

14th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

9 FEB 16 P5:08

SENATE

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S.B. No. 3069

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior.

“Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.” (Zehr, Howard. *The Little Book of Restorative Justice*)

With the recent developments in the criminal justice system and the current thrust of most governments, particularly those adhering to the principles of democracy and republicanism, many are clamoring towards the adoption of the so-called “Restorative Justice”, it is practical to exempt poor litigants who are Filipino citizens from posting bail when charged for the first time with a felony or a crime in which the law attaches an imprisonment of not more than six (6) years and be released on recognizance.


This bill furthermore, seeks to rectify misconceptions that some of our laws are only for the rich in view of the fact that as regards bail, only those accused who are wealthy and thus, have more capability to pay the required bail, are to be released from detention.

Immediate passage of this bill is highly needed.


RAMON BONG REVILLA, JR.
Senator

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AN ACT EXEMPTING POOR LITIGANTS WHO ARE FILIPINO CITIZENS FROM POSTING BAIL WHEN CHARGED FOR THE FIRST TIME WITH A FELONY OR A CRIME IN WHICH THE LAW ATTACHES AN IMPRISONMENT OF NOT MORE THAN SIX (6) YEARS AND BE RELEASED ON RECOGNIZANCE

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

SECTION 1. Short Title. - This Act shall be known and cited as the "Poor Litigants Equalization Act".

SECTION 2. Declaration of Policy. - It shall be the declared policy of the State to exempt poor litigants who are Filipino citizens from posting bail when charged for the first time with a felony or a crime in which the law attaches an imprisonment of not more than six (6) years and be released on recognizance.

SECTION 3. Definition. - As used in this Act, the term "poor litigants" shall refer to indigent and pauper litigants as defined under Section 19, Rule 141 of the Rules of Court:

"Section 19. Indigent litigants exempt from payment of legal fees. - Indigent litigants (a) whose gross income and that of their immediate family do not exceed an amount double the monthly minimum wage of an employee and (b) who do not own real property with a fair market value as stated in the current tax declaration of more than three hundred thousand (P300,000.00) pesos shall be exempt from the payment of legal fees. x x x "

SECTION 4. Duty of the Courts. - For purposes of stability and uniformity, the courts shall automatically consider an accused as a poor litigant when his/her daily wage rate is lower than the prevailing wage rate that is observed at the National Capital Region.

Other factors and conditions demonstrating the financial incapacity of the accused at the time that he/she is facing charges in court may also be considered by the courts for the purpose of covering as many individuals belonging to the marginalized and poor sectors of society.

SECTION 5. Exemption from Bail. - Any poor litigant who is a citizen of the Philippines shall be exempt from posting bail when charged for the first time with a felony or a crime in which the law attaches an imprisonment of not more than six (6) years in any court in the Philippines and be released on recognizance of any of the following:

- (a) A duly registered nongovernmental organization, i.e. duly licensed and accredited by the Department of Social Welfare and Development (DSWD);
- (b) A faith-based organization
- (c) A barangay official;
- (d) A member of the Barangay Council for the Protection of Children (BCPC);
- (e) A local social welfare development officer (LSWDO); or
- (f) The DSWD when and where appropriate.

SECTION 6. Conditions of Temporary Liberty on Recognizance. -Any poor litigant released on recognizance by virtue of Section 5 of this Act shall appear and present himself/herself before the proper court whenever required.

In case of failure to do so even on the first instance, without any valid or reasonable ground, the court shall immediately order his/her arrest and he/she shall *ipso facto* lose his/her right to be released on recognizance. Thereafter, he/she shall be required to post bail for his/her temporary liberty.

If the accused cannot be arrested by reason of flight or when he/she cannot be located at his/her last known address, the same shall be deemed a waiver of his/her right to be present during the trial. In such case, the trial may proceed *in absentia*.

SECTION 7. Transitory Provisions. - Poor litigants who are denied pending trial at the time of the effectivity of this Act and who are charged for the first time with an offense or a crime punishable by imprisonment of not more than six (6) years shall be accorded with the benefits of this Act.

SECTION 8. Separability Clause. - If, for any reason whatsoever, any provision of this Act is declared unconstitutional, the same shall not affect the validity of the other provisions not declared as such.

SECTION 9. Repealing Clause. - All laws, presidential decrees, executive issuances, rules and regulations, or parts thereof, which are inconsistent with this Act are hereby expressly repealed or modified accordingly.

SECTION 10. Effectivity. - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,