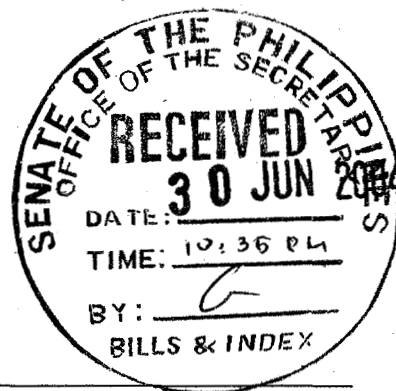


THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE 840
S. B. No. _____



Introduced by Senator Lacson

EXPLANATORY NOTE

Article III, Section 11 of the 1987 Constitution 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 compliance with this constitutional mandate, the Public Attorney's Office was created to provide free legal assistance to indigent person in civil, criminal, labor and administrative cases, including representation before the public prosecutor's office. Aside from legal representation, PAO services also include counseling, 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 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.

This bill seeks mainly to reorganize the PAO by creating the position of Overall Deputy Chief Public Attorney and at the same time providing for a Deputy Chief Public Attorney each for Luzon, Visayas and Mindanao in order to effectively respond to the problems of many of our less fortunate countrymen. The qualifications, compensation and other privileges for those serving in the PAO are also being improved in order to strengthen and professionalize the said agency.

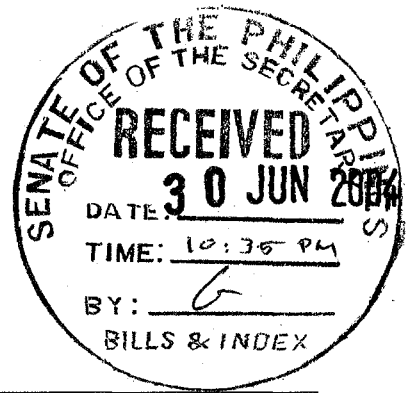
This proposed measure likewise gives local government units the authority to extend, subject to their capabilities, financial and other support in the form of honoraria, free office space, equipment, furniture, supplies and manpower to the Public Attorney's Office.

In light of the foregoing, the early passage of this bill is therefore earnestly sought.


PANFILO M. LACSON
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
S.B. No. 840



Introduced by Senator Lacson

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

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

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

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

"THE PUBLIC ATTORNEY'S OFFICE SHALL BE AN INDEPENDENT AND AUTONOMOUS OFFICE ATTACHED TO THE DEPARTMENT OF JUSTICE IN ACCORDANCE WITH SECTION 38 (3) CHAPTER 7 OF BOOK IV OF THIS CODE.

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

"IN THE EXIGENCY OF SERVICE, THE PAO MAY BE CALLED UPON BY PROPER AUTHORITIES TO RENDER SUCH SERVICES TO

OTHER PERSONS, SUBJECT TO EXISTING LAWS, RULES AND REGULATIONS.”

SEC. 2. Section 15, Chapter 5, Title III, Book IV of E.O. 292 is hereby amended to read as follows:

“SEC. 15. Organizational Structure. – The PAO shall consist of the following constituent units:

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

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

“(3) Regional [and], Provincial[/], CITY AND District Offices.”

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

“SEC. 16. The Chief Public Attorney and other PAO Officials. – [The PAO shall be headed by a Chief Public Attorney and shall be assisted by two (2) Deputy Chief Public Attorneys. Each PAO Regional office established in each of the administrative regions of the country shall be headed by a Regional Public Attorney who shall be assisted by an Assistant Regional Attorney.] THE AUTHORITY AND RESPONSIBILITY FOR THE EXERCISE OF THE MANDATE OF THE PUBLIC ATTORNEY’S OFFICE AND FOR THE DISCHARGE OF ITS POWERS AND FUNCTIONS SHALL BE VESTED IN THE CHIEF PUBLIC ATTORNEY, WHO SHALL HAVE SUPERVISION AND CONTROL OF THE OFFICE.

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

“THE OFFICE OF THE CHIEF PUBLIC ATTORNEY SHALL INCLUDE HIS IMMEDIATE STAFF, THE OFFICE OF THE OVERALL DEPUTY CHIEF PUBLIC ATTORNEY, THE OFFICE OF THE DEPUTY CHIEF PUBLIC ATTORNEY FOR LUZON, THE OFFICE OF THE DEPUTY CHIEF PUBLIC ATTORNEY FOR VISAYAS, THE OFFICE OF THE DEPUTY CHIEF PUBLIC ATTORNEY FOR MINDANAO, AND THE REGIONAL, PROVINCIAL, CITY AND DISTRICT OFFICES.

“THE CHIEF PUBLIC ATTORNEY, THE OVERALL DEPUTY CHIEF PUBLIC ATTORNEY, AND THE DEPUTY CHIEF PUBLIC ATTORNEY FOR LUZON SHALL HOLD OFFICE IN METROPOLITAN MANILA; THE DEPUTY CHIEF PUBLIC ATTORNEY FOR THE VISAYAS, IN CEBU CITY; AND THE DEPUTY CHIEF PUBLIC ATTORNEY FOR MINDANAO, IN DAVAO CITY. THE CHIEF PUBLIC ATTORNEY MAY TRANSFER THEIR STATIONS WITHIN THEIR RESPECTIVE GEOGRAPHICAL REGIONS, IF PUBLIC INTEREST SO REQUIRES, PROVIDED THAT SUCH TRANSFER SHALL NOT BE MORE THAN ONCE EVERY TWO (2) YEARS.

“THE CHIEF PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND PRIVILEGES AS THOSE OF THE PRESIDING JUSTICE OF THE COURT OF APPEALS. THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES AND PRIVILEGES AS THOSE OF THE ASSOCIATE JUSTICE OF THE COURT OF APPEALS.

“ THE SERVICES HEREIN CREATED SHALL EACH BE HEADED BY A STAFF DIRECTOR WHO SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK AND PREROGATIVES

AND PRIVILEGES AS THOSE OF A DEPARTMENT ASSISTANT REGIONAL DIRECTOR.

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

“THE REGIONAL PUBLIC ATTORNEY AND THE ASSISTANT REGIONAL PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND PRIVILEGES AS THOSE OF A REGIONAL TRIAL COURT JUDGE, PROVIDED THAT THE SALARY GRADE LEVELS SHALL BE WITHIN THE RANGE OF STEPS (5) TO EIGHT (8) FOR THE REGIONAL PUBLIC ATTORNEY AND STEPS ONE (1) TO FOUR (4) FOR THE REGIONAL PUBLIC ATTORNEY.

“THE PROVINCIAL PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND PRIVILEGES AS THOSE OF METROPOLITAN TRIAL COURT JUDGE. THE CITY AND DISTRICT PUBLIC ATTORNEYS SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES, AND PRIVILEGES AS THOSE OF A MUNICIPAL TRIAL COURT JUDGE IN CITIES. THE PUBLIC ATTORNEY II SHALL HAVE THE SAME QUALIFICATION FOR APPOINTMENT, RANK, PREROGATIVES AND PRIVILEGES AS THOSE OF A MUNICIPAL TRIAL COURT JUDGE.”

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

“SEC. 17. APPOINTMENT. – THE CHIEF PUBLIC ATTORNEY AND THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL BE APPOINTED BY THE PRESIDENT UPON THE RECOMMENDATION OF THE SECRETARY OF JUSTICE. THE REGIONAL PUBLIC ATTORNEYS, ASSISTANT REGIONAL PUBLIC ATTORNEYS, PROVINCIAL PUBLIC ATTORNEYS, CITY AND DISTRICT PUBLIC ATTORNEYS, AND PUBLIC ATTORNEYS II SHALL BE APPOINTED BY THE PRESIDENT UPON THE RECOMMENDATION OF THE SECRETARY OF JUSTICE AND THE CHIEF PUBLIC ATTORNEY; PROVIDED, THAT, THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL PREFERABLY HAVE SERVED AS PUBLIC ATTORNEY FOR AT LEAST FIVE (5) YEARS IMMEDIATELY PRIOR TO THEIR APPOINTMENT AS SUCH. THE ADMINISTRATIVE PERSONNEL AND OTHER LAWYERS IN THE PUBLIC ATTORNEY’S OFFICE SHALL BE APPOINTED BY THE CHIEF PUBLIC ATTORNEY, IN ACCORDANCE WITH CIVIL SERVICE LAWS, RULES AND REGULATIONS. THE CHIEF PUBLIC ATTORNEY MAY DELEGATE TO HIS DEPUTIES FOR LUZON, VISAYAS, AND MINDANAO AND TO THE REGIONAL PUBLIC ATTORNEYS THE AUTHORITY TO APPOINT PUBLIC ATTORNEYS AND OTHER PERSONNEL IN THEIR RESPECTIVE JURISDICTIONS.”

“SEC. 18. ACTING CHIEF PUBLIC ATTORNEY. – IN CASE OF ABSENCE OR TEMPORARY INCAPACITY OF THE CHIEF PUBLIC ATTORNEY OR A VACANCY IN THE OFFICE OF THE CHIEF PUBLIC ATTORNEY, THE OVERALL DEPUTY CHIEF PUBLIC ATTORNEY SHALL TEMPORARILY PERFORM THE DUTIES AND FUNCTIONS OF THE CHIEF PUBLIC ATTORNEY UNTIL THE LATTER SHALL HAVE RETURNED OR BECOME CAPACITATED, UNLESS IN THE INTERIM, THE APPOINTING AUTHORITY DESIGNATES AN ACTING CHIEF PUBLIC ATTORNEY.

"IN CASE OF DEATH, PERMANENT INCAPACITY, REMOVAL OR RESIGNATION OF THE INCUMBENT CHIEF PUBLIC ATTORNEY, OR VACANCY THEREOF, THE PRESIDENT SHALL APPOINT A NEW CHIEF PUBLIC ATTORNEY OR SHALL DESIGNATE AN ACTING CHIEF PUBLIC ATTORNEY UNTIL A NEW CHIEF PUBLIC ATTORNEY SHALL HAVE BEEN APPOINTED AND QUALIFIED.

"SEC. 19. INCUMBENT OFFICIALS AND PERSONNEL. - THE INCUMBENT OFFICIALS AND PERSONNEL OF THE PUBLIC ATTORNEY'S OFFICE SHALL REMAIN IN OFFICE WITHOUT THE NEED OF NEW APPOINTMENTS. ONE OF THE PRESENT DEPUTY CHIEF PUBLIC ATTORNEYS SHALL BE DESIGNATED AS THE OVERALL DEPUTY CHIEF PUBLIC ATTORNEY AND THE OTHER SHALL BE AN AREA DEPUTY.

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

"SEC. 21. 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, SUPPLIES, AND MANPOWER TO THE PUBLIC ATTORNEY'S OFFICE."

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

“SEC. 41. Officers Authorized to Administer Oaths. – The following officers have general authority to administer oaths: President; Vice President; members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant –governors; city mayors; municipal mayors, bureau directors; regional directors; clerk of courts, registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the president and are subject to confirmation by the Commission on Appointments; all other constitutional officers; PUBLIC ATTORNEY’S OFFICE LAWYERS; and notaries public.”

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

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

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

SEC. 8. 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 Public Attorney’s Office. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be 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) newspaper of general circulation.

Approved,