

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



Senate
Office of the Secretary

13 JUL 18 P3:15

SENATE

RECEIVED BY: *ji*

S.B. No. 926

Introduced By Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The writ of *habeas corpus* is otherwise known as the Great Writ of Liberty. It protects the citizenry against arbitrary detentions and imprisonments by ensuring that government will always be accountable to the judiciary with respect to a man's liberty.

In recent years there have been numerous petitions for *habeas corpus* filed with the courts. There is concern that instead of being the protector of the citizen's right of personal liberty, the government has been the cause of its unfounded or arbitrary restraint. The proposed legislation introduces a mechanism that allows filing fees for the institution of petitions for *habeas corpus* to be shouldered by the government instead of being charged against the victims. The filing fee for a petition for *habeas corpus* before the Supreme Court is Php4730.00. On the other hand, the filing fee for petitions filed before the Regional Trial Courts is at least Php1750 plus a summons fee of Php200 if there is only one defendant.

The writ of *habeas corpus* is precisely a protection against the possible excesses that the government or its agents may commit against its citizens. It is only just that the one who has committed such excesses be held accountable for the costs of the remedy. Considering that it is the government itself or its agents that has violated its mandate of protecting the liberty of its citizens, it is proper that the one who carries fault bear the cost.

Hence, the present proposal to free covered petitioners from the burden of filing fees by giving the Supreme Court the power to collect such filing fees from the State at the end of each calendar year. Exempted from coverage herein are petitions for *habeas corpus* not resulting from government excesses, such as those filed pursuant to the Violence against Women and Children Act or under guardianship proceedings.

MANUEL "LITO" M. LAPID
Senator



Senate
Office of the Secretary

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

'13 JUL 18 P 3:15

RECEIVED BY: *ji*

SENATE

S.B. No. 926

Introduced By Senator Manuel "Lito" M. Lapid

AN ACT PROVIDING A MECHANISM FOR DISCHARGING THE FILING FEES FOR PETITIONS FOR HABEAS CORPUS

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

1 **SECTION 1. Declaration of Policy.**—The Philippine Constitution, the
2 Universal Declaration of Human Rights, and the International Convention on Civil
3 and Political Rights declare that a person's right to liberty and to the security of his
4 person must be protected. It is the duty of the State to protect the citizenry against
5 arbitrary arrests and detentions performed by its very agents. In instances when a
6 person's right to liberty is arbitrarily restrained by virtue of government action, the
7 State should bear the responsibility to provide accessible and effective remedies
8 therefor.

9
10 **SEC. 2. Scope.**—No payment of filing fees shall be required from the
11 petitioner upon the filing of petitions for *habeas corpus* before the Court, except if the
12 petition is filed as a remedy for causes of action against private persons, such as but
13 not limited to remedies under the Violence against Women and Children Act or
14 under guardianship proceedings.

15 **SEC. 3. Government Subsidy.**—At the end of each calendar year, the
16 Supreme Court shall file with the Department of Budget and Management a Special

1 Budget Request reflecting the total filing costs for petitions for *habeas corpus* covered
2 by this Act, with the supporting documents required therefor.

3
4 **SEC. 4. *Filing Fees for Petitions Not Covered.*** – Petitions not covered by this
5 Act shall be charged filing fees in accordance with the rules and guidelines of the
6 Supreme Court.

7
8 **SEC. 5. *Implementing Rules and Regulations.*** – The Supreme Court and the
9 Department of Budget and Management shall formulate the necessary rules and
10 regulations for the effective implementation of this Act.

11
12 **SEC. 6. *Separability Clause.*** – If any provision or part of this Act shall be
13 declared invalid or unconstitutional, the remaining parts or provisions not affected
14 shall remain in full force and effect.

15
16 **SEC. 7. *Repealing Clause.*** – All laws, decrees, executive orders, issuances,
17 rules and regulations or parts thereof inconsistent with the provisions of this Act are
18 hereby repealed or modified accordingly.

19
20 **SEC. 8. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after
21 its publication in the Official Gazette or in at least two (2) newspapers of general
22 circulation.

Approved,