

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**

Quezon City  
Eighteenth Congress  
First Regular Session  
House Bill No: 3916



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**Introduced by REP. MERCEDES C. CAGAS**

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**EXPLANATORY NOTE**

This bill seeks to increase the compensation for persons wrongfully convicted of a crime, amending for the purpose Republic Act (RA) No. 7609, 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.*"

Section 1. Article III of the 1987 Constitution states that:

*"Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."*

A number of prisoners have been in jail for several years with their cases still pending before the courts because there are not enough courts and judges to hear and decide cases. Due to the snail-pace justice system, these prisoners spend the best and productive years of their lives in prison. There is a great percentage of those who languish in jail who, after years of court hearings, are eventually acquitted of the charges, declared innocent and are set free.

When a person is convicted and punished for a crime he did not commit, there is miscarriage of justice. There are cases when, upon review of the Supreme Court, the decisions of the lower courts are reversed and the convict is acquitted of the charges. Wrongfully convicted persons have been incarcerated only to be acquitted later. These persons, despite their proven innocence and after finally being exonerated, find it difficult to reenter the mainstream of society because of the notable indifference accorded to them.

A Rehabilitation Enhancement for Holistic Advancement of Beneficiaries (REHAB) program of the Department of Labor and Employment and the Department of Justice as well as other government agencies and non-government organizations provides ex-offenders with livelihood assistance which will generate sustainable employment to help them become

productive individuals. This program is not enough especially for wrongfully convicted persons.

Under RA 7309, A Board of Claims under the Department of Justice was created to receive, evaluate, process, investigate, approve or deny claims of victims of unjust imprisonment or detention and of victims of violent crimes. At present, the compensation provided in RA 7309 is no longer sufficient considering that the law was enacted way back in 1992.

This bill aims to reasonably compensate the loss, injury and damage to wrongfully convicted persons by increasing the compensation authorized under RA 7309. It also proposes the increase in the annual funding and allocation for the compensation fund. This measure will not indemnify the deprivation, suffering and trauma caused by wrongful conviction but will somehow correct the injustice experienced by persons wrongfully accused and incarcerated.

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



MERCEDES C. CAGAS



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**AN ACT INCREASING THE COMPENSATION FOR PERSONS WRONGFULLY CONVICTED OF A CRIME, AMENDING FOR THE PURPOSE 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"**

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

SECTION 1. Section 4 of Republic Act No. 7309 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 (P 1,000.00)] FIVE THOUSAND PESOS (P 5,000.00) per month.

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed [Ten thousand pesos (10,000.00)] SIXTY THOUSAND (P 60,000.00) 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.

THE DAMAGES AWARDED PURSUANT TO THIS SECTION SHALL NOT EXCEED TWICE THE AMOUNT OF THE CLAIMANT'S INCOME

INCARCERATION OR ONE HUNDRED THOUSAND PESOS (P 100,000.00) FOR EACH YEAR OF INCARCERATION, WHICHEVER IS GREATER. IN ADDITION, THE CLAIMANT SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY'S FEES."

SEC. 3. Section 9 of the same Act is further amended to read as follows:

"SEC. 9. **Funding.** - For purposes of this Act, the initial amount of Ten Million Pesos (P 10,000,000.00) 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 %)] ONE AND ONE-HALF PERCENT (1 ½ %) 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 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 a convict's story, recollection, opinion 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 judgement. 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 (P 5.00)] TEN PESOS (P 10.00) 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 Compensation Fund to be administered by the Department of Justice."

SEC. 4. All laws, decrees, orders, rules and regulations and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 5. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,