

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

)
) '04 JUN 30 P4:45
)

RECEIVED BY: *Osda*

S E N A T E

S. No. 361

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Article III, Section 1 of the Constitution provides that "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."

To implement this Constitutional provision, Republic Act. No. 7309 provides compensations to the victims of unjust imprisonment and detention and victims of violent crimes through the Board of Claims under the Department of Justice.

This bill seeks to update the compensations under the Unjust Imprisonment Compensation Program in order to reflect the effects of inflation as follows:

- a) For persons imprisoned or detained for less than five (5) years, the compensation remains at ₱1,000.00 per month for every month of imprisonment or detention;
- b) For persons imprisoned for more than five (5) years, the compensation is increased from ₱1,000.00 to ₱2,000.00 for every month of such imprisonment or detention.
- c) For victims of violent crimes, the compensation is increased from ₱10,000.00 to ₱100,000.00 to reflect the increase in the costs of hospitalization and medical treatment.

The bill also provides for psychiatric and medical treatment in any government hospital for victims of unjust imprisonment and violent crimes to help them recover from psychological or emotional trauma.

In view of the foregoing, early passage of this bill is earnestly urged.

S. R. Osmeña III

SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

)
) '04 JUN 30 P4:45
)

RECEIVED BY: *Dele*

S E N A T E

S. No. 361

Introduced by Senator S. R. Osmeña III

AN ACT
PROVIDING HIGHER COMPENSATION TO VICTIMS OF UNJUST
IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES,
AMENDING FOR THE PURPOSES SECTION 4 OF REPUBLIC ACT NO.
7309, AND FOR OTHER PURPOSES

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

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

3 "Section 1. **Creation and Composition of the Board.** - There is
4 hereby created a Board of Claims under the Department of Justice,
5 hereinafter referred to as the Board, to be composed of one (1) chairman
6 and two (2) members to be appointed by the Secretary of the said
7 department, ONE OF WHOM SHALL BE A PRIVATE PRACTISING
8 LAWYER. THEY SHALL RECEIVE A REASONABLE MONTHLY
9 HONORARIUM TO BE DETERMINED BY THE SECRETARY OF
10 JUSTICE.

11 SECTION 2. Section 4 of Republic Act No. 7309 is hereby amended to
12 read as follows:

13 "Section 4. **Award Ceiling.** - For victims of unjust imprisonment or
14 detention, the compensation shall be based on the number of months of
15 imprisonment or detention and every fraction thereof shall be considered

1 one month: Provided, however, That in [no] case OF IMPRISONMENT
2 OR DETENTION LASTING FOR NOT MORE THAN FIVE YEARS [shall
3 such] THE compensation [exceed] SHALL BE One Thousand Pesos
4 (₱1,000) per month [.]: *PROVIDED FURTHER*, THAT IN CASE OF
5 IMPRISONMENT OR DETENTION FOR MORE THAN FIVE YEAR THE
6 COMPENSATION SHALL BE TWO THOUSAND PESOS (₱2,000.00) PER
7 MONTH. In all other cases, the maximum amount for which the Board may
8 approve a claim shall not exceed [ten] ONE HUNDRED thousand Pesos
9 (₱10,000.00)] (₱100,000.00) or the amount necessary to reimburse the
10 claimant the expenses incurred for hospitalization, medical treatment, loss
11 of wage, loss of support or other expenses directly related to the injury,
12 whichever is lower. This is without prejudice to the right of the claimant to
13 seek other remedies under existing laws.”

14 SECTION 3. A new Section 4-A is hereby added and shall read as
15 follows:

16 “SEC. 4-A. ***PSYCHIATRIC AND MEDICAL TREATMENT.*** - ANY
17 PERSON ENTITLED TO COMPENSATION UNDER THIS ACT SHALL
18 LIKEWISE BE PROVIDED WITH PSYCHIATRIC AND MEDICAL
19 TREATMENT IN ANY STATE-OWNED HOSPITALS FOR THE
20 PSYCHOLOGICAL OR EMOTIONAL TRAUMA SUFFERED BY HIM.”

21 SECTION 4. Section 9 is hereby amended to read as follows:

22 “TO ENSURE THE CONTINUITY OF THE FUNDING
23 REQUIREMENTS UNDER THIS ACT, THE AMOUNT OF TWENTY
24 PESOS (₱20.00) SHALL BE SET ASIDE FROM EACH FILING FEE IN
25 EVERY CIVIL CASE FILED WITH THE COURT, THE TOTAL PROCEEDS
26 OF WHICH SHALL BE CONSTITUTED INTO THE VICTIM
27 COMPENSATION FUND TO BE ADMINISTERED BY THE DEPARTMENT
28 OF JUSTICE.”

1 SECTION 5. The amount necessary to implement the purposes of this Act
2 is hereby authorized to be appropriated out of the funds of the National Treasury
3 not otherwise appropriated.

4 SECTION 6. **Repealing Clause.** - All laws, executive orders and
5 executive issuances inconsistent with this Act are hereby deemed repealed or
6 modified accordingly.

7 SECTION 7. **Separability Clause.** - If for any reason any section or
8 provision of this Act shall be declared unconstitutional or invalid, no other section
9 or provision shall be affected thereby.

10 SECTION 3. **Effectivity Clause.** - This Act shall take effect after fifteen
11 (15) days of its publication in two (2) newspapers of general circulation.

12 Approved,