

'04 NOV -3 A11:12

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

RECEIVED BY: _____

SENATE
S. B. No. 1842

Introduced by Senator Francis N. Pangilinan

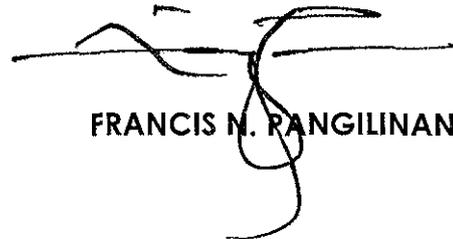
EXPLANATORY NOTE

The 1987 Constitution is explicit in its guarantee that no person shall be deprived of life, liberty or property without due process of law. Nonetheless, a number of people still fall victim to false accusations and subjected to imprisonment for crimes they did not commit, only to be subsequently acquitted. The sad consequence is people unjustly imprisoned suffer indignities, humiliation and degrading or inhuman treatment in the hands of the agents of the government. Further, they endure the stigma put by society against those imprisoned regardless of the cause of imprisonment or lack of it.

Likewise, the unfortunate victims of our criminal justice system, including their families, suffer loss of livelihood for those times spent in prison. Moreover, due to the social banishment put against person unjustly imprisoned, his reemployment is rendered improbable.

While the foregoing regrettable consequences cannot be fully compensated, 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 a maximum of P1,000 to P3,000 per month for victims of unjust imprisonment or detention and from a maximum amount of P10,000 to P20,000 in all other cases.

Thus, the passage of this bill urged.


FRANCIS N. PANGILINAN

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

'04 NOV -3 A11 :12

SENATE
S. B. No. 1842

RECEIVED BY: _____ *A*

Introduced by Senator Francis N. Pangilinan

**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 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, entitled "An Act Creating a Board of Claims Under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent 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] THREE thousand pesos [(P1,000.00)] (P3,000.00) per month.

"In all other cases, the maximum amount for which the Board may approve a claim shall not exceed [Ten] TWENTY thousand pesos [(P10,000.00)] P20,000.00 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 the injury, whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws".

SECTION 2. Sec. 9 of the same 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 AND ONE HALF PERCENT [(1%)] (1½%) of the net income of the Philippine Amusement and Gaming Corporation and one AND ONE HALLF percent [1%] (1½%) of the proceeds and sales and other

disposition of military camps in Metro Manila by the Base 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 any other form of commercial exploitation of a story, recollection, opinions 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/asses fines and cost and any other amount due 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 earnings and the like.

To ensure the continuity of the funding requirements under this Act, the amount of [Five] TEN pesos [(P5.00)] (P10.00) 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."

SECTION 3. Repealing Clause. – All decrees, executive orders, rules and regulations, or parts thereof, inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 4. 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,

FRANCIS N. PANGILINAN