

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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S E N A T E

S. No. 364

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

Our Constitution's Bill of Rights provides, among others, 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."

As part of compliance with the constitutional mandate for legal assistance, the Public Attorney's Office (PAO) was created. It is a government agency whose main function is to provide free legal assistance to indigent persons in all civil, criminal, labor and administrative cases, including representation before the public prosecutor's office. Aside from legal representation, PAO services include counselling, preparation of legal documents, administration of oaths on affidavits and pleadings, and mediation of claims and disputes. The PAO also assigns lawyers to police stations to assist persons under investigation and conducts jail visits to interview prisoners on their legal problems.

Due to the lack of personnel and inadequate financial and logistical support amidst mounting criminal cases involving poor litigants, the PAO has been unable to properly handle all cases referred to it, leading to delays in court proceedings, the clogging of court dockets and the overall slow delivery of justice.

In view of the foregoing, early passage of this bill is earnestly requested.

S. Osmeña III

SERGIO OSMEÑA III
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC
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S E N A T E

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Introduced by Senator S. R. Osmeña III

**AN ACT
REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S
OFFICE (PAO), AMENDING FOR THE PURPOSE PERTINENT PROVISIONS
OF THE ADMINISTRATIVE CODE OF 1987**

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

1 **SECTION 1.** Section 14, Chapter 5, Title III, Book IV of Executive Order
2 No. 292, otherwise known as "The Administrative Code of 1987," is hereby
3 amended to read as follows:

4 "SEC. 14. Public Attorney's Office (PAO). – The Citizen's Legal
5 Assistance Office (CLAO) is renamed Public Attorney's Office (PAO). It
6 shall exercise the power and functions as are now provided by law for the
7 Citizen's Legal Assistance Office or may hereafter be provided by law.

8 "THE PUBLIC ATTORNEY'S OFFICE SHALL BE PLACED UNDER
9 THE ADMINISTRATIVE SUPERVISION OF THE DEPARTMENT OF
10 JUSTICE.

11 "IT SHALL INDEPENDENTLY DISCHARGE ITS MANDATE TO
12 RENDER FREE OF CHARGE, LEGAL REPRESENTATION,
13 ASSISTANCE, AND COUNSELING TO INDIGENT PERSONS IN
14 ADMINISTRATIVE, LABOR, CIVIL, AND CRIMINAL CASES AFTER IT IS
15 DETERMINED THAT THE INTEREST OF JUSTICE WILL BE SERVED
16 THEREBY.

1 "INT THE EXIGENCY OF THE SERVICE, THE PAO MAY BE
2 CALLED UPON BY PROPER AUTHORITIES TO RENDER SUCH
3 SERVICES TO OTHER PERSONS, SUBJECT TO EXISTING LAWS,
4 RULES AND REGULATIONS."

5 **SEC. 2.** Section 15, Chapter 5, Title III, Book IV of E.O. No. 292 is hereby
6 amended to read as follows:

7 "SEC. 15. Organizational Structure. – The PAO shall consist of the
8 following constituents units:

9 "(1) Office of the Chief Public Attorney, OVERALL DEPUTY CHIEF
10 PUBLIC ATTORNEY and [two (2) ONE (1) Deputy Chief Public Attorney[s]
11 EACH FOR LUZON, VISAYAS, AND MINDANAO;

12 "(2) [Five (5) line divisions] SIX (6) SERVICES in the Central Office,
13 namely Administrative, [Financial and Management,] PLANNING AND
14 EVALUATION, TECHNICAL AND LEGAL, Special and Appealed Cases,
15 Legal Research and Statistics, and Field SUPPORT Services [Division];

16 "(3) Regional [and], Provincial[/], CITY AND District Offices"

17 **SEC. 3.** Section 16, Chapter 5, Title III, Book IV of E.O. 292 is hereby
18 amended to read as follows:

19 "SEC. 16. The Chief Public Attorney and Other PAO Officials. –
20 [The PAO shall be headed by a Chief Public Attorney an shall be assisted
21 by two (2) Deputy Chief Public Attorneys. Each PAO Regional Office
22 established in each of the administrative regions of the country shall be
23 headed by a Regional Public Attorney who shall be assisted by an
24 Assistant Regional Attorney.] THE AUTHORITY AND RESPONSIBILITY
25 FOR THE EXERCISE OF THE MANDATE OF THE PUBLIC
26 ATTORNEY'S OFFICE AND FOR THE DISCHARGE OF ITS POWERS
27 AND FUNCTIONS SHALL BE VESTED IN THE CHIEF PUBLIC
28 ATTORNEY, WHO SHALL HAVE SUPERVISION AND CONTROL OF
29 THE OFFICE.

1 [The Chief Public Attorney, Deputy Chief Public Attorneys, Regional
2 Public Attorneys and Assistant Regional Public Attorneys shall be
3 appointed by the President upon the recommendation of the Secretary.]

4 "THE OFFICE OF THE CHIEF PUBLIC ATTORNEY SHALL
5 INCLUDE HIS IMMEDIATE STAFF, THE OFFICE OF THE OVERALL
6 DEPUTY CHIEF PUBLIC ATTORNEY, THE OFFICE OF THE DEPUTY
7 CHIEF PUBLIC ATTORNEY FOR LUZON, THE OFFICE OF THE
8 DEPUTY CHIEF PUBLIC ATTORNEY FOR VISAYAS, THE OFFICE OF
9 THE DEPUTY CHIEF PUBLIC ATTORNEY FOR MINDANAO, AND THE
10 REGIONAL, PROVINCIAL, CITY AND DISTRICT OFFICES.

11 "THE CHIEF PUBLIC ATTORNEY, THE OVERALL DEPUTY
12 CHIEF PUBLIC ATTORNEY, AND THE DEPUTY CHIEF PUBLIC
13 ATTORNEY FOR LUZON SHALL HOLD OFFICE IN METROPOLITAN
14 MANILA; THE DEPUTY CHIEF PUBLIC ATTORNEY FOR THE
15 VISAYAS, IN CEBU CITY; AND THE DEPUTY CHIEF PUBLIC
16 ATTORNEY FOR MINDANAO, IN DAVAO CITY. THE CHIEF PUBLIC
17 ATTORNEY MAY TRANSFER THEIR STATIONS WITHIN THEIR
18 RESPECTIVE GEORGRAPHICAL REGIONS, IF PUBLIC INTEREST SO
19 REQUIRES, PROVIDED THAT SUCH TRANSFER SHALL NOT BE
20 MORE THAN ONCE EVERY TWO (2) YEARS.

21 "THE CHIEF PUBLIC ATTORNEY SHALL HAVE THE SAME
22 QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND
23 PRIVILEGES AS THOSE OF THE PRESIDING JUSTICE OF THE
24 COURT OF APPEALS. THE DEPUTY CHIEF PUBLIC ATTORNEYS
25 SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT,
26 RANK, PREROGATIVES, AND PRIVILEGES AS THOSE OF THE
27 ASSOCIATE JUSTICE OF THE COURT OF APPEALS.

28 "THE SERVICES HEREIN CREATED SHALL EACH BE HEADED
29 BY A STAFF DIRECTOR WHO SHALL HAVE THE SAME

1 QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND
2 PRIVILEGES AS THOSE OF A DEPARTMENT ASSISTANT REGIONAL
3 DIRECTOR.

4 "EACH OF THE PAO REGIONAL OFFICES SHALL BE HEADED
5 BY A REGIONAL PUBLIC ATTORNEY WHO SHALL BE ASSISTED BY
6 AN ASSISTANT REGIONAL PUBLIC ATTORNEY. THE REGIONAL
7 OFFICES SHALL HAVE SUCH PROVINCIAL, CITY, AND/OR DISTRICT
8 OFFICES AS MAY BE NECESSARY.

9 "THE REGIONAL PUBLIC ATTORNEY AND THE ASSISTANT
10 REGIONAL PUBLIC ATTORNEY SHALL HAVE THE SAME
11 QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND
12 PRIVILEGES AS THOSE OF A REGIONAL TRIAL COURT JUDGE,
13 PROVIDED THAT THE SALARY GRADE LEVELS SHALL BE WITHIN
14 THE RANGE OF STEPS FIVE (5) TO EIGHT (8) FOR THE REGIONAL
15 PUBLIC ATTORNEY AND STEPS ONE (1) TO FOUR (4) FOR THE
16 ASSISTANT REGIONAL PUBLIC ATTORNEY.

17 "THE PROVINCIAL PUBLIC ATTORNEY SHALL HAVE THE
18 SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES,
19 AND PRIVILEGES AS THOSE OF A METROPOLITAN TRIAL COURT
20 JUDGE. THE CITY AND DISTRICT PUBLIC ATTORNEYS SHALL HAVE
21 THE SAME QUALIFICATION FOR APPOINTMENT, RANK,
22 PREROGATIVES, AND PRIVILEGES AS THOSE OF A MUNICIPAL
23 TRIAL COURT JUDGE IN CITIES. THE PUBLIC ATTORNEYS II SHALL
24 HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK,
25 PREROGATIVES, AND PRIVILEGES AS THOSE OF A MUNICIPAL
26 TRIAL COURT JUDGE."

27 **SEC. 4.** Chapter 5, Title III, Book IV of the same Code is hereby further
28 amended by adding new sections to be designated as Sections 17 to 21, to read
29 as follows and the succeeding sections renumbered accordingly:

1 "SEC. 17. APPOINTMENT. – THE CHIEF PUBLIC ATTORNEY
2 AND THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL BE
3 APPOINTED BY THE PRESIDENT UPON THE RECOMMENDATION OF
4 THE SECRETARY OF JUSTICE. THE REGIONAL PUBLIC
5 ATTORNEYS, ASSISTANT REGIONAL PUBLIC ATTORNEYS,
6 PROVINCIAL PUBLIC ATTORNEYS, CITY AND DISTRICT PUBLIC
7 ATTORNEYS, AND PUBLIC ATTORNEYS II SHALL BE APPOINTED BY
8 THE PRESIDENT UPON THE RECOMMENDATION OF THE
9 SECRETARY OF JUSTICE AND THE CHIEF PUBLIC ATTORNEY,
10 PROVIDED THAT THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL
11 PREFERABLY HAVE SERVED AS PUBLIC ATTORNEYS FOR AT
12 LEAST FIVE (50 YEARS IMMEDIATELY PRIOR TO THEIR
13 APPOINTMENT AS SUCH. THE ADMINISTRATIVE PERSONNEL AND
14 OTHER LAWYERS IN THE PUBLIC ATTORNEY'S OFFICE SHALL BE
15 APPOINTED BY THE CHIEF PUBLIC ATTORNEY, IN ACCORDANCE
16 WITH CIVIL SERVICE LAWS, RULES, AND REGULATIONS. THE CHIEF
17 PUBLIC ATTORNEY MAY DELEGATE TO HIS DEPUTIES FOR LUZON,
18 VISAYAS, AND MINDANAO AND TO THE REGIONAL PUBLIC
19 ATTORNEYS THE AUTHORITY TO APPOINT PUBLIC ATTORNEYS
20 AND OTHER PERSONNEL IN THEIR RESPECTIVE JURISDICTIONS."

21 "SEC. 18. ACTING CHIEF PUBLIC ATTORNEY. – IN CASE OF
22 ABSENCE OR TEMPORARY INCAPACITY OF THE CHIEF PUBLIC
23 ATTORNEY OR A VACANCY IN THE OFFICE OF THE CHIEF PUBLIC
24 ATTORNEY, THE OVERALL DEPUTY CHIEF PUBLIC ATTORNEY
25 SHALL TEMPORARILY PERFORM THE DUTIES AND FUNCTIONS OF
26 THE CHIEF PUBLIC ATTORNEY UNTIL THE LATTER SHALL HAVE
27 RETURNED OR BECOME CAPACITATED, UNLESS IN THE INTERIM,
28 THE APPOINTMENT DESIGNATES AN ACTING CHIEF PUBLIC
29 ATTORNEY.

1 "IN CASE OF DEATH, PERMANENT INCAPACITY, REMOVAL
2 OR RESIGNATION OF THE INCUMBENT CHIEF PUBLIC ATTORNEY,
3 OR VACANCY THEREOF, THE PRESIDENT SHALL APPOINT A NEW
4 CHIEF PUBLIC ATTORNEY OR SHALL DESIGNATE AN ACTING CHIEF
5 PUBLIC ATTORNEY UNTIL A NEW CHIEF PUBLIC ATTORNEY SHALL
6 HAVE BEEN APPOINTED.

7 "SEC. 19. INCUMBENT OFFICIALS AND PERSONNEL. – THE
8 INCUMBENT OFFICIALS AND PERSONNEL OF THE PUBLIC
9 ATTORNEY'S OFFICE SHALL REMAIN IN OFFICE WITHOUT THE
10 NEED OF NEW APPOINTMENTS. ONE OF THE PRESENT DEPUTY
11 CHIEF PUBLIC ATTORNEYS SHALL BE DESIGNATED AS THE
12 OVERALL DEPUTY CHIEF PUBLIC ATTORNEY AND THE OTHER
13 SHALL BE AN AREA DEPUTY.

14 "SEC. 20. EXEMPTION FROM FEES AND COSTS OF THE SUIT.
15 – THE CLIENTS OF THE PUBLIC ATTORNEY'S OFFICE SHALL BE
16 EXEMPT FROM PAYMENT OF DOCKET AND OTHER FEES
17 INCIDENTAL TO INSTITUTING AN ACTION IN COURT, AS AN
18 ORIGINAL PROCEEDING OR ON APPEAL. THE COSTS OF THE SUIT
19 DUE THE CLIENT OF THE PUBLIC ATTORNEY'S OFFICE AFTER A
20 SUCCESSFUL LITIGATION SHALL ACCRUE TO THE NATIONAL
21 GOVERNMENT.

22 "SEC. 21. LOCAL GOVERNMENT SUPPORT. – LOCAL
23 GOVERNMENT UNITS, SUBJECT TO THEIR CAPABILITIES, ARE
24 AUTHORIZED TO EXTEND FINANCIAL AND OTHER SUPPORT IN THE
25 FORM OF HONORARIA, FREE OFFICE SPACE, EQUIPMENT,
26 FURNITURE, SUPPLIES, AND MANPOWER TO THE PUBLIC
27 ATTORNEY'S OFFICE."

28 **SEC. 5.** Section 41, Chapter 10, Book I of the same Code, as amended, is
29 hereby further amended to read as follows:

1 “SEC. 41. Officers Authorized to Administer Oaths. – The following
2 officers have general authority to administer oaths: President, Vice
3 President; Members and Secretaries of both Houses of the Congress;
4 Members and Secretaries of both House of the Congress; Members of the
5 Judiciary; Secretaries of Departments; provincial governors and
6 lieutenant-governors; city mayors; municipal mayors; bureau directors;
7 regional directors; clerk of courts; registrars of deeds; other civilian officers
8 in the public service of the government of the Philippines whose
9 appointment are vested in the President and are subject to confirmation by
10 the Commission on Appointments; all other constitutional officers; PUBLIC
11 ATTORNEY’S OFFICE LAWYERS; and notaries public.”

12 **SEC. 6.** Section 42, Chapter 10, Book I of the same Code, as amended, is
13 likewise amended, to read as follows:

14 “SEC. 42. Duty to Administer Oaths. – Officers authorized to
15 administer oaths, with the exception of notaries public, municipal judges
16 and clerks of court, are not obliged to administer oaths or execute
17 certificates save in matters of official business OR IN RELATION TO
18 THEIR FUNCTIONS AS SUCH; and with the exception of notaries public,
19 the office performing the service in those matters shall charge no fee,
20 unless specifically authorized by law.”

21 **SEC. 7. Repealing Clause.** – All laws, orders, decrees, rules and
22 regulations inconsistent with the provisions of this Act are hereby repealed or
23 modified accordingly.

24 **SEC. 8. Appropriations.** – The amount necessary for the initial
25 implementation of this Act shall be charged against the current fiscal year’s
26 appropriations under the budget of the Public Attorney’s Office. Thereafter, such
27 sums as may be necessary for the continued implementation of this Act shall be
28 included in the annual General Appropriations Act.

SEC. 9. Effectivity. – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,