

SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session .)



Senate
Office of the Secretary

13 JUL -2 A9 :29

SENATE

SB No. 276

RECEIVED BY: *JR*

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Article 2206 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines provides that:

"Article 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least three thousand pesos, even though there may have been mitigating circumstances. x x x"

As early as the 1990s, particularly the cases of People v. Sazon, O.R. No. 89684, People v. Teehankee, G.R. Nos. 111206-08 and People v. Espanola, 271 SCRA 689, the Supreme Court already increased the indemnity for death to P50,000. However, the amount stated under Article 2206 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines was never amended to follow the prevailing jurisprudence enshrined in the Decisions of the Supreme Court.

This bill seeks to increase the amount of death indemnity to a minimum of P50,000 so as to at least equitably recompense the loss at this present time.

Immediate passage of this bill is highly needed.


RAMON BONG REVILLA, JR.

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AN ACT
AMENDING ARTICLE 2206 OF REPUBLIC ACT NO. 386, OTHERWISE KNOWN AS
THE CIVIL CODE OF THE PHILIPPINES

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

SECTION 1. Article 2206 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, is hereby amended to read as follows:

"Art. 2206. The amount of damages for death caused by a crime or quasi-delict shall be at least [three thousand pesos] FIFTY THOUSAND PESOS, even though there may have been mitigating circumstances in addition:

- 1) The defendant shall be liable for the loss of the earning capacity of the deceased, and the indemnity shall be paid to the heirs of the latter; such indemnity shall in every case be assessed and awarded by the court, unless the deceased on account of permanent physical disability not caused by the defendant, had no earning capacity at the time of his death;
- 2) If the deceased was obliged to give support according to the provisions of Article 291, the recipient who is not an heir called to the decedent's inheritance by the law of testate or intestate succession, may demand support from the person causing the death, for a period not exceeding five years, the exact duration to be fixed by the court;
- 3) The spouse, legitimate and illegitimate descendants and ascendants of the deceased may demand moral damages for mental anguish by reason of the death of the deceased."

SECTION 2. Separability Clause. - If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 3. Repealing Clause. - All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders or rules and regulations, which may be inconsistent with this Act shall be deemed repealed, amended or modified accordingly.

SECTION 4. Effectivity Clause. - This Act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved,