



Republic of the Philippines
House of Representatives
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10110

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ



EXPLANATORY NOTE

Our uniformed personnel plays a vital role in securing the sovereignty of our State and the integrity of our national territory as well as maintaining peace and order among its people within the country.

The duties of our uniformed personnel require them to be in dangerous situations and perform operations that oftentimes put their lives at risk. Indeed, to serve the nation even to the point of sacrificing one's life is a noble vocation and a calling that not everyone would dare to heed. While the nature of their job requires so much from them, most of the members of the uniformed services are not even financially capable to hire a competent counsel to defend them in legal battles that arise in relation to the performance of their official duties.

Thus, this Bill aims to create an attorney's office exclusively for the defense and representation of our uniformed personnel should they need one or opt to avail one to face any case filed against them in relation to the performance of the latter's official duties and functions.

Ever true is the saying that "one is innocent until proven guilty". Thus, the creation of the Uniformed Personnel Attorney's Office (UPAO) is not at all intended to tolerate crimes and abuses of power done by the military, the police, and other uniformed personnel. Rather, it is a facilitation of the constitutionally guaranteed right of any accused to be provided a competent counsel that will defend him/her in court.

The creation of an office separate and independent from its counterpart which is the Public Attorney's Office (PAO) addresses the potential conflict of

interest that arises in some situations where an indigent civilian comes to the PAO for consultation and assistance in filing a case and instituting a complaint in court against a uniformed personnel. While said case will eventually be prosecuted by the public prosecutor, the involvement of the PAO in the process of developing the case gives birth to a conflict of interest rendering them unable to defend the accused uniformed personnel.

It is for these reasons that this Bill is being proposed.


ERIC OLIVAREZ



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Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

“AN ACT CREATING THE UNIFORMED PERSONNEL ATTORNEY’S OFFICE (UPAO) FOR THE LEGAL REPRESENTATION AND DEFENSE OF UNIFORMED PERSONNEL IN CASES RELATING TO THE PERFORMANCE OF THEIR DUTIES AS SUCH GRANTING ALL SALARIES, BENEFITS, AND ALLOWANCES AS THOSE RECEIVED BY THEIR COUNTERPARTS IN THE PUBLIC ATTORNEY’S OFFICE (PAO) AND THE NATIONAL PROSECUTION SERVICE, AND PROVIDING FUNDS THEREFOR”

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

SECTION 1. *Short Title.* – This Act shall be known as This Act shall be known as the “UPAO Act of 2021”.

SECTION 2. *Definition of Terms.*

- a. Uniformed Personnel** – shall refer to the commissioned officers and enlisted personnel of the uniformed services, whether armed or unarmed, whose duties and functions are primarily involved in the enforcement of law in the country.

- b. Uniformed Services** – shall refer to the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BJMP), Philippine Coast Guard (PCG), and commissioned corps of the National Mapping and Resource Information Authority (NAMRIA).
- c. Authorized UPAO Officials** - shall refer to officials of the Uniformed Personnel Attorney's Office (UPAO) who have direct supervision over UPAO lawyers and as such are granted special allowance in accordance with Section 9 of R.A. No. 9406.
- d. Legal Services** - shall refer to legal representation, assistance and counseling to be rendered by the UPAO, be it judicial or non-judicial in nature, given to uniformed personnel in criminal, civil, labor, administrative and other quasi-judicial cases in relation to the performance of their official duties and functions, resulting in the creation of an attorney-client relationship.
- e. UPAO Lawyers** shall refer to the UPAO Chief, UPAO Deputy Chiefs, Regional UPAO Attorneys, Assistant Regional UPAO Attorneys, Provincial UPAO Attorneys, City District UPAO Attorneys, Municipal District UPAO Attorneys and Associate UPAO Attorneys.

SECTION 3. *Creation of Uniformed Personnel Attorney's Office (UPAO).* It is hereby created a Uniformed Personnel Attorney's Office (UPAO) to defend and represent uniformed personnel in any case filed against them in relation to the performance of the latter's official duties and functions.

The UPAO shall be an independent and autonomous office, but attached to the Department of Justice (DOJ) for purposes of policy and program coordination.

The UPAO shall be the principal law office of the Government in extending free legal assistance to uniformed personnel in criminal, civil, labor, administrative, and other quasi-judicial cases filed against them in relation to the performance of their official duties and functions.

Any uniformed personnel who is facing any charge arising from an incident or incidents related to the performance of official duties and functions shall be entitled to the free legal representation and assistance from the UPAO.

SECTION 4. *Powers and Functions.* The UPAO shall independently discharge its mandate to render free-of-charge legal representation, assistance, and counselling to uniformed personnel in criminal, civil, labor, administrative and other quasi-judicial cases filed against them in relation to the performance of their official duties and functions. In the exigency of service, the UPAO, just

like the PAO, may be called upon by the Department of Justice to render such service to other persons in case the PAO could not render free legal representation to such persons due to conflict of interest.

SECTION 5. *Organizational Structure.* The UPAO shall consist of the following constituent units:

1. Office of the Chief of Uniformed Personnel Attorney (UPAO Chief) and two (2) UPAO deputy chiefs, the first one to serve as Deputy Chief for Administration and placed in charge of three (3) divisions namely: (1) Administrative, (2) Financial Planning and Managements, and (3) Executive Division; while the other to serve as Deputy Chief for Operations and shall be responsible for special and appealed cases, legal research and field services, and statistics upon the designation by the UPAO Chief. One (1) of the deputies shall be designated as UPAO Deputy Chief for Luzon and the other as UPAO Deputy Chief for Visayas and Mindanao.

2. Six (6) line divisions in the Central Office, namely: (1) Administrative, (2) Financial Planning and Management; (3) Special and Appealed Cases; (4) Legal Research and Statistics; (5) Field Services and Statistics; and (6) Executive Divisions.

3. Regional, Provincial, City, and Municipal District UPAO Offices.

SECTION 6. *Command Chain.* The UPAO shall be headed by a Chief and shall be assisted by two (2) Deputy Chiefs.

Each UPAO Regional Office established in each of the administrative regions of the country shall be headed by a Regional UPAO Attorney who shall be assisted by an Assistant Regional UPAO Attorney. The authority and responsibility for the exercise of the mandate of the UPAO and for the discharge of its powers and functions shall be vested in the Chief.

The Office of the UPAO Chief shall include his/her immediate staff, the six (6) line divisions in the Central Office, the UPAO Deputy Chiefs and the Regional, Provincial, City and Municipal District Offices.

The services herein created shall each be headed by a staff director.

Each of the UPAO Regional Offices shall be headed by a Regional UPAO Attorney who shall be assisted by an Assistant Regional UPAO Attorney. The regional offices shall have such provincial, city, and municipal district offices as may be necessary.

SECTION 7. *Qualifications for Appointment, Rank, Salaries, Allowances, Retirement Privileges.*

The UPAO Chief shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the Chief Public Attorney of the Public Attorney's Office (PAO) and Chief State Prosecutor of the National Prosecution Service.

The UPAO Deputy Chief shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the Deputy Chief Public Attorney of PAO and the Assistant Chief State Prosecutor of the National Prosecution Service.

The Regional UPAO Attorney and the Assistant Regional UPAO Attorney shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of their respective counterparts in the Public Attorney's Office and the National Prosecution Service.

The provincial UPAO Attorney, City UPAO Attorney and the Municipal District UPAO Attorney shall have the same qualifications for appointment, rank, salaries, allowances and retirement privileges as those of their respective counterparts in the Public Attorney's Office and the National Prosecution Service.

The staff director and other administrative personnel in the UPAO shall have the rank and salaries equivalent to those of their counterpart in the Public Attorney's Office and the National Prosecution Service.

SECTION 8. *Appointment.* The UPAO Chief and the UPAO Deputy Chiefs shall be appointed by the President of the Republic of the Philippines.

The UPAO Deputy Chiefs and the Regional UPAO Attorneys shall be appointed by the President upon the recommendation of the UPAO-Chief.

The administrative and support personnel and other lawyers in the UPAO shall be appointed by the UPAO Chief, in accordance with civil service laws, rules and regulations.

SECTION 9. *Term of Office and Removal.* The positions of UPAO shall be co-terminous with the term of office of the President of the Republic of the Philippines who appointed them. They can be removed at any time by the President of the Republic of the Philippines. However, the Chief, Deputy Chiefs, and Regional UPAO Attorneys shall continue to hold their positions until the appointments of their replacements have been made by the President.

SECTION 10. *Vacancy of Office.* In case of death, permanent incapacity, removal or resignation of the incumbent UPAO Chief, UPAO Deputy Chief or Regional UPAO Attorneys or vacancy thereof, the President shall appoint a new UPAO Chief, Deputy Chief or Regional Attorney or shall designate one, as the case may be, in an acting capacity until a new one shall have been appointed.

In case of temporary absence of the UPAO Chief, the latter may designate any of the Deputy Chiefs as an officer-in-charge to be a caretaker of the Office.

SECTION 11. *Incumbent Officials and Personnel.* The incumbent officials and personnel of the UPAO shall continue holding his/her position without the need of new appointment.

SECTION 12. *Exemption from Fees and Costs of the Suit.* The uniformed personnel clients of the UPAO shall be exempt from payment of docket and other fees incidental to instituting an action in court and other quasi-judicial bodies, as an original proceeding or on appeal.

The costs of the suit, attorney's fees and contingent fees imposed upon the adversary of the UPAO clients after a successful litigation shall be deposited in the National Treasury as trust fund and shall be disbursed for special allowances of authorized officials and lawyers of the UPAO.

SECTION 13. *Local Government Support.* Local government units, subject to their capabilities, are authorized to extend financial and other support in the form of honoraria, free office space, equipment, furniture, stationery, and human resource to the UPAO.

SECTION 14. *Franking Privilege.* The UPAO may transmit through ordinary mail and/or registered mail with return card, free of charge, all official communications and papers directly connected with the conduct of its duties, functions and/or its exercise of administrative supervision over its personnel.

The envelope or wrapper of the privileged mail matter shall bear on the left upper corner "Uniformed Personnel Attorney's Office (UPAO)" together with its address and on the right upper corner, the word "Private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both".

SECTION 15. *Officers Authorized to Administer Oaths.* UPAO lawyers shall have general authority to administer oaths in connection with the performance of their duties.

SECTION 16. *Grant of Special Allowances.* - The UPAO Chief, the UPAO Deputy Chiefs, the Regional UPAO Attorneys, the Provincial, City and

Municipal District UPAO Attorneys, other UPAO lawyers and officials who have direct supervision over UPAO lawyers shall be granted special allowances in amounts to be determined by the Secretary of the Department of Budget and Management (DBM) and the UPAO Chief.

The grant of said special allowances shall not exceed one hundred percent (100%) of the basic salary of the UPAO officials and lawyers as provided in the immediately preceding paragraph.

SECTION 17. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current fiscal year's appropriations under the budget of the Department of Justice. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the Annual General Appropriations Act.

SECTION 18. *Implementing Rules and Regulations.* - Within ninety (90) days from the approval of this Act, the Department of Justice (DOJ), in close consultation with Department of National Defense and Department of Interior and Local Government, as well as the Department of Budget Management (DBM) shall adopt and issue the rules and regulations for the effective implementation of this Act.

SECTION 19. *Repealing Clause.* - All laws, executive orders, presidential decrees, presidential proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 20. *Separability Clause.* - If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SECTION 21. *Effectivity.* - This Act shall take effect upon its approval fifteen (15) days following its publication in the Official Gazette or in two newspapers of general

APPROVED.