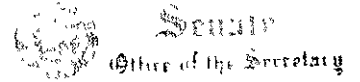



16<sup>th</sup> CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )



15 JUN 10 P2:38

SENATE

S.B. No. 2842

RECEIVED BY: 

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Introduced by Senator Ramon Bong Revilla, Jr.

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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"

#### EXPLANATORY NOTE

This bill intends to reasonably compensate, at least financially, the loss suffered by the victims of unjust imprisonment, whether a private or public official, by increasing the compensation of victims of unjust imprisonment or detention and victims of violent crimes authorized under Republic Act No. 7309 from one thousand pesos (P1,000) to ten thousand pesos (P10,000) per month, while providing guidelines for establishing such claims. This bill also proposes increasing annual funding to 1½% and increased allocation for the Compensation Fund, as described under section 9 of Republic Act No. 7309.

Immediate passage of this bill is highly needed.

  
RAMON BONG REVILLA, JR.  
Senator

'15 JUN 10 P2:38

SENATE

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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 if enacted by the Senate and the House of Representatives of the Philippines Congress assembled:*

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

4 "Sec. 4. *Award Ceiling.* - For victims of unjust imprisonment or detention, the compensation  
5 shall be based on the number of months of imprisonment or detention and every fraction thereof  
6 shall be considered one month; *Provided, however,* That in no case shall such compensation  
7 exceed one thousand pesos (P1,000.00) [TEN THOUSAND PESOS (P10,000.00)] per month.

8 "In all other cases, the maximum amount for which the Board may approve a claim shall not  
9 exceed ten thousand pesos (P10,000.00) [ONE HUNDRED THOUSAND PESOS  
10 (P100,000.00)] or the amount necessary to reimburse the claimant the expenses incurred for  
11 hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related  
12 to injury, whichever is lower. This is without prejudice to the right of the claimant to seek other  
13 remedies under existing laws."

14 Section 2. A new section, Section 4-A, is hereby inserted after Section 4 of Republic Act No.  
15 7309 to read as follows:

16 SEC. 4-A. *CIVIL ACTION FOR UNJUST CONVICTION AND IMPRISONMENT.*  
17 - NOTWITHSTANDING THE PROVISIONS OF THIS ACT OR ANY OTHER  
18 PERTINENT LAW, ANY PERSON UNJUSTLY CONVICTED AND  
19 SUBSEQUENTLY IMPRISONED FOR ONE OR MORE CRIMES WHICH HE  
20 DID NOT COMMIT MAY, UNDER THE CONDITIONS HEREINAFTER

1 PROVIDED, BRING AN ACTION FOR DAMAGES BEFORE ANY COURT  
2 OF COMPETENT JURISDICTION.

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

6 (1) HE WAS UNJUSTLY CONVICTED OF A CRIME AND SUBSEQUENTLY  
7 SENTENCED TO A TERM OF IMPRISONMENT, AND HAS SERVED ALL  
8 OR ANY PART OF HIS SENTENCE;

9 (2) HE DID NOT COMMIT THE CRIME FOR WHICH HE WAS  
10 CONVICTED; AND

11 (3) HE DID NOT BY HIS OWN CONDUCT CAUSE OR BRING ABOUT HIS  
12 CONVICTION.

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

17 DAMAGES AWARDED PURSUANT TO THIS SECTION SHALL NOT  
18 EXCEED TWICE THE AMOUNT OF THE CLAIMANT'S INCOME IN THE  
19 YEAR PRIOR TO HIS INCARCERATION OR TWO HUNDRED FIFTY  
20 THOUSAND PESOS (P250,000.00) FOR EACH YEAR OF  
21 INCARCERATION, WHICHEVER IS GREATER. IN ADDITION, THE  
22 CLAIMANT SHALL BE ENTITLED TO RECEIVE REASONABLE  
23 ATTORNEY FEES.

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

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

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

2 "Sec. 9. *Funding.* - For purposes of this Act, the initial amount of twenty million pesos  
3 (P20,000,000.00) is hereby authorized to be appropriated from the funds of the National  
4 Treasury not otherwise appropriated.

5 The subsequent annual funding shall also partly come from lone percent (1%) [ONE AND ONE-  
6 HALF PERCENT (1½%)] of the net income of the Philippine Amusement and Gaming  
7 Corporation and lone percent (1%) [ONE AND ONE-HALF PERCENT (1½%)] of the proceeds  
8 and sales and other disposition and military camps in Metro Manila by the Base Conversion and  
9 Development Authority.

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

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

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

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

28 *Approved,*

29