

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

'22 DEC -7 P 4 :26

SENATE

RECEIVED BY: 

S. B. NO. 1607

Introduced by **SENATOR JOEL VILLANUEVA**

AN ACT
AMENDING REPUBLIC ACT NO. 7309, OTHERWISE KNOWN
AS “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

Cases of unjust detention or imprisonment is not unique to the Philippines. In the United States, for example, data from the Innocence Project reveals that 1% of the US prison population (or around 20,000 people) are falsely convicted.¹ In fact, data shows that the total 3,250 exonerations from 1989 to June 2022 translates to 28,171 lost years, or an average of 8.7 lost years per case.² These victims are compensated by virtue of compensation statutes (currently in force in 38 states and the District of Columbia as of June 2022), or via civil law suits or on the strength of a private bill.³ For example, in Alabama, Alabama Code 1975 (Sections 29-1-150 et seq.) creates the Committee on Compensation for Wrongful Incarceration which can give a minimum USD50,000 per year as long as the victim files such claim within two years.⁴

In the Philippines, Republic Act No. 7309, which was passed into law in 1992, is the enabling law that provides for a system of compensation to those who were unjustly detained or imprisoned, and those who were victims of

¹ How Many Innocent People are in Prison? Innocence Project. Retrieved from <https://innocenceproject.org/how-many-innocent-people-are-in-prison/> (date last accessed: December 5, 2022).

² The National Registry of Exonerations. Innocence Project. Retrieved from <https://www.law.umich.edu/special/exoneration/Pages/Exonerations-in-the-United-States-Map.aspx> (date last accessed: December 5, 2022).

³ Compensation for Exonerees. Innocence Project. Retrieved from <https://www.law.umich.edu/special/exoneration/Documents/Compensation%20Primer.pdf> (date last accessed: December 5, 2022).

⁴ Compensation Statutes: A National Overview. Innocence Project. Retrieved from <https://www.law.umich.edu/special/exoneration/Documents/Compensation%20Statutes%20A%20National%20Overview.pdf> (date last accessed: December 5, 2022).

violent crimes. Under this law, these victims are entitled to P1,000 per month of unjust detention or imprisonment, but in no case higher than P10,000.⁵ Victims must also file a claim within six months from release or from the date of damage or injury, otherwise, the claim is waived.⁶

While the minimum compensation of P1,000 per month may be adequate in 1992, such amount is not enough considering the rise in prices over the 30 years since the law's enactment. Currently, the goods that could be bought with such amount will now cost more than P4,000.⁷ Thus, this bill seeks to update the provisions of the said law by:

- a) Broadening the power of the Board of Claims by empowering it to (i) undertake projects and measures to promote the Victims' Compensation Program; (ii) monitor and assess the implementation of the Act; and (iii) to exercise all powers necessary to carry out the provisions and/or objectives of the Act;
- b) Expanding the list of claimants to include (i) victims of homicide, murder, serious physical injuries, human trafficking, online sexual abuse or exploitation of children (OSAEC), kidnapping or serious illegal detention; (ii) any child who is a victim of sexual abuse; and (iii) any person who is a victim of an offense where the law allows compensation;
- c) Increasing the amount of compensation to P5,000 per month, subject to a maximum amount of P300,000 for victims of illegal detention, and P50,000 for victims of other crimes;
- d) Lengthening the period within which to file claims to one year (i) after claimant is released from prison or detention; (ii) from the date the trial court has rendered its judgment in cases of arbitrary detention; (iii) from the date the victim suffered damage or injury; (iv) from the date of discovery or reporting of the incident of rape; and (v) from the date of release or rescue in cases of human trafficking, kidnapping or serious illegal detention;
- e) Expanding the list of those who can file a claim to include the grandparent who has custody of the minor or the legal guardian;
- f) Increasing the funding from the Philippine Amusement and Gaming Corporation (PAGCOR) from one percent (1%) to three percent (3%);
- g) Mandating the creation of a Secretariat of the Board; and
- h) Establishing a Trust Fund to be managed by the Board, whose funds are from the funds remitted by the PAGCOR and the Victims' Compensation Fund.

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



JOEL VILLANUEVA

⁵ Sec. 4.

⁶ Sec. 5.

⁷ According to the Inflation Calculator available at <https://acesubido.net/ph-inflation-calculator/> (date last accessed: December 5, 2022). Exact equivalent is P4,273.57 (equivalent to an increase of 327.36%).



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CRIMES, AND FOR OTHER PURPOSES"

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

1 **SECTION 1.** Section 1 of Republic Act No. 7309 is hereby amended to
2 read as follows:

3
4 "Section 1. Creation and Composition of the Board. – There is
5 hereby created a Board of Claims under the Department of Justice
6 (DOJ), hereinafter referred to as the Board, to be composed of one
7 (1) chairman and two (2) members to be designated by the
8 Secretary of the said department.

9
10 THE BOARD SHALL HEREBY ADMINISTER THE VICTIMS'
11 COMPENSATION PROGRAM, AS PROVIDED UNDER THIS
12 ACT."

13
14 **SEC. 2.** Section 2 of Republic Act No. 7309 is hereby amended to read
15 as follows:

16
17 "Section 2. Powers and Functions of the Board. – The Board shall
18 have the following powers and functions:

19
20 (a) to receive, evaluate, process, and investigate application for
21 claims under this Act;

22

- 1 (b) to conduct an independent administrative hearing and
2 resolve application for claims, grant or deny the same;
3
4 (c) to COORDINATE WITH AND deputize appropriate
5 government agencies in order to effectively implement its functions;
6
7 (d) to promulgate rules and regulations in order to carry out the
8 objectives of this Act;
9
10 (e) TO UNDERTAKE PROJECTS AND MEASURES TO
11 PROMOTE THE VICTIMS' COMPENSATION PROGRAM;
12
13 (f) TO MONITOR AND ASSESS THE IMPLEMENTATION OF
14 THIS ACT; AND
15
16 (g) TO EXERCISE ALL THE POWERS NECESSARY TO
17 CARRY OUT THE PROVISIONS AND/OR OBJECTIVES OF THIS
18 ACT.”

19
20 **SEC. 3.** Section 3 of Republic Act No. 7309 is hereby amended to
21 read as follows:

22
23 “Section 3. Who may File Claims – The following may file claims for
24 compensation:

- 25
26 (a) any person who was unjustly accused, and imprisoned, but
27 subsequently released by virtue of a judgement of acquittal BY THE
28 COURT BASED ON HIS INNOCENCE AND NOT ON A FINDING
29 OF REASONABLE DOUBT;
30
31 (b) any person who was unjustly detained and released without
32 being charged;
33
34 (c) any victim of arbitrary or illegal detention by the authorities
35 as defined in the Revised Penal Code AND AS DECIDED IN A
36 judgment of the trial court;
37
38 (d) any person who is a victim of violent crime. For purposes of
39 this Act, violent crimes shall include but shall include, BUT NOT BE
40 LIMITED TO, rape, HOMICIDE, MURDER, SERIOUS PHYSICAL
41 INJURIES, HUMAN TRAFFICKING, ONLINE SEXUAL ABUSE OR
42 EXPLOITATION OF CHILDREN (OSAEC), KIDNAPPING OR
43 SERIOUS ILLEGAL DETENTION, and shall likewise refer to crimes
44 committed with malice which resulted in death or serious physical/or
45 psychological injuries, permanent incapacity or disability, insanity,
46 abortion, serious trauma, or committed with torture, cruelty or
47 barbarity;
48
49 (e) ANY CHILD WHO IS A VICTIM OF SEXUAL ABUSE
50 UNDER SECTION 5(B) OF REPUBLIC ACT NO. 7610, AS

1 AMENDED, OTHERWISE KNOWN AS THE 'SPECIAL
2 PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION
3 AND DISCRIMINATION ACT'; AND
4

5 (f) ANY PERSON WHO IS A VICTIM OF AN OFFENSE
6 WHERE THE LAW ALLOWS COMPENSATION."
7

8 **SEC. 4.** Section 4 of Republic Act No. 7309 is hereby amended to read
9 as follows:
10

11 "Section 4. Award Ceiling. – For victims of unjust imprisonment or
12 detention, the compensation shall be based on the number of months
13 of imprisonment or detention and every fraction thereof shall be
14 considered one month: *Provided, however,* that in no case shall such
15 compensation exceed FIVE THOUSAND PESOS (₱5,000.00) PER
16 MONTH, NOT EXCEEDING THREE HUNDRED THOUSAND
17 PESOS (₱300,000.00).
18

19 In all other cases, the maximum amount for which the Board may
20 approve a claim shall not exceed FIFTY THOUSAND PESOS
21 (₱50,000.00).
22

23 This is without prejudice to the right of the claimant to seek other
24 remedies under existing laws. THE AMOUNTS HEREIN PROVIDED
25 SHALL BE ADJUSTED EVERY FIVE (5) YEARS TO ACCOUNT
26 CONSIDERING THE PREVAILING COST OF MONEY BASED ON
27 THE CURRENT CONSUMER PRICE INDEX."
28

29 **SEC. 5.** Section 5 Republic Act No. 7309 is hereby amended to read as
30 follows:
31

32 "Section 5. When to File Claims. – Any person entitled to
33 compensation under this Act must FILE HIS CLAIM WITH THE
34 BOARD OF CLAIMS OR ANY OF THE PROSECUTION OFFICES
35 WITHIN ONE (1) YEAR:
36

37 (a) AFTER CLAIMANT IS RELEASED FROM PRISON OR
38 DETENTION;
39

40 (b) FROM THE DATE THE TRIAL COURT HAS RENDERED
41 ITS JUDGEMENT IN CASES OF ARBITRARY DETENTION;
42

43 (c) FROM THE DATE THE VICTIM SUFFERED
44 DAMAGE OR INJURY;
45

46 (d) FROM THE DATE OF DISCOVERY OR REPORTING OF
47 THE INCIDENT OF RAPE; AND
48

49 (e) FROM THE DATE OF RELEASE OR RESCUE IN CASES
50 OF HUMAN TRAFFICKING, ONLINE SEXUAL ABUSE OR

1 EXPLOITATION OF CHILDREN (OSAEC), KIDNAPPING OR
2 SERIOUS ILLEGAL DETENTION.

3
4 IN CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCE,
5 THE PROVISIONS OF REPUBLIC ACT NO. 10353, OTHERWISE
6 KNOWN AS THE 'ANTI-ENFORCED OR VOLUNTARY
7 DISAPPEARANCE ACT OF 2012' SHALL APPLY.”

8
9 **SEC. 6.** Section 6 Republic Act No. 7309 is hereby amended to read as
10 follows:

11
12 “Section 6. Filing of Claims by Heirs. In case of death or incapacity
13 of any person entitled to any award under this Act, the claim may be
14 filed by his heirs, in the following order: by spouse, children, natural
15 parents, brother and/or sister, GRANDPARENT WHO HAS
16 CUSTODY OF THE MINOR, OR LEGAL GUARDIAN.”

17
18 **SEC. 7.** Section 9 of Republic Act No. 7309 is hereby amended to read
19 as follows:

20
21 “Section 9. FUNDING. – For purposes of this Act, the initial amount
22 of Ten Million Pesos (₱10,000,000.00) is hereby authorized to be
23 appropriated from the funds of the National Treasury not otherwise
24 appropriated.

25
26 THE AMOUNT NECESSARY TO IMPLEMENT THE PROVISIONS
27 OF THIS ACT SHALL BE CHARGED AGAINST THE CURRENT
28 YEAR'S APPROPRIATIONS OF THE BOARD OF CLAIMS UNDER
29 THE BUDGET OF THE DEPARTMENT OF JUSTICE.
30 THEREAFTER, SUCH AMOUNT AS MAY BE NECESSARY FOR
31 THE CONTINUED IMPLEMENTATION OF THIS ACT SHALL BE
32 INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

33
34 The subsequent annual funding shall also partly come from THREE
35 PERCENT (3%) of the net income of the Philippine Amusement and
36 Gaming Corporation (PAGCOR).

37
38 To ensure the continuity of the funding requirements under this Act,
39 the amount of FIFTY PESOS (₱50.00) shall be set aside from each
40 filing fee in every civil case filed with the court, the total proceeds of
41 which shall constitute the Victims' Compensation Fund to be
42 administered by the BOARD OF CLAIMS.”

43
44 **SEC. 8.** A new Section 9-A is hereby inserted to read as follows:

45
46 “SECTION 9-A. SECRETARIAT. – THE BOARD SHALL
47 ESTABLISH A SECRETARIAT AND DETERMINE THE
48 ORGANIZATIONAL STRUCTURE AND THE STAFFING PATTERN
49 OF THE BOARD WITH THE CORRESPONDING HONORARIA,
50 SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF

1 BUDGET AND MANAGEMENT IN ACCORDANCE WITH
2 RELEVANT CIVIL SERVICE RULES AND REGULATIONS.”

3
4 **SEC. 9.** A new Section 10-A is hereby inserted to read as follows:

5
6 “SECTION 10-A. TRUST FUND. – THE FUNDS REMITTED FROM
7 THE PAGCOR AND THE VICTIMS’ COMPENSATION FUND
8 UNDER SECTION 10 OF THIS ACT SHALL ACCRUE TO A TRUST
9 FUND TO BE ADMINISTERED AND MANAGED BY THE BOARD,
10 WHICH SHALL BE USED EXCLUSIVELY FOR THE FOLLOWING
11 PROGRAMS, INCLUDING BUT NOT BUT NOT LIMITED TO:

12
13 (A) FOR THE PURPOSE OF PAYMENT COMPENSATION
14 FOR THE COVERED VICTIMS;

15
16 (B) PROVISION FOR THE NECESSARY TECHNICAL AND
17 ADMINISTRATIVE SUPPORT SERVICES TO THE BOARD;

18
19 (C) FOR OPERATING EXPENSES OF THE BOARD, SUCH AS
20 PAYMENT OF HONORARIA TO THE PERSONNEL AND
21 PROCUREMENT OF THE NECESSARY EQUIPMENT FOR THE
22 USE OF THE PERSONNEL IN THE DELIVERY OF THEIR
23 SERVICES;

24
25 (D) PROMOTION OF INFORMATION AND DISSEMINATION
26 CAMPAIGN ON VICTIM COMPENSATION PROGRAM.

27
28 **SEC. 10. Implementing Rules and Regulations.** – Within thirty (30)
29 days from the approval of this Act, the Board, upon consultation with relevant
30 stakeholders, shall promulgate the necessary rules and regulations for the
31 effective implementation of this Act.

32
33 **SEC. 11. Repealing Clause.** – All laws, decrees, executive orders, rules
34 and regulations or parts thereof which are contrary to or inconsistent with this
35 Act hereby repealed, amended or modified accordingly.

36
37 **SEC. 12. Separability Clause.** – If for any reason any section or
38 provision of this Act shall be declared unconstitutional or invalid, no other
39 section or provision of this Act which are not affected thereby shall continue in
40 force and effect.

41
42 **SEC. 13. Effectivity.** – This Act shall take effect after fifteen (15) days
43 following its publication in the *Official Gazette* or in two (2) newspapers of
44 general circulation.