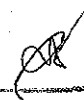


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUL 14 P3:22

SENATE
S. B. No. 1437

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Bill of Rights protects persons accused of the commission of a crime. Victims are not provided with the same safeguards to minimize damage or injury caused by the commission of the crimes. These victims usually suffer physical and psychological trauma. Hence, they should be treated with respect, compassion, and dignity throughout the criminal justice process.

This bill implements the constitutional mandate that: "The State values the dignity of every human person and guarantees full respect for human rights." It codifies certain rights of crime victims, prescribes the duties of responsible officers and provides penalties for violations of its provisions.



MIRIAM DEFENSOR SANTIAGO

THIRTEENTH CONGRESS OF THE REPUBLIC)

OF THE PHILIPPINES)
First Regular Session)

'04 JUL 14 P3:22

SENATE
S. B. No. 1437

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

**AN ACT
PROVIDING THE RIGHTS TO BE ACCORDED VICTIMS
OF CRIMES, DEFINING THE DUTES OF RESPONSIBLE OFFICERS
AND PROVIDING PENALTIES THEREFOR**

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

SECTION 1. *Short Title.* - This Act may be cited as the "Magna Carta for Crime Victims".

SECTION 2. *Declaration of Policy.* - It is the policy of the State to provide protection and assistance to victims of crime and ensure that no further harm and damage is inflicted on them during the entire prosecution of his case.

SECTION 3. *Definition of Terms.* - As used in this Act:

(A) The term "victim" means a person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime, including:

- (i) in the case of the victim that is an institutional entity, an authorized representative of the entity; and
- (ii) in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, one of the following (in order of preference):
 - (a) spouse;
 - (b) legal guardian;
 - (c) parent;
 - (d) a child

- (e) a sibling
- (f) another family member; or
- (g) another person designated by the court.

(B) The term “responsible official” means a person designated pursuant to Section 4 of this Act to perform the functions of a responsible official.

SECTION 4. *Best Efforts to Accord Rights.* - Officers and employees of the Department of Justice and other departments and agencies of the government engaged in the detention, investigation, or prosecution of crime shall exert their best efforts to ensure that victims of crimes are accorded the rights described in Section 5.

SECTION 5. *Rights Of Crime Victims.* - A crime victim has the following rights:

(A) The right to be treated with respect for the victims’ dignity and privacy.

In line with this, a responsible official shall –

- (i) inform the victim of the place where the victim may receive emergency medical and social services;
- (ii) inform the victim of any restitution or other relief to which the victim may be entitled under this or any other law and the manner in which such relief may be obtained;
- (iii) inform the victim of private and public programs available for the counseling, treatment, and other forms of support to the victim; and
- (iv) assist the victim in contacting the persons who are responsible for providing the services and reliefs described in subparagraphs (1), (2), and (3)

(B) The right to be reasonably protected from the accused. In line with this, a responsible official shall arrange for a victim to receive reasonable protection from the accused and persons acting in concert with or at the behest of the accused. During the court proceedings, a responsible official shall ensure that a victim is provided a waiting area removed from and out of sight and hearing of the accused and his witnesses.

(c) The right to be notified of the status of the investigation and prosecution of the crime. During the investigation and prosecution of a crime, a responsible official shall provide the victim the earliest possible notice of:

- (i) the status of the investigation of the crime to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;
- (ii) the arrest of the accused;
- (iii) the filing of charges against the accused;
- (iv) the scheduling of each court proceeding that the witness is either required to attend or is entitled to attend; and
 - a. the acceptance of a plea of guilty or the rendering of verdict after trial.

(D) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

(E) The right to confer with the attorney for the government in the case.

(F) The right to restitution. In line with this, at all times, a responsible official shall ensure that any property of a victim that is being held for evidentiary purposes be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.

(G) The right to information about the conviction, sentencing, imprisonment, and release of the accused. In line with this, after trial, responsible official shall provide the victim with the earliest possible notice of:

- (i) the scheduling of parole hearing of the convict;
- (ii) the escape or any other form of release of the convict from custody;
- (iii) the death of the accused, if the accused dies while in custody;
- (iv) the sentence imposed on the accused, including the date when the accused will be eligible for parole;
- (v) the release and detention status of the accused; and

- (vi) a general information regarding the correction process, including information about pardon, commutation of service, good time allowances, probation, and the eligibility for each.

SECTION 6. *Penal Liability.* - Any responsible official, as defined in Section 4 of this Act, who fails, either willfully or negligently, and regardless of good faith, to perform the duties imposed by Section 5 of this Act, shall be penalized with not less than six (6) months imprisonment and not more than one (1) year imprisonment. This is without prejudice to any administrative case which may be filed against the official.

SECTION 7. *Civil Liability.* - A responsible official found guilty of violating this Act shall also be civilly liable for any damage that may be suffered by the same victim as a result of the official's omission to perform duties required under Section 5 of this Act.

SECTION 8. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general publication.

Approved.