

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



'19 JUL 15 A10:02

SENATE

S. No. 459

Introduced by SENATOR RAMON BONG REVILLA, JR.

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

EXPLANATORY NOTE

For death caused by a crime or quasi-delict, Article 2206 of Republic Act No. 386, otherwise known as the Civil Code of the Philippines, enumerates the damages that may be recovered from the accused, one of which is the civil indemnity for death or death indemnity. Article 2206 has fixed the death indemnity to "*at least three thousand pesos, even though there may have been mitigating circumstances.*"

In fixing the death indemnity, the Civil Code of the Philippines actually only set the minimum civil indemnity that may be given thereby enabling the courts to increase the amount whenever the circumstances would warrant.

But as early as the 1990s, in the cases of *People v. Sazon* (G.R. No. 89684), *People v. Teehankee* (G.R. Nos. 111206-08), and *People v. Espanola* (271 SCRA 689), the Supreme Court has increased civil indemnity for death from the minimum Three Thousand Pesos to as high as One Hundred Thousand Pesos (PhP100,000.00). The increases made during all these years considered the economic conditions prevailing in the country, primarily the purchasing power of the peso. And in *People v. Oandasan* (G.R. No. 194605, June 15, 2016), the Court justified the raising of civil indemnity arising from crime or quasi-delict in this wise –

"although money has been accepted as the most frequently used means of punishing, deterring, compensating and regulating injury throughout the legal system, it has been explained that money in the context of damages is not awarded as a replacement for other money, but as substitute for that which is generally more important than money; it is the best thing that a court can do. Regardless, the civil indemnity for death, being compensatory in nature, must be attune to contemporaneous economic realities; otherwise, the desire to justly indemnify would be thwarted or rendered meaningless."

This Bill, therefore, seeks to set the minimum amount of death indemnity to at least Fifty Thousand Pesos (PhP 50,000.00) so as to at least equitably recompense the loss at this present time.

Given the foregoing, immediate passage of this measure is sought.


RAMON BONG REVILLA, JR.

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

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

3
4 "Art. 2206. The amount of damages for death caused by a crime or quasi-
5 delict shall be at least **FIFTY THOUSAND PESOS (PhP 50,000.00)** [Three
6 Thousand Pesos], even though there may have been mitigating
7 circumstances. In addition:

8
9 (1) The defendant shall be liable for the loss of the earning capacity of the
10 deceased, and the indemnity shall be paid to the heirs of the later,
11 such indemnity shall in every case be assessed and awarded by the
12 court, unless the deceased on account of permanent physical disability
13 not caused by the defendant, had no earning capacity at the time of
14 his death;

15 (2) If the deceased was obliged to give support according to the provisions
16 of Article 291, the recipient who is not an heir called to the decedent's

1 inheritance by the law of testate or intestate succession, may demand
2 support from the person causing the death, for a period not exceeding
3 five years, the exact duration to be fixed by the court;

4 (3) The spouse, legitimate and illegitimate descendants and ascendants of
5 the deceased may demand moral damages for mental anguish by
6 reason of the death of the deceased.

7
8 *Sec. 2. Repealing Clause.* – All laws, presidential decrees or issuances,
9 executive orders, letters of instruction, administrative orders or rules and regulations
10 contrary to or inconsistent with this Act shall be deemed repealed, amended or
11 modified accordingly.

12
13 *Sec. 3. Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
14 publication in at least two (2) newspapers of general circulation.

15
16 Approved,