

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3891



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

The Board of Claims was created to resolve applications for claims for compensation by victims of unjust imprisonment, detention and victims of violent crimes. However, compensation provided, as well as funding allocation, since its creation in 1992 has remained the same and is thus insufficient as proper compensation in present times.

This bill aims to reasonably compensate, at least financially, the loss suffered by the victims of unjust imprisonment by increasing the compensation of victims of unjust imprisonment or detention and victims of violent crimes authorized under Republic Act No. 7309 from P1,000 to P3,000 per month, while providing guidelines for establishing such claims. This bill also proposes increasing annual funding and increased allocation for the Victims Compensation Fund.


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AN ACT
AMENDING CERTAIN SECTIONS OF 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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 4 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. 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)] **THREE THOUSAND PESOS (P3,000.00)** 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 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. 2. A new section, Section 4-A, is hereby inserted after Section 4 of Republic Act No. 7309, to read as follows:

"SEC. 4-A. *CIVIL ACTION FOR UNJUST CONVICTION AND IMPRISONMENT.* NOTWITHSTANDING THE PROVISIONS OF THIS ACT OR ANY OTHER PERTINENT LAW, ANY PERSON UNJUSTLY CONVICTED AND SUBSEQUENTLY IMPRISONED FOR ONE OR MORE CRIMES WHICH HE DID NOT COMMIT MAY, UNDER THE CONDITIONS HEREINAFTER PROVIDED, BRING AN ACTION FOR DAMAGES BEFORE ANY COURT OF COMPETENT JURISDICTION.

THE PERSON, HEREINAFTER REFERRED TO AS THE "CLAIMANT", SHALL ESTABLISH THE FOLLOWING BY CLEAR AND CONVINCING EVIDENCE THAT:

- (1) HE WAS UNJUSTLY CONVICTED OF A CRIME AND SUBSEQUENTLY SENTENCED TO A TERM OF IMPRISONMENT, AND HAS SERVED ALL OR ANY PART OF HIS SENTENCE;
- (2) HE DID NOT COMMIT THE CRIME FOR WHICH HE WAS CONVICTED; AND
- (3) HE DID NOT BY HIS OWN CONDUCT CAUSE OR BRING ABOUT HIS CONVICTION.

THE ACTION INITIATED BY A VERIFIED PETITION CONTAINING STATEMENT OF THE FACTS CONCERNING THE CLAIM FOR DAMAGES, SHALL BE BROUGHT BY THE CLAIMANT WITHIN A PERIOD OF TWO YEARS AFTER HIS RELEASE FROM IMPRISONMENT.

DAMAGES AWARDED PURSUANT TO THIS SECTION SHALL NOT EXCEED TWICE THE AMOUNT OF THE CLAIMANT'S INCOME IN THE YEAR PRIOR TO HIS INCARCERATION OR ONE HUNDRED THOUSAND PESOS (P100,000.00) FOR EACH YEAR OF INCARCERATION, WHICHEVER IS GREATER. IN ADDITION, THE CLAIMANT SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY'S FEES.

A PERSON SERVING A TERM OF IMPRISONMENT FOR A CRIME OTHER THAN A CRIME FOR WHICH HE WAS MISTAKENLY CONVICTED SHALL NOT BE ELIGIBLE TO FILE A CLAIM FOR DAMAGES PURSUANT TO THE PROVISIONS OF THIS SECTION.

A PERSON SHALL NOT BE ELIGIBLE TO FILE A CLAIM FOR DAMAGES PURSUANT TO THE PROVISIONS OF THIS SECTION IF THE SENTENCE FOR THE CRIME OF WHICH THE PERSON WAS MISTAKENLY CONVICTED WAS SERVED CONCURRENTLY WITH THE SENTENCE FOR THE CONVICTION OF ANOTHER CRIME.

SEC. 3. Section 9 of Republic Act No. 7309 is hereby amended to read as follows:

"Sec. 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.

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 and 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 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)] 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 Victim's Compensation Fund to be administered by the Department of Justice."

SEC. 4. *Repealing Clause.* – All decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby deemed repealed, or modified accordingly.

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

Approved,