



S E N A T E

S. No. 2920

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PREPARED BY THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; SOCIAL JUSTICE, WELFARE AND RURAL DEVELOPMENT; AND FINANCE WITH SENATORS ESCUDERO, VILLANUEVA, PADILLA, PIMENTEL III, TULFO, AND ESTRADA AS AUTHORS THEREOF

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AN ACT AMENDING REPUBLIC ACT NO. 7309, "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 by the Senate and House of Representatives of the Philippines in Congress assembled:*

1           SECTION 1. Section 3 of Republic Act No. 7309,  
2 otherwise known as "An Act Creating a Board of Claims  
3 Under the Department of Justice for Victims of Unjust  
4 Imprisonment or Detention and Victims of Violent Crimes  
5 and for Other Purposes", is hereby amended to read as  
6 follows:

1           “SEC. 3. *Who may File Claims.* – The  
2 following may file claims for compensation  
3 before the Board:

4           (a) [~~any person who was unjustly accused,~~  
5 ~~convicted and imprisoned but subsequently~~  
6 ~~released by virtue of a judgment of acquittal;]~~

7           ~~[(b)]~~ any person who was unjustly  
8 detained and released without being charged;

9           (B) ANY PERSON WHO WAS  
10 UNJUSTLY ACCUSED, CHARGED, AND  
11 DETAINED BUT SUBSEQUENTLY  
12 RELEASED BY THE TRIAL COURT WITH A  
13 FINDING THAT NO CRIME WAS IN FACT  
14 COMMITTED OR THAT THE ACCUSED  
15 COULD NOT HAVE COMMITTED OR DID  
16 NOT COMMIT THE IMPUTED CRIME;

17           (C) ANY PERSON WHO WAS  
18 UNJUSTLY ACCUSED, CONVICTED, AND  
19 IMPRISONED BUT SUBSEQUENTLY

1           RELEASED BY VIRTUE OF A JUDGMENT  
2           OF ACQUITTAL FINDING THAT NO CRIME  
3           WAS IN FACT COMMITTED OR THAT THE  
4           ACCUSED COULD NOT HAVE COMMITTED  
5           OR DID NOT COMMIT THE IMPUTED  
6           CRIME;

7                   [(c)] (D) any victim of arbitrary or illegal  
8           detention by the authorities as defined in the  
9           Revised Penal Code under a final judgment of  
10          the court; and

11                   [(d)] (E) any person who is a victim of  
12          violent crimes. For purposes of this Act, violent  
13          crimes shall include rape and shall likewise  
14          refer to offenses committed with malice which  
15          resulted in death or serious physical and/or  
16          psychological injuries, permanent incapacity or  
17          disability, insanity, abortion, serious trauma,  
18          or committed with torture, cruelty or  
19          barbarity.”

1           SEC. 2. Section 4 of Republic Act No. 7309 is hereby  
2 amended to read as follows:

3           “SEC. 4. *Award Ceiling.* – For victims of  
4 unjust imprisonment or detention, the  
5 compensation shall be based on the number of  
6 months of imprisonment or detention and every  
7 fraction thereof shall be considered one month;  
8 *Provided, however,* That in no case shall such  
9 compensation exceed [~~One thousand pesos~~  
10 ~~(P1,000.00)~~ TEN THOUSAND PESOS  
11 (P10,000.00) per month.

12           In all other cases, the maximum amount  
13 for which the Board may approve a claim shall  
14 not exceed [~~Ten thousand pesos (P10,000.00)~~  
15 FIFTY THOUSAND PESOS (P50,000.00) or  
16 the amount necessary to reimburse the  
17 claimant the expenses incurred for  
18 hospitalization, medical treatment, loss of  
19 wage, loss of support, or other expenses directly  
20 related to injury, whichever is lower. This is

1           without prejudice to the right of the claimant to  
2           seek other remedies under existing laws.”

3           SEC. 3. Section 5 of Republic Act No. 7309 is hereby  
4 amended to read as follows:

5                   “SEC. 5. *When to File Claims.* – Any  
6           person entitled to compensation under this Act  
7           must, within [~~six (6) months~~] ONE (1) YEAR  
8           after being released from imprisonment or  
9           detention, or from the date the victim suffered  
10          damage or injury, file his/HER claim with the  
11          [~~Department~~] BOARD OF CLAIMS, otherwise,  
12          he/SHE is deemed to have waived the same.  
13          Except as provided for in this Act, no waiver of  
14          claim whatsoever is valid.”

15          SEC. 4. A new Section 5-A is hereby inserted  
16 after Section 5 of Republic Act No. 7309, to read as  
17 follows:

18                   “SEC. 5-A. *REMOTE FILING OF*  
19          *CLAIMS.* – ANY PERSON ENTITLED TO  
20          COMPENSATION UNDER THIS ACT MAY

1 FILE HIS/HER CLAIM REMOTELY,  
2 SUBJECT TO RULES AND REGULATIONS  
3 WHICH SHALL BE PROMULGATED BY THE  
4 BOARD WITH THE GOAL OF  
5 STREAMLINING REQUIREMENTS TO  
6 ENHANCE ACCESSIBILITY AND  
7 EFFICIENCY.”

8 SEC. 5. Section 6 of Republic Act No. 7309 is hereby  
9 amended to read as follows:

10 “SEC. 6. *Filing of Claims by Heirs.* – In  
11 case of death or incapacity of any person  
12 entitled to any award under this Act, the claim  
13 may be filed by his/HER heirs, in the following  
14 order: by his/HER surviving spouse, children,  
15 [~~natural~~] parents, brother and/or sister.”

16 SEC. 6. *Repealing Clause.* – All laws, decrees,  
17 executive orders, proclamations, rules, and regulations,  
18 and other issuances or parts thereof which are inconsistent  
19 with this Act are hereby repealed, amended, or modified  
20 accordingly.

1           SEC. 7. *Effectivity.* – This Act shall take effect after  
2 fifteen (15) days following the completion of its publication  
3 in the *Official Gazette* or in a newspaper of general  
4 circulation.

Approved,