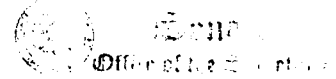


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 FEB 14 P1:59

SENATE
S. No. 2547

RECEIVED BY

Introduced by Senator Robinhood Padilla

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

Section 1, Article III of the 1987 Constitution clearly states: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."

While the State does its best to uphold this principle, there remains the fact that errors in making an arrest or detention of a suspected offender, whether knowingly or not, are committed by our law enforcers. In an investigative report conducted by ABS-CBN on the rewards system for the arrest of allegedly high-value terrorists and criminals in the Philippines, it was found that, in 2015, there were 51 recorded wrongful arrests made by our law enforcers.

In the case of *In re: Salibo v. Warden* (G.R. No. 197597, 8 April 2015), the Supreme Court held that a person deprived of liberty due to mistaken identity is not under any lawful process and is continuously being illegally detained. Justice Marvic M.V.F. Leonen, in the said case, further opined that "...between a citizen who has shown that he was illegally deprived of his liberty without due process of law and the government that has all the 'manpower and the resources at [its] command' to properly indict a citizen but failed to do so, we will rule in favor of the citizen".

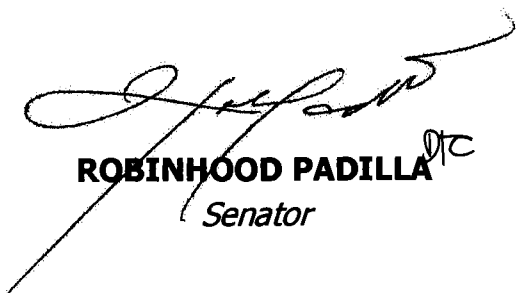
Wrongful arrest due to mistaken identity had been the predicament of Mohammad Maca-antal Said, 62 years old from Lanao del Norte, who had been illegally detained for 176 days at the Metro Manila District Jail of the Bureau of Jail Management and Penology. He was intercepted by Bureau of Immigration personnel at Ninoy Aquino International Airport (NAIA) Terminal 3 on 10 August 2023 due to an Interpol Red Notice alert for one Mohammad Said a.k.a. Ama Maas.

On top of the vehement denial of Mohammad Maca-antal Said that he is one and the same as Ama Maas, the Armed Forces of the Philippines verified that Abu Sayyaf Sub-leader Mohammad Said a.k.a. Ama Maas had been neutralized by the army in 2016.

Cases such as that of Mohammad Maca-antal Said compel us to revisit Republic Act No. 7309, otherwise known as "An Act Creating a Board of Claims under the Department of Justice of Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes".

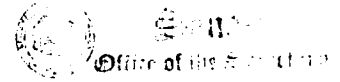
Thus, this representation proposes to ensure that any person unjustly detained or deprived of liberty due to mistaken identity shall be compensated based on the period of imprisonment or detention. This proposed measure also recommends an increase in the monetary compensation to be awarded by the Board of Claims. This compensation is the least the government can do to cover the financial burden caused by unjust imprisonment or detention.

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



ROBINHOOD PADILLA
Senator

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

- 1 Section 1. This Act shall be known as the "*Mohammad Said Act*".
- 2 Sec. 2. Section 3 of Republic Act No. 7309 is hereby amended to read as
- 3 follows:
- 4 "Section 3. *Who May File Claims.* — The following may file claims for
- 5 compensation before the board:
- 6 (a) any person who was unjustly accused, convicted, and
- 7 imprisoned but subsequently released by virtue of a
- 8 judgment of acquittal;
- 9 (b) any person who was unjustly detained and released
- 10 without being charged;
- 11 (c) any victim of arbitrary or illegal detention by the authorities
- 12 as defined in the Revised Penal Code under a final
- 13 judgment of the court; ~~and~~
- 14 (d) **ANY PERSON UNJUSTLY DETAINED OR DEPRIVED**
- 15 **OF LIBERTY DUE TO MISTAKEN IDENTITY; AND**

1 **(E)** any person who is a victim of violent crimes. For purposes
2 of this Act, violent crimes shall include rape and shall
3 likewise refer to offenses committed with malice which
4 resulted in death or serious physical and/or psychological
5 injuries, permanent incapacity or disability, insanity,
6 abortion, serious trauma, or committed with torture, cruelty
7 or barbarity.

8 Sec. 3. Section 4 of Republic Act No. 7309 is hereby amended to read as
9 follows:

10 "Section 4. Award [~~Ceiling~~]. — For victims of unjust imprisonment or
11 detention, the compensation shall be based on the number of
12 months of imprisonment or detention and every fraction thereof shall
13 be considered one month: Provided, however, That in no case shall
14 such compensation [~~exceed One Thousand Pesos (P1,000.00)~~] **BE**
15 **LESS THAN TEN THOUSAND PESOS (P10,000.00)** per month.
16 In all other cases, the maximum amount for which the board may
17 approve a claim shall not exceed [~~Ten thousand Pesos (P10,000.00)~~]
18 **FIFTY THOUSAND PESOS (P50,000.00)** or the amount
19 necessary to reimburse the claimant the expenses incurred for
20 hospitalization, medical treatment, loss of wage, loss of support or
21 other expenses directly related to the injury, whichever is [~~lower~~]
22 **HIGHER**. This is without prejudice to the right of the claimant to
23 seek other remedies under existing laws.

24 Sec. 4. Section 9 of Republic Act No. 7309 is hereby amended to read as
25 follows:

26 "Section 9. *Funding*. — For purposes of this Act, the initial amount
27 of Ten million Pesos (P10,000,000.00) is hereby authorized to be
28 appropriated from the funds of the National Treasury not otherwise
29 appropriated.

30 The subsequent annual funding shall also partly come from [~~one~~
31 percent (~~1%~~)] **THREE PERCENT (3%)** of the net income of the
32 Philippine Amusement and Gaming Corporation and [~~one percent~~

1 ~~(1%)~~ **THREE PERCENT (3%)** of the proceeds and sales and other
2 disposition of military camps in Metro Manila by the Bases Conversion
3 and Development Authority.

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

17 To ensure the continuity of the funding requirements under this Act,
18 the amount of [~~Five Pesos (P5.00)~~] **FIFTY PESOS (P50.00)** shall
19 be set aside from each filing fee in every civil case filed with the
20 court, the total proceeds of which shall constitute the Victim
21 Compensation Fund to be administered by the Department of
22 Justice."

23 *Sec. 5. Separability Clause.* — If any portion or provision of this Act is declared
24 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
25 remain in force and effect.

26 *Sec. 6. Repealing Clause.* — Any law, presidential decree or issuance, executive
27 order, letter of instruction, rule or regulation inconsistent with the provisions of this
28 Act is hereby repealed or modified accordingly.

29 *Sec. 7. Effectivity Clause.* — This Act shall take effect after fifteen (15) days
30 following its complete publication in the Official Gazette or a newspaper of general
31 circulation.

 Approved,