

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7822



Introduced by **HON. JOY MYRA S. TAMBUNTING**


EXPLANATORY NOTE

In 2018, two thousand ninety-six (2096) lawyers from the Public Attorney's Office (PAO) had to accommodate almost a million cases. This meant that each public attorney had to handle as much as 465 cases during that year. Since 2014, the PAO has only added 500 lawyers to its office despite the steady increase in clients across the years. Most of the clientele of the PAO are underprivileged families, which could not afford to hire lawyers from private firms.

It is the responsibility of the State to ensure that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. Our constitution likewise provides that "Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty." In recognition of these constitutional provisions, it is imperative that the State device a way to recruit more people to the PAO, in order to better serve the poor and the marginalized.

This measure seeks to incentivize law students to eventually join the ranks of the Public Attorney's Office through the Abogado Para sa Bayan Program. The program will be a return service agreement wherein a law student under the program may avail financial assistance from the government, provided that he shall serve as a public attorney under the PAO for at least five (5) years.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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AN ACT
TO ENCOURAGE MORE FILIPINO LAWYERS TO SERVE THE PEOPLE AND JOIN THE PUBLIC ATTORNEY'S OFFICE, ESTABLISHING FOR THE PURPOSE THE "ABOGADO PARA SA BAYAN" RETURN SERVICE PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Short Title. – This Act shall be known as the "Abogado Para sa Bayan Act".

Sec. 2. Declaration of Policy. – The State shall ensure that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. The State shall also provide free and adequate legal assistance to all citizens regardless of economic standing. The State shall hereby establish a program to encourage more lawyers to serve the people, and to guarantee that there shall be, at all times, a sufficient number of lawyers to provide free and adequate legal services to indigent and under-privileged Filipinos in need of legal assistance.

Sec. 3. Abogado Para sa Bayan Program. – In accordance with the Declared Policy of this Act, there shall be established an "Abogado Para Sa Bayan Program", hereafter referred to as "the Program" under the Public Attorney's Office (PAO).

Sec. 4. Assistance to Grantees. – The grantee shall be entitled to financial assistance which shall include tuition and other school fees, outright grant for prescribed textbooks and essential school supplies, transportation expenses and monthly living allowance: Provided, that the financial assistance provided herein shall be reviewed and adjusted to its value using the Consumer Price Index (CPI) as published by the Philippine Statistics Authority (PSA) five (5) years from the implementation of this Act, and every five (5) years thereafter.

Sec. 5. Qualifications. – In order to qualify for the Program, the applicant must meet the following requirements:

- a) Must have a bachelor's degree from the reputable tertiary education institution;

- b) Must have passed the entrance exam of any reputable law school selected by the DOJ;
- c) Must be currently enrolled in a Juris Doctor (JD) or Legum Baccalareus (LLB) course in a reputable law school selected by the DOJ; and
- d) Must be of good moral character.

Sec. 6. Service Obligations. – Immediately upon signing the roll of attorneys, the grantee shall serve for five (5) years as a public attorney in an area identified by the Public Attorney's Office (PAO): Provided, that areas with the lowest number of public attorneys shall be prioritized.

Sec. 7. Selection of Law Schools. – Within sixty (60) days from the effectivity of this Act, the DOJ shall identify the law schools which shall be covered under this Act; Provided, that the PAO shall ensure that the selected law schools shall be of unquestionable reputation.

Sec. 8. Appropriations. – The amounts necessary for the effective implementation of this Act shall be included under the appropriations of the Public Attorney's Office under the annual General Appropriations Act.

Sec. 9. Annual Report. – Within one (1) year from the effectivity of this Act, and every year thereafter, the PAO shall submit an annual report on the implementation of this Act to the Senate and the House of Representatives of the Philippines.

Sec. 10. Penalties. –

- a) Any grantee who fails to comply with the service obligations set forth under Section 7 of this Act shall be, upon conviction, pay a fine of equivalent to the total financial assistance which they received under this Act, or a fine of Php One Million Pesos (Php 1,000,000.00), whichever is greater;
- b) Any government official who uses the Program for partisan political activity shall, upon conviction, suffer the penalty of imprisonment of six (6) months to one (1) year and/or a fine of not less Fifty Thousand Pesos (Php 50,000.00) to One Hundred Thousand Pesos (Php 100,000.00), at the discretion of the court, and without prejudice to further prosecution and conviction under other administrative and criminal laws.

For the purpose of this Act, "Partisan political activity" refers to activities, statements or manifestations, which solely or primarily serve to campaign for or against any particular political party or candidate for any elective public office.

Sec. 11. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the PAO shall promulgate the implementing rules and regulations necessary to implement this Act.

Sec. 12. Separability Clause. – If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

Sec. 13. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 14. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,