

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.

Section 1. *Creation and Composition of the Board.* - There is hereby created a Board of Claims under the Department of Justice, hereinafter referred to as the Board, to be composed of one (1) chairman and two (2) members to be appointed by the Secretary of the said department.

Section 2. *Powers and Functions of the Board.* - The Board shall have the following powers and functions:

- (a) to receive, evaluate, process and investigate application for claims under this Act;
- (b) to conduct an independent administrative hearing and resolve application for claims, grant or deny the same;
- (c) to deputize appropriate government agencies in order to effectively implement its functions; and
- (d) to promulgate rules and regulations in order to carry out the objectives of this Act.

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

- (a) any person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;
- (b) any person who was unjustly detained and released without being charged;
- (c) any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and
- (d) any person who is a victim of violent crimes. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

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) per month.

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed Ten thousand pesos (P10,000.00) 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 injury, whichever is lower. This is without prejudice to the right of the claimant to seek other remedies under existing laws.

Section 5. *When to File Claims.* - Any person entitled to compensation under this Act must, within six (6) months after being released from imprisonment or detention, or from the date the victim suffered damage or injury, file his claim with the Department, otherwise, he is deemed to have waived the same. Except as provided for in this Act, no waiver of claim whatsoever is valid.

Section 6. *Filing of Claims by Heirs.* - In case of death or incapacity of any person entitled to any award under this Act, the claim may be filed by his heirs, in the following order: by his surviving spouse, children, natural parents, brother and/or sister.

Section 7. *Resolution of Claims.* - The Board shall resolve the claim within thirty (30) working days after filing of the application.

The Board shall adopt an expeditious and inexpensive procedure for the claimants to follow in order to secure their claims under this Act.

Section 8. *Appeal.* - Any aggrieved claimant may appeal, within fifteen (15) days from receipt of the resolution of the Board, to the Secretary of Justice whose decision shall be final and executory.

Section 9. *Funding.* - For purposes of this Act, the initial 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.

The subsequent annual funding shall also partly come from one percent (1%) of the net income of the Philippine Amusement and Gaming Corporation and one percent (1%) of the proceeds and sales and other disposition and military camps in Metro Manila by the Bases Conversion and Development Authority.

The proceeds from any contract relating to the depiction of a crime in a movie, book, newspaper, magazine, radio or television production, or live entertainment, of any kind, or in any other form of commercial exploitation of any convict's story, recollection, opinion and emotions with regard to the offense committed shall not be released to convict in a criminal case or his heirs, agents, assignees or successors-in-interest until full compensation for damages suffered by or awarded to, the victim, his heirs or successors-in-interest is paid or arranged for, and the state is able to collect/assess fines and costs and any other amounts due it in case of a conviction by final judgment. Such

damages shall include, but shall not be limited to, judicial awards, funeral expenses, medical expenses, lost earning and the like.

To ensure the continuity of the funding requirements under this Act, the amount of Five pesos (P5.00) shall be set aside from each filing fee in every civil case filed with the court, the total proceeds of which shall constitute the Victim Compensation Fund to be administered by the Department of Justice.

Section 10. *Repealing Clause.* - All laws, executive orders and executive issuances inconsistent with this Act are hereby deemed repealed or modified accordingly.

Section 11. *Separability Clause.* - If, for any reason, any section or provision of this Act shall be declared unconstitutional or invalid, no other section or provision shall be affected thereby.

Section 12. *Effectivity Clause.* - This Act shall take effect after its publication in two (2) newspapers of general circulation.

*Approved:* March 30, 1992