

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 774

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	30 JUN 2016
TIME:	11:50 PM
BY:	<i>[Signature]</i>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by DIWA Party-list Representative Emmeline Y. Aglipay – Villar

EXPLANATORY NOTE

There are few things more injurious to the covenant between citizen and government than wrongful prosecution and incarceration by the State. The fact, however, that these do occur cannot be denied, whether as a result of malice, negligence, mistake, or sheer misfortune. No mere monetary sum can erase the stigma, suffering, and trauma brought about by the incarceration of the innocent, but that insufficiency cannot be an excuse for the State not to do what it can to make amends.

This bill – based on House Bill No. 3620 filed by Rep. Giorgidi B. Aggabao in the 16th Congress, with an increase to the compensation and a decrease to the number of months of detention necessary to qualify --seeks to increase the monetary compensation granted to those who have been unjustly detained. Furthermore, it remedies a potential conflict of interest by removing the Board of Claims from the ambit of the Department of Justice – the prosecutorial arm of the State which may have been involved in the unjust detention of the claimants – and instead transfers the same to the Commission on Human Rights.

Emmeline Y. Aglipay

EMMELINE Y. AGLIPAY – VILLAR
Representative, DIWA Party-list

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 774

Introduced by **DIWA Party-list Representative Emmeline Y. Aglipay – Villar**

**AN ACT INCREASING THE COMPENSATION OF THOSE UNJUSTLY
DETAINED AND TRANSFERRING THE BOARD OF CLAIMS FROM THE DEPT.
OF JUSTICE TO THE COMMISSION ON HUMAN RIGHTS, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 7309**

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

SECTION 1. Section 1 of Republic Act No. 7309 is hereby amended to read as follows:

“SECTION 1. *Creation and Composition of the Board.* - There is hereby created a Board of Claims under the [Department of Justice] COMMISSION ON HUMAN RIGHTS, hereinafter referred to as Board, to be composed of one (1) chairman and two (2) members to be appointed by the [Secretary] CHAIRMAN of the said [Department] COMMISSION.

ALL REFERENCES IN R.A. 7309 TO THE DEPARTMENT OF JUSTICE AND THE SECRETARY SHALL BE CHANGED TO COMMISSION ON HUMAN RIGHTS AND CHAIRMAN, RESPECTIVELY.”

SECTION 2. Section 3 of Republic Act No. 7309 is hereby amended by adding subparagraphs “e” and “f” therein to read as follows:

“SECTION 3. *Who May File Claims.* - The following may file claims for compensation before the Board:

XXX

XXX

XXX

E) ANY PERSON WHO HAD BEEN APPREHENDED AND ARRESTED BY VIRTUE OF A WARRANT OF ARREST ISSUED BY A JUDGE, OR

WITHOUT A WARRANT WHILE UNDERGOING INVESTIGATION, AND/OR WHO, WHILE UNDER DETENTION, WAS SUBJECTED TO BRUTALITIES AND TORTURE COMMITTED BY POLICE, MILITARY AND OTHER LAW ENFORCEMENT AGENCIES AND THEREBY SUFFERED INJURIES AS CERTIFIED BY A LICENSED DOCTOR OR HOSPITAL, OR AS TESTIFIED TO IN A SWORN STATEMENT BY HIS/HER COUNSEL, RELATIVE, NBI INVESTIGATOR, OR ANY OFFICIAL, OR SUPPORTED BY PHOTOGRAPHS, VIDEOS, AND OTHER DOCUMENTARY OR PHYSICAL EVIDENCE;

F) ANY PERSON UNJUSTLY IMPRISONED ON ONE CHARGE EVEN IF HE/SHE HAS OTHER CASES PENDING AGAINST HIM/HER OR FOR WHICH HE/SHE IS CONVICTED. AND;

G) ANY PERSON WHO HAD BEEN ARRESTED AND DETAINED FOR AT LEAST ONE (1) MONTH AND WAS SUBSEQUENTLY ACQUITTED OF THE CHARGE AGAINST HIM/HER BY ANY COURT OF COMPETENT JURISDICTION."

SECTION 3. Section 4 of Republic Act No. 7309 is hereby amended to read as follows:

"SECTION 4. *Award Ceiling.* - For victims of unjust imprisonment or detention, the compensation shall be based on the number of months of imprisonment or detention and every fraction thereof shall be considered one month: Provided, however, That in no case shall such compensation exceed [One Thousand Pesos (P1,000.00)] FIFTEEN THOUSAND PESOS (P15,000.00) per month.

(b) In all other cases, the maximum amount for which the Board may approve a claim shall not exceed [Ten Thousand Pesos (P10,000.00)] TWO HUNDRED THOUSAND PESOS (P200,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to the injury, or whichever is higher. This is without prejudice to the right of the claimant to seek other remedies under existing laws."

SECTION 4. Section 5 of Republic Act No. 7309 is hereby amended to read as follows:

"SECTION 5. *When to File Claims.* - Any person entitled to compensation under this Act shall, within six (6) months after being released from imprisonment or detention, [or from the date the victim suffered damage or injury] OR AFTER BEING ACQUITTED OF THE CHARGES AGAINST HIM, file his claim with the [Department COMMISSION, otherwise, he shall be deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever shall be valid."

SECTION 5. A new section shall be added before Section 10 of Republic Act No. 7309, to read as follows:

"SEC 10. SAFEGUARDS AGAINST FALSE CLAIMANTS. - THE FOLLOWING SHALL SERVE AS SAFEGUARDS AGAINST FALSE CLAIMANTS:

- A) THE APPLICATION FOR COMPENSATION SHALL BE SWORN TO;
- B) A SUMMARY HEARING SHALL BE CONDUCTED WHEREIN THE APPLICANT AND HIS/HER WITNESSES ARE SUMMONED BEFORE THE ADMINISTERING BODY AND QUESTIONED ABOUT THE APPLICATION;
- C) PERSONS FOUND GUILTY OF PERJURY SHALL BE PUNISHED IN ACCORDANCE WITH LAW."

SECTION 6. Section 9 of Republic Act No. 7309 is hereby amended to read as follows:

"[SECTION 9. *Funding.* For purposes of this Act, the amount of ten million pesos (P10,000,000.00) is hereby authorized to be appropriated from the funds of the National Treasury not otherwise appropriated.]

SECTION 9. APPROPRIATIONS. - FOR PURPOSES OF CARRYING OUT THE PROVISIONS OF THIS ACT, ALL UNEXPENDED FUNDS OF THE BOARD OF CLAIMS UNDER THE DEPARTMENT OF JUSTICE SHALL BE TRANSFERRED TO THE COMMISSION ON HUMAN RIGHTS. THEREAFTER, SUCH SUMS AS MAY BE NEEDED FOR THE PAYMENT OF COMPENSATION TO VICTIMS SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT."

SECTION 7. Effectivity Clause. - This Act shall take effect fifteen (15) days upon its publication in at least two (2) newspapers of general circulation.

Approved,