NATIONAL ADMINISTRATIVE REGISTER · APRIL 27, 1992

IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 7309, “AN ACT CREATING A BOARD OF CLAIMS FOR VICTIMS OF UNJUST IMPRISONMENT OR DETENTION AND VICTIMS OF VIOLENT CRIMES”

DOJ, April 27, 1992

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Pursuant to the provisions of Section 2(d) of Republic Act No. 7309, the following rules and regulations are hereby promulgated to implement the provisions of said Act:

Title I
Definition of Terms

SECTION 1. Definition of Terms — As used in these rules and regulations, unless otherwise specifically provided, the following terms shall be understood to mean:

(a) Act shall refer to Republic Act No. 7309;

(b) Board shall refer to the Board of Claims constituted under Section 1 of the Act;

(c) Claimant shall refer to any person who is:

- unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;

- unjustly detained and released without being charged;

- a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court;

- victims of violent crimes; and

- the heir of a person entitled to any award under this Act who died or was incapacitated.

(d) Violent Crimes shall include rape and 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.

(e) Victim Compensation Fund (VCF) shall refer to whatever amount maybe appropriated by Congress from the funds of the National Treasury, the amount of five pesos (P5.00) set aside from each filing fee in every civil case filed in court 1% of net earnings of PAGCOR and 1% of the proceeds of the sale of military camps in Metro Manila.

Title II
The Board of Claims

SECTION 1. Composition - The Board of Claims shall be composed of a chairman and two (2) members to be appointed by the Secretary of Justice. It shall meet at least once a week or as often as may be necessary upon call

by the chairman.

SECTION 2. Powers and Functions - The Board shall have the following powers and functions: (a) to receive, process, investigate and evaluate applications for claims under this Act;

b) to conduct an independent administrative hearing and resolve applications for claims;

c) to deputize and coordinate with appropriate government agencies in order to effectively implement its functions; and,

d) to promulgate and amend rules and regulations in order to carry out the objectives of this Act.

Title III
Adjudication of Claims

SECTION 1. When to file claims - Any person entitled to compensation under this Act, within six (6) months after being released from imprisonment or detention, or from the date he suffered damage or injury, must file his claim with the Board, otherwise he is deemed to have waived his claim. Except as provided for in this Act, no waiver of claim whatsoever is valid.

SECTION 2. How to file claims - A claimant may file a claim with the Board by filling up an application form provided for the purpose and attaching thereto:

(a) In case of a person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal:

1) a certified true copy of the judgment of acquittal;

2) certified true copies of the commitment order and release from confinement by the jail warden or prison authority concerned;

b) In case of a person who was unjustly detained and released without being charged:

1) any proof to show that he was unjustly detained without being charged.

c) In case of a victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court:

1) certified true copy of the final judgment.

d) In case of a person who is a victim of violent crimes:

1) any evidence that would prove that he is a victim of violent crimes including but not limited to the certified true copy of the report to the police or a doctor's/psychiatrist's certificate, if necessary.

e) If claimant is an heir, he shall also submit the following:

1) Death certificate of the person entitled to an award or government doctor's certificate of incapacity;

2) Marriage certificate if claimant is the spouse;

3) Birth certificate/s if claimant is a child/children; or,

4) Proof of relationship that he/she is a parent, brother, or sister.

SECTION 3. Processing of claims - (a) After the claim has been docketed and given a claim number, it shall be assigned to an Evaluator who shall evaluate the merits of the claim. Should there be a need to verify the

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authenticity of the evidence presented, he shall direct an investigation thereof;

b) The investigator shall submit his report to the Evaluator within five (5) days from assignment. The Evaluator shall submit his recommendation to the Board within ten (10) days from the submission of the investigator's report;

c) The Board shall resolve the claim within thirty (30) working days after the filing of the application; and.

d) Within fifteen (15) days from receipt of the resolution of the Board, an aggrieved claimant may appeal to the Secretary of Justice whose decision shall be final and executory.

Title IV
Award

SECTION 1. How much shall be awarded - (a) For victim 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;

b) In all others 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 the injury, whichever is lower to be determined by the Board.

Title V
Effectivity

These rules and regulations shall become effective after fifteen (15) days following their publication in two (2) newspapers of general circulation.

Adopted: 27 Apr. 1992

BOARD OF CLAIMS

(SGD.) FERNANDO P. DE LEON
Chief State Prosecutor
Chairman

(SGD.) ZENON L. DE GUIA
Asst. Chief State Prosecutor
Member

(SGD.) FRANCISCO L. SANTOS
Asst. Chief Prosecutor
Member

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