

COMMITTEE REPORT NO. 513

9 MAY 28 10:20

Submitted by the Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance on MAY 28 2009

Re: Senate Bill No. 3287

RECEIVED BY: 

Recommending its approval in substitution of Senate Bill Nos. 925, 1244 and 3032.

Sponsor: Senators Escudero, Cayetano (P), and Angara

MR. PRESIDENT:

The Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance to which was referred Senate Bill No. 925 introduced by Senator Loren B. Legarda entitled:

**“ AN ACT
PROVIDING COMPENSATION FOR PERSONS WRONGFULLY CONVICTED OF A
CRIME AND FOR OTHER PURPOSES ”**

Senate Bill No. 1244 introduced by Senator Francis N. Pangilinan entitled:

**“ AN ACT
AMENDING SECTIONS 4 AND 9 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’ ”**

and Senate Bill No. 3032 introduced by Senator Jinggoy Ejercito Estrada entitled:

**“AN ACT
PROVIDING REPARATION TO WRONGFULLY JAILED INDIVIDUALS PROVIDING
FUNDS THEREFOR AND FOR OTHER PURPOSES”**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 3287, prepared by the Committees, entitled:

**“ 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 approved in substitution of Senate Bill Nos. 925, 1244 and 3032 with Senators Legarda, Pangilinan, Ejercito Estrada, Cayetano (P), Angara and Escudero as authors thereof.

Respectfully Submitted:

Chairpersons:



FRANCIS JOSÉPH G. ESCUDERO
Committee on Justice and Human Rights

Pia S. Cayetano
“COMPAÑERA” PIA S. CAYETANO
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EDGARDO J. ANGARA
Committee on Finance

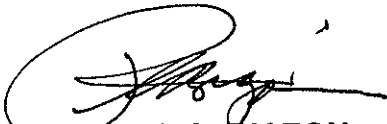
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Member, Committees on Justice and
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Benigno S. Aquino III
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Committee on Justice and Human Rights
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Members:



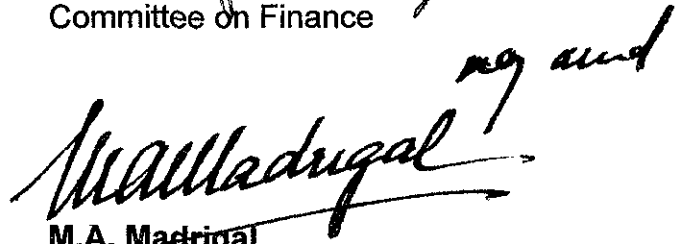
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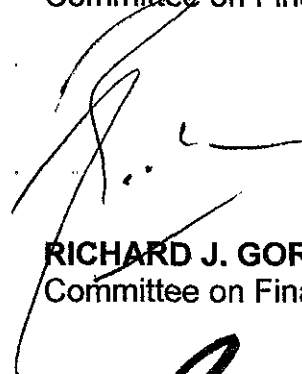
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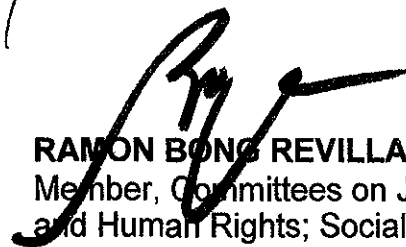


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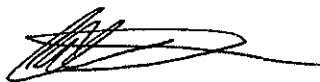


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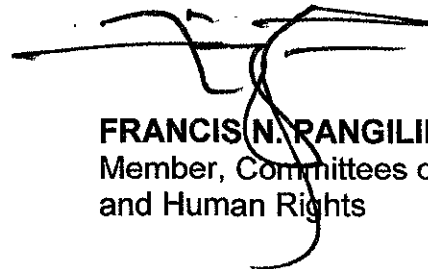
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JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Floor Leader

may amend:



AQUILINO Q. PIMENTEL JR.
Minority Floor Leader

Hon. JUAN PONCE ENRILE
Senate President
Senate of the Philippines
Pasay City

SENATE

OFFICE OF THE CLERK

S.B. NO. 3287

9 MAY 28 AIO:19

Prepared jointly by the Committees on Justice and Human Rights; Social Justice, Welfare and Rural Development; and Finance with Senators Legarda, Pangilinan, Ejercito Estrada, Cayetano (P), Angara and Escudero as authors thereof

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 Representative of the Philippines in Congress assembled:

1 **Section 1.** Section 4 of Republic Act No. 7309, otherwise known as "An Act
2 Creating A Board of Claims Under the Department of Justice for Victims of Unjust
3 Imprisonment or Detention and Victims of Violent Crimes and For Other Purposes", is
4 hereby amended to read as follows:

5
6 "Sec. 4. *Award Ceiling.* - For victims of unjust imprisonment or
7 detention, the compensation shall be based on the number of months of
8 imprisonment or detention and every fraction thereof shall be considered
9 one month; *Provided, however,* That in no case shall such compensation
10 exceed [One thousand pesos (P1,000.00)] **THREE THOUSAND PESOS**
11 **(P3,000.00)** per month.

12 "In all other cases, the maximum amount for which the Board may
13 approve a claim shall not exceed [Ten thousand pesos (P10,000.00)] **FIFTY**
14 **THOUSAND PESOS (P50,000.00)** or the amount necessary to reimburse
15 the claimant the expenses incurred for hospitalization, medical treatment,
16 loss of wage, loss of support or other expenses directly related to injury,
17 whichever is lower. This is without prejudice to the right of the claimant
18 to seek other remedies under existing laws."

19
20 **Section 2.** A new section, Section 4-A, is hereby inserted after Section 4 of
21 Republic Act No. 7309 to read as follows:

22
23 **SEC. 4-A. CIVIL ACTION FOR UNJUST CONVICTION AND**
24 **IMPRISONMENT.** - NOTWITHSTANDING THE PROVISIONS OF
25 **THIS ACT OR ANY OTHER PERTINENT LAW, ANY PERSON**
26 **UNJUSTLY CONVICTED AND SUBSEQUENTLY IMPRISONED FOR**
27 **ONE OR MORE CRIMES WHICH HE DID NOT COMMIT MAY,**
28 **UNDER THE CONDITIONS HEREINAFTER PROVIDED, BRING AN**

1 ACTION FOR DAMAGES BEFORE ANY COURT OF COMPETENT
2 JURISDICTION.

3
4 THE PERSON, HEREINAFTER REFERRED TO AS THE
5 "CLAIMANT", SHALL ESTABLISH THE FOLLOWING BY CLEAR
6 AND CONVINCING EVIDENCE THAT:

- 7
8 (1) HE WAS UNJUSTLY CONVICTED OF A CRIME AND
9 SUBSEQUENTLY SENTENCED TO A TERM OF
10 IMPRISONMENT, AND HAS SERVED ALL OR ANY
11 PART OF HIS SENTENCE;
12 (2) HE DID NOT COMMIT THE CRIME FOR WHICH HE
13 WAS CONVICTED; AND
14 (3) HE DID NOT BY HIS OWN CONDUCT CAUSE OR
15 BRING ABOUT HIS CONVICTION.
16

17 THE ACTION INITIATED BY A VERIFIED PETITION
18 CONTAINING STATEMENT OF THE FACTS CONCERNING THE
19 CLAIM FOR DAMAGES, SHALL BE BROUGHT BY THE CLAIMANT
20 WITHIN A PERIOD OF TWO YEARS AFTER HIS RELEASE FROM
21 IMPRISONMENT.
22

23 DAMAGES AWARDED PURSUANT TO THIS SECTION
24 SHALL NOT EXCEED TWICE THE AMOUNT OF THE CLAIMANT'S
25 INCOME IN THE YEAR PRIOR TO HIS INCARCERATION OR ONE
26 HUNDRED THOUSAND PESOS (P100,000.00) FOR EACH YEAR OF
27 INCARCERATION, WHICHEVER IS GREATER. IN ADDITION, THE
28 CLAIMANT SHALL BE ENTITLED TO RECEIVE REASONABLE
29 ATTORNEY FEES.
30

31 A PERSON SERVING A TERM OF IMPRISONMENT FOR A
32 CRIME OTHER THAN A CRIME FOR WHICH HE WAS
33 MISTAKENLY CONVICTED SHALL NOT BE ELIGIBLE TO FILE A
34 CLAIM FOR DAMAGES PURSUANT TO THE PROVISIONS OF THIS
35 SECTION.
36

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

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

44 "Sec. 9. *Funding.* - For purposes of this Act, the initial amount of
45 Ten million pesos (P10,000,000.00) is hereby authorized to be appropriated
46 from the funds of the National Treasury not otherwise appropriated.

47 The subsequent annual funding shall also partly come from [one
48 percent (1%)] **ONE AND ONE-HALF PERCENT (1½ %)** of the net
49 income of the Philippine Amusement and Gaming Corporation and [one
50 percent (1%)] **ONE AND ONE-HALF PERCENT (1½ %)** of the proceeds

1 and sales and other disposition and military camps in Metro Manila by
2 the Base Conversion and Development Authority.

3 The proceeds from any contract relating to the depiction of a crime
4 in a movie, book, newspaper, magazine, radio or television production, or
5 live entertainment, of any kind, or in any other form of commercial
6 exploitation of any convict's story, recollection, opinion and emotions with
7 regard to the offense committed shall not be released to convict in a
8 criminal case or his heirs, agents, assignees or successors in interest until
9 full compensation for damages suffered by or awarded to, the victim, his
10 heirs or successors in interest is paid or arranged for, and the state is able
11 to collect/assess fines and costs and any other amounts due it in case of a
12 conviction by final judgment. Such damages shall include, but shall not be
13 limited to, judicial awards, funeral expenses, medical expenses, lost
14 earning and the like.

15 To ensure the continuity of the funding requirements under this
16 Act, the amount of [Five pesos (P5.00)] **TEN PESOS (P10.00)** shall be set
17 aside from each filing fee in every civil case filed with the court, the total
18 proceeds of which shall constitute the Victim Compensation Fund to be
19 administered by the Department of Justice."

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

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

26 *Approved,*