

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Philippines



**EIGHTEENTH CONGRESS**  
*First Regular Session*

House Bill No. 3875

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Introduced by **Representative Pablo John F. Garcia**

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#### **EXPLANATORY NOTE**

Free access to courts and quasi-judicial bodies is guaranteed by the Bill of Rights (Article III, Section 11, Constitution).

Despite this state policy, the prosecutorial arm of the Department of Justice has, for years, required the payment of fees for the filing of criminal complaints for certain classes of crimes.

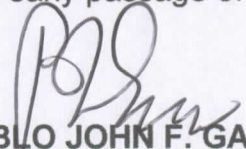
In criminal cases, it is not so much the interest of the private offended party that is asserted but the higher State interest in ensuring that offenses committed within its territorial jurisdiction are prosecuted and punished that justice may be served and, more importantly, that order is restored and maintained.

In fact, it may be said that where a criminal offense is committed, it is not only the right—but the duty—of the private offended party to report and prosecute it, and by doing so she is doing the State a service of the highest order.

To require the payment of fees for the filing of criminal complaints before the prosecutorial arm of the justice system, therefore, does not only violate the constitutional guarantee of free access to courts and quasi-judicial bodies, but punishes rather than rewards the reporting and prosecution of crimes.

In order to ensure free access as guaranteed by the Constitution, and to encourage and incentivize the reporting and prosecution of crimes, the imposition and collection of fees for the filing of criminal complaints should, therefore, be prohibited.

The early passage of this bill is earnestly sought.

  
**PABLO JOHN F. GARCIA**

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**AN ACT**  
**PROHIBITING THE IMPOSITION AND COLLECTION OF ANY FEE FOR THE FILING OF A COMPLAINT IN ANY CRIMINAL PROCEEDING BEFORE ANY COURT, TRIBUNAL OR QUASI-JUDICIAL BODY**

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

**Section 1.** It is the policy of the State to ensure free access to courts and quasi-judicial bodies especially in the prosecution of criminal offenses, where it is the State's primary interest to ensure that crimes and offenses are not committed and where committed, that they are prosecuted and the offenders punished. It is also the policy of the State to encourage private offended parties to report the commission of offenses and not unduly burden them in their pursuit of justice.

**Section 2.** Any law, decree, rule or regulation to the contrary notwithstanding, it shall be unlawful to impose, exact, require or collect any fee for the filing of a complaint in any criminal proceeding before any court, tribunal or quasi-judicial body.

**Section 3.** The penalty of six (6) years and one (1) day imprisonment shall be imposed upon any official or employee of any court, tribunal or quasi-judicial body found guilty of imposing, exacting, requiring, or collecting any fee for the filing of a complaint in a criminal proceeding, or otherwise found guilty of violating this Act.

**Section 4.** All laws, rules and regulations not consistent with this Act are hereby repealed accordingly.

**Section 5.** This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in any newspaper of general circulation.

**Approved,**