

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

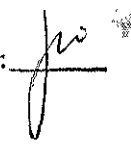


Senate
Office of the Secretary

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SENATE

S. NO. 797

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The 1987 Constitution states that, "No person shall be deprived of life, liberty or property without due process of law, or shall any person be denied the equal protection of the laws." Indeed, the right to be free is one of the most treasured right a human being can possess.

However, several instances prove that the right of liberty of every person in our country is not guaranteed at all times. In most cases, the poor and those who belong to marginalized sectors have been the ones accused and deprived of their freedom owing to the lack of due process of law. Undeniably, there have been a number of circumstances where these accused persons – who have been suffering in jails for numerous years, instead of spending the productive years of their lives in liberty – later find out of their innocence.

Acknowledging the fact that nothing can pay damages to persons deprived of their liberty, this bill seeks to compensate wrongfully-detained persons; provided that compensations should be limited only to detainees who have been declared innocent in a full-blown trial on the merits and not as a result of mere desistance or failure to be prosecuted by the private complainant.

Realistically speaking, this measure does not pretend to compensate the sufferings, deprivations and trauma caused by a wrongful detention. Rather, this bill generally aims to correct an injustice brought about by a wrongful detention of a person by the State and its agents.

In view of foregoing, immediate approval of this measure


ANTONIO "SONNY" F. TRILLANES IV
Senator



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SENATE

S. NO. 797

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
AMENDING SECTION 4 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 in 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
2 Act Creating a Board of Claims Under the Department of Justice for Victims of
3 Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other
4 Purposes", is hereby amended to read as follows:

5 "Sec. 4. *Award Ceiling.* – For victims of unjust imprisonment or detention, the
6 compensation shall be based on the number of months of imprisonment or detention
7 and every fraction thereof shall be considered one month; *Provided, however,* That
8 in no case shall such compensation exceed [One thousand pesos (P1,000)] FIVE
9 THOUSAND PESOS (P5,000.00) per month.

10 "In all other cases, [the maximum amount for which the Board, may approve a
11 claim shall not exceed Ten thousand pesos (P10,000.00) or the amount necessary to
12 reimburse the claimant the expenses incurred for hospitalization, medical treatment,
13 loss of wage, loss of support or other expenses directly related to injury, whichever
14 is lower.] ANY PERSON WHO, HAD BEEN DETAINED AS A RESULT OF A

1 CRIMINAL INFORMATION FILED IN COURT BUT SUBSEQUENTLY
2 ACQUITTED OR FOUND INNOCENT BY A FINAL JUDGMENT OR
3 RESOLUTION OF A COURT OF COMPETENT JURISDICTION AFTER A FULL-
4 BLOWN TRIAL ON THE MERITS, SHALL BE COMPENSATED AND/OR
5 INDEMNIFIED AT A RATE OF SIXTY THOUSAND PESOS (PHP 60,000.00)
6 FOR EVERY YEAR OF DETENTION. This is without prejudice to the right of the
7 claimant to seek other remedies under existing laws."

8
9 **SEC 2.** The amount of Ten Million Pesos (Php 10,000,000.00) is initially
10 appropriated to carry the purpose of this Act. Thereafter, the appropriation for this
11 purpose shall be included in the annual budget of the Department of Justice.

12
13 **SEC 3.** The Department of Justice shall promulgate the necessary guidelines,
14 rules and regulations to achieve the objectives of this Act.

15
16 **SEC 4.** All other laws, acts, decrees, executive orders, issuances and rules and
17 regulations or part thereof which are inconsistent with any provisions of this Act are
18 hereby repealed, amended or modified accordingly.

19
20 **SEC 5.** This Act shall take effect within fifteen (15) days upon publication in a
21 newspaper of general circulation.

Approved,