

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

7 JUL -4 A8:37

SENATE
S.B. No. 925

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to compensate a person wrongfully convicted of a crime in order to indemnify him or her for the loss, injury and damage brought about by such wrongful conviction.

We must concede that no justice system is perfect. We have witnessed certain cases when the Supreme Court, upon review, reversed the decisions of the lower courts and decided to acquit the convict. The Supreme Court's reversal of the ruling of the lower court consequently means that a person not otherwise guilty of the crime for which he or she was charged, had been incarcerated for a crime he or she did not commit.

Under this proposed measure, a person wrongfully convicted of a crime, after being qualified as such as determined by the appropriate court, shall be entitled to the payment of compensation in an amount not exceeding twice the amount of the claimant's income in the year prior to his incarceration or to one hundred thousand pesos for each year of incarceration, whichever is greater.

As the State is the guardian of the rights of the people, it is incumbent upon the State to protect the rights of persons wrongfully convicted of a crime.

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



LOREN LEGARDA
Senator

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7 JUL -4 11:37

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AN ACT
PROVIDING COMPENSATION FOR PERSONS WRONGFULLY CONVICTED OF
A CRIME AND FOR OTHER PURPOSES

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

SECTION 1. Notwithstanding the provisions of any other law, any person convicted and subsequently imprisoned for one or more crimes which he did not commit may, under the conditions hereinafter provided, bring an action for damages before any court of competent jurisdiction.

Sec. 2. The person, hereinafter referred to as the "claimant", shall establish the following by clear and convincing evidence that:

- (1) He was convicted of a crime and subsequently sentenced to a term of imprisonment, and has served all or any part of his sentence;
- (2) He did not commit the crime for which he was convicted; and
- (3) he did not by his own conduct cause or bring about his conviction.

Sec. 3. The action initiated by a verified petition containing statement of the facts concerning the claim for damages, shall be brought by the claimant within a period of two years after his release from imprisonment.

Sec. 4. (1) Damages awarded pursuant to this section shall not exceed twice the amount of the claimant's income in the year prior to his incarnation or one hundred thousand pesos for each year of incarceration, whichever is greater.

- (2) In addition to the damages awarded pursuant to subdivision (1) of this subsection, the claimant shall be entitled to receive reasonable attorney fees.

Sec. 5. (1) A person serving a term of imprisonment for a crime other than a crime for which he was mistakenly convicted shall not be eligible to file a claim for damages pursuant to the provisions of this section.

(2) A person shall not be eligible to file a claim for damages pursuant to the provisions of this section if the sentence for the crime of which the person was mistakenly convicted was served concurrently with the sentence for the conviction of another crime.

Sec. 6. – Within sixty (60) days from the effectivity of this Act, the Department of Justice, in coordination with the appropriate office, department or agency of the Supreme Court and the Department of Finance, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 7 – The provisions of this Act shall have retroactive effect.

SEC. 8. Repealing Clause.- All republic acts, executive orders, rules and regulations, and other issuances, or parts thereof, that are inconsistent with the provisions of this Republic Act are hereby repealed or modified accordingly.

SEC. 9. Separability Clause.- If for any reason or reasons, any part or provision of this Act shall be declared or held to be unconstitutional or invalid other parts or provisions hereof, which are not affected thereby shall continue to be in full force and effect.

SEC. 10. Effectivity Clause.- This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,