


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

OFFICE OF THE SECRETARY

10 JUL 13 P4 04

SENATE
S.B. No. 1409

RECEIVED BY: 

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

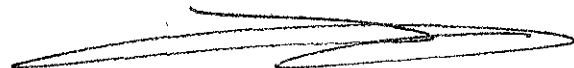
This bill seeks to compensate a person wrongfully convicted of a crime in order to indemnify him or her for the loss, injury and damage brought about by such wrongful conviction.

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 person wrongfully convicted. 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 higher.

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



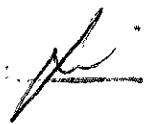
LOREN LEGARDA
Senator

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AN ACT
AMENDING CERTAIN SECTIONS 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"

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

1 **SECTION 1.** Section 4 of Republic Act No. 7309, otherwise known as "An Act
2 Creating A Board of Claims Under the Department of Justice for Victims of Unjust
3 Imprisonment or Detention and Victims of Violent Crimes and For Other Purposes",
4 is hereby amended to read as follows:

5
6 "Sec. 4. *Award Ceiling.* - For victims of unjust imprisonment or
7 detention, the compensation shall be based on the number of months
8 of imprisonment or detention and every fraction thereof shall be
9 considered one month; *Provided, however,* That in no case shall such
10 compensation exceed [One thousand pesos (P1,000.00)] **THREE**
11 **THOUSAND PESOS (P3,000.00)** per month.

12
13 "In all other cases, the maximum amount for which the Board
14 may approve a claim shall not exceed [Ten thousand pesos
15 (P10,000.00)] **FIFTY THOUSAND PESOS (P50,000.00)** or the amount
16 necessary to reimburse the claimant the expenses incurred for
17 hospitalization, medical treatment, loss of wage, loss of support or
18 other expenses directly related to injury, whichever is lower. This is
19 without prejudice to the right of the claimant to seek other remedies
20 under existing laws."
21

1 SECTION 2. A new section, Section 4-A, is hereby inserted after Section 4 of
2 Republic Act No. 7309 to read as follows:

3
4 **SEC. 4-A. CIVIL ACTION FOR UNJUST CONVICTION AND**
5 **IMPRISONMENT. - NOTWITHSTANDING THE PROVISIONS OF**
6 **THIS ACT OR ANY OTHER PERTINENT LAW, ANY PERSON**
7 **UNJUSTLY CONVICTED AND SUBSEQUENTLY IMPRISONED**
8 **FOR ONE OR MORE CRIMES WHICH HE DID NOT COMMIT**
9 **MAY, UNDER THE CONDITIONS HEREINAFTER PROVIDED,**
10 **BRING AN ACTION FOR DAMAGES BEFORE ANY COURT OF**
11 **COMPETENT JURISDICTION.**

12
13 THE PERSON, HEREINAFTER REFERRED TO AS THE
14 "CLAIMANT", SHALL ESTABLISH THE FOLLOWING BY CLEAR
15 AND CONVINCING EVIDENCE THAT:

- 16 (1) HE WAS UNJUSTLY CONVICTED OF A CRIME AND
17 SUBSEQUENTLY SENTENCED TO A TERM OF
18 IMPRISONMENT, AND HAS SERVED ALL OR ANY PART OF
19 HIS SENTENCE;
20 (2) HE DID NOT COMMIT THE CRIME FOR WHICH HE WAS
21 CONVICTED; AND
22 (3) HE DID NOT BY HIS OWN CONDUCT CAUSE OR BRING
23 ABOUT HIS CONVICTION.

24
25 THE ACTION INITIATED BY A VERIFIED PETITION
26 CONTAINING STATEMENT OF THE FACTS CONCERNING THE
27 CLAIM FOR DAMAGES, SHALL BE BROUGHT BY THE
28 CLAIMANT WITHIN A PERIOD OF TWO YEARS AFTER HIS
29 RELEASE FROM IMPRISONMENT.

30
31 DAMAGES AWARDED PURSUANT TO THIS SECTION
32 SHALL NOT EXCEED TWICE THE AMOUNT OF THE
33 CLAIMANT'S INCOME IN THE YEAR PRIOR TO HIS
34 INCARCERATION OR ONE HUNDRED THOUSAND PESOS
35 (P100,000.00) FOR EACH YEAR OF INCARCERATION,
36 WHICHEVER IS GREATER. IN ADDITION, THE CLAIMANT

1 SHALL BE ENTITLED TO RECEIVE REASONABLE ATTORNEY
2 FEES.

3
4 A PERSON SERVING A TERM OF IMPRISONMENT FOR A
5 CRIME OTHER THAN A CRIME FOR WHICH HE WAS
6 MISTAKENLY CONVICTED SHALL NOT BE ELIGIBLE TO FILE
7 A CLAIM FOR DAMAGES PURSUANT TO THE PROVISIONS OF
8 THIS SECTION.

9
10 A PERSON SHALL NOT BE ELIGIBLE TO FILE A CLAIM
11 FOR DAMAGES PURSUANT TO THE PROVISIONS OF THIS
12 SECTION IF THE SENTENCE FOR THE CRIME OF WHICH THE
13 PERSON WAS MISTAKENLY CONVICTED WAS SERVED
14 CONCURRENTLY WITH THE SENTENCE FOR THE
15 CONVICTION OF ANOTHER CRIME.

16
17 SECTION 3. Section 9 of Republic Act No. 7309 is hereby amended to read as
18 follows:

19 "Sec. 9. *Funding.* - For purposes of this Act, the initial amount of
20 Ten Million pesos (P10,000.000) is hereby authorized to be
21 appropriated from the funds of the National Treasury not otherwise
22 appropriated.

23
24 The subsequent annual funding shall also partly come from
25 [one percent (1%)] **ONE AND ONE-HALF PERCENT (1½ %)** of the
26 net income of the Philippine Amusement and Gaming Corporation
27 and [one percent (1%)] **ONE AND ONE-HALF PERCENT (1½ %)** of
28 the proceeds and sales and other disposition and military camps in
29 Metro Manila by the Base Conversion and Development Authority.

30
31 The proceeds from any contract relating to the depiction of a
32 crime in a movie, book, newspaper, magazine, radio or television
33 production, or live entertainment, of any kind, or in any other form of
34 commercial exploitation of any convict's story, recollection, opinion
35 and emotions with regard to the offense committed shall not be
36 released to convict in a criminal case or his heirs, agents, assignees or

1 successors in interest until full compensation for damages suffered by
2 or awarded to, the victim, his heirs or successors in interest is paid or
3 arranged for, and the state is able to collect/assess fines and costs and
4 any *other* amounts due it in case of a conviction by final judgment.
5 Such damages shall include, but shall not be limited to, judicial
6 awards, funeral expenses, medical expenses, lost earning and the like.
7

8 To ensure the continuity of the funding requirements under this
9 Act, the amount of [Five pesos (P5.00)] **TEN PESOS (P10.00)** shall be
10 set aside from each filing fee in every civil case filed with the court, the
11 total proceeds of which shall constitute the Victim Compensation Fund
12 to be administered by the Department of Justice.”
13

14 **SEC. 4. *Separability Clause.*** - If any provision of this Act is declared invalid,
15 the remainder of this Act or any provision not affected thereby shall remain in force
16 and effect.
17

18 **SEC. 5. *Repealing Clause.*** - All laws, presidential decrees, executive orders
19 and their implementing rules, inconsistent with the provisions of this act are hereby
20 repealed, amended or modified accordingly.
21

22 **SEC. 6. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
23 publication in at least two (2) newspapers of general circulation.
24

25 Approved,