Act No. 7309 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 and two (2) members to be appointed by the Secretary of the said department.] **THE PROSECUTOR GENERAL AS CHAIRPERSON AND TWO (2) SENIOR DEPUTY STATE PROSECUTORS AS MEMBERS TO BE APPOINTED BY THE CHAIRPERSON.**"

**SECTION 2.** Section 2 of Republic Act No. 7309 shall be amended to read as follows:

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

- (a) to receive, evaluate, process and investigate application for claims under this Act;
- (b) to conduct an independent administrative hearing and resolve application for claims, grant or deny the same;
- (c) to **COORDINATE WITH AND** deputize appropriate government agencies in order to effectively implement its functions;
- (d) to promulgate rules and regulations in order to carry out the objectives of this Act;



(e) TO UNDERTAKE PROJECTS AND MEASURES TO PROMOTE AND EXPAND THE VICTIMS' COMPENSATION PROGRAM;

(f) TO ESTABLISH THE NECESSARY SECRETARIAT AND DESIGNATE EVALUATORS OF CLAIMS TO ASSIST THE BOARD IN THE DISCHARGE OF ITS FUNCTIONS;

(g) TO MONITOR AND ASSESS THE IMPLEMENTATION OF THE LAW AND;

(h) TO EXERCISE ALL THE POWERS NECESSARY TO CARRY OUT THE PROVISIONS AND PURPOSES/OBJECTIVES OF THE LAW.

**SECTION 3.** Section 3 of Republic Act No. 7309 is herein amended to read as follows:

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

(a) any person who was [unjustly] **WRONGLY** accused, and [convicted] imprisoned, but subsequently released by virtue of a judgment of acquittal **BY THE COURT BASED ON HIS INNOCENCE AND NOT ON A FINDING OF REASONABLE DOUBT**;

(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] **AND AS DECIDED IN** 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, **HOMICIDE, MURDER, SERIOUS PHYSICAL INJURIES, HUMAN TRAFFICKING, KIDNAPPING OR SERIOUS ILLEGAL DETENTION**, and shall likewise refer to crimes 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.”

**SECTION 4.** Section 4 of Republic Act No. 7309 shall be 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 [One Thousand pesos (P1,000.00) per month] **TWO THOUSAND (P2,000.00) PESOS PER MONTH NOT EXCEEDING ONE HUNDRED TWENTY THOUSAND PESOS (P120,000.00).**

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed [Ten thousand pesos (P10,000.00)] **THIRTY THOUSAND PESOS (P30,000.00)** 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.”

**SECTION 5.** Section 5 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 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 waive the same. Except as provided for in this Act, no waiver of claim whatsoever is valid.] **BOARD OF CLAIMS OR ANY OF THE PROSECUTION OFFICES WITHIN ONE (1) YEAR:**

- (a) **AFTER CLAIMANT IS RELEASED FROM PRISON OR DETENTION;**
- (b) **FROM THE DATE THE JUDGEMENT HAS BECOME FINAL IN CASES OF ARBITRARY DETENTION;**
- (c) **FROM THE DATE THE VICTIM SUFFERED DAMAGE OR INJURY;**
- (d) **FROM THE DATE OF RELEASE OR RESCUE IN CASES OF HUMAN TRAFFICKING, KIDNAPPING OR SERIOUS ILLEGAL DETENTION;**

**IN CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCE, THE PROVISIONS OF RA 10353 SHALL APPLY.”**

**SECTION 6.** Section 6 R.A. 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 [his surviving] spouse, children, natural parents, brother and/or sister, **GRANDPARENT WHO HAS CUSTODY OF THE MINOR.”**

**SECTION 7.** The following provision is hereby inserted as the new Section 9 of the same Act, to read as follows:

**“SECTION 9. SECRETARIAT – THE BOARD SHALL ESTABLISH A SECRETARIAT AND DETERMINE THE ORGANIZATIONAL STRUCTURE AND ITS STAFFING PATTERN OF THE BOARD WITH THE CORRESPONDING HONORARIA.”**

**SECTION 8.** The former Section 9 of Republic Act No. 7309 is hereby renumbered and amended to read as follows:

**“SECTION 10. 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 AMOUNT NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT YEAR'S APPROPRIATIONS OF THE BOARD OF CLAIMS UNDER THE BUDGET OF THE DEPARTMENT OF JUSTICE. THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.**

The subsequent annual funding shall also partly come from [one percent (1%)] **ONE AND A HALF PERCENT (1 ½%)** 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.]

[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 a 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)] **THIRTY PESOS (P30.00)** shall be set aside from each filing fee in every civil case filed with the court, the total proceeds of which shall constitute the Victims' Compensation Fund to be administered by the [Department of Justice] **BOARD OF CLAIMS."**

**SECTION 9.** A new provision of Section 11 is hereby inserted to read as follows:

**"SECTION 11. TRUST FUND. – THE FUNDS REMITTED FROM THE PAGCOR UNDER 2<sup>ND</sup> PARAGRAPH OF SECTION 10 HEREOF AND THE VICTIMS' COMPENSATION FUND UNDER 3<sup>RD</sup> PARAGRAPH OF SECTION 10 SHALL ACCRUE TO A TRUST FUND TO BE ADMINISTERED AND MANAGED BY THE BOARD TO BE USED EXCLUSIVELY FOR PROGRAMS WHICH SHALL INCLUDE BUT NOT LIMITED TO THE FOLLOWING:**

- (A) FOR THE PURPOSE OF PAYMENT 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 THE NECESSARY EQUIPMENT FOR THE USE OF THE PERSONNEL IN THE DELIVERING OF THEIR SERVICES.**
- (D) PROMOTION OF INFORMATION AND DISSEMINATION CAMPAIGN ON VICTIM COMPENSATION PROGRAM.**

**SECTION 10. *Implementing Rules and Regulations.*** – Within thirty (30) days from the approval of this Act, the Board shall promulgate the necessary Rules and Regulations for the effective implementation of this Act.

**SECTION 11. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

**Section 12. *Separability Clause.*** – If for any reason any section or provision of this Act shall be declared unconstitutional or invalid, no other section or provision of this Act which are not affected thereby shall continue in force and effect.

**Section 13. *Effectivity.*** – This Act shall take effect after fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,