

)
)
)

10 23 46 1 19

SENATE

Senate Bill No. 432

10 23 46 1 19


INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The justice system is depicted by the blindfolded woman holding the scale. Generally symbolizing the impartiality, equality and integrity that should comprise the manner justice system is served.

But it is, likewise, clear such symbol characterizes the approximation that the system, at best, exerts to go nearest to true justice. Thus in reality the justice system is far from perfect. There will always be mistakes in its administration. And therefore, it is incumbent upon the state to make sure that discovery of errors in the justice it stands for be corrected. It is just and fair, after all under the doctrine of PARENS PATRIAE, the state is the caring parent, especially for all those not so privileged.

Justice simplistically defined by Aristotle is, "to give someone his due". On the basis of this, it is but due to compensate those who have been victims of erroneous justice particularly those wrongly jailed.

In view of the foregoing the passage of this bill is earnestly sought.


JINGGOY EJERCITO ESTRADA
Senator

SENATE

Senate Bill No. 432



INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

AN ACT
PROVIDING REPARATION TO WRONGLY JAILED INDIVIDUALS,
PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Wrongly Jailed* - Any person who may have suffered penalty, criminally, through conviction, but subsequently judicially declared as erroneous, shall heretofore be compensated and be entitled to reparation as herein provided.

SEC. 2. *Persons covered* - Persons covered pertaining to Section 1 hereof shall be those:

- a) Convicted of crimes with executed judgment or penalty;
- b) Did not, by his/her own conduct, cause or bring about his/her conviction;
- c) Subsequently acquitted and released by the courts on competently and meritoriously established *innocence and not merely on technicality*; and
- d) Not serving another sentence concurrently for another crime.

SEC. 3. *Report of Release*. - It shall be the task of the Department of justice to get the monthly certified reports from the Supreme Court regarding cases of acquittal which include the injury or damages suffered by the individual wrongly jailed.

SEC. 4. *Reparation*. - The Secretary of the Department of Justice, within sixty (60) days on the basis of such report, shall cause the obligation of amount awarded as damages by the National Treasurer chargeable from the Assurance Fund herein constituted.

Monetary compensation for damages for wrong imprisonment suffered shall not exceed twice the amount of income in the year prior to his/her arrest.

A copy of the request for obligation mentioned shall be furnished to the named party-claimant, the aggrieved party, upon its accomplishment.

The Secretary of the Department of Justice, shall submit a recommendation to the President for clemency together with the information regarding the obligation of amount awarded for damages.

The recommendation may include:

- a) Restoration of civil rights and liberties; and
- b) Extinguishment of accessory penalties as maybe provided.

The President shall act on such recommendation within one hundred twenty (120) days from receipt thereof.

SEC. 5. Claim. - The party-claimant, through verified petition containing the statement of the facts concerning the claim for damages, with the copy of the request of obligation from the Department of Justice attached, shall bring the action to the Office of the Chair, Commission on Audit as provided in CA 327 within two (2) years after his/her release from imprisonment.

SEC. 6. Assurance Fund - An additional amount equivalent to $\frac{1}{4}$ of 1% of the docket fees required for the filing of actions in court, both criminal and civil shall be paid as contribution to the Assurance Fund.

All money received by the courts as provided in the foregoing shall be paid the National Treasurer. He/She shall keep this money in an Assurance Fund which may be invested in the manner and form authorized by law and shall report to the Secretary of the Department of Justice, the condition and income thereof.

The income of the fund shall be added to the principal in which event, the income from investments and from the collection of such shall be paid to the National Treasury to the account of the Assurance Fund.

Recovery of damage in the amounts mentioned in paragraph 2, Section 4 herein shall be paid out of the Assurance Fund upon the request of the Secretary of the Department of Justice.

SEC. 7. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the Department of Justice, and the Department of Finance shall promulgate the necessary rules and regulation for the effective implementation of this Act.

SEC. 8. Repealing Clause. - All laws, decrees, executive orders, rules and regulations or parts thereof inconsistent with or contrary to the provisions of this Act are hereby repealed or modified accordingly.

SEC. 9. Separability Clause. - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

SEC. 10. Effectivity. - This Act shall take effect after fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,