

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



23 JUL 17 P2:38

**SENATE**  
**S. No. 2309**

RECEIVED BY: 

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Introduced by Senator MARK A. VILLAR

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**AN ACT**  
**PROVIDING FREE LEGAL ASSISTANCE TO ANY OFFICER, UNIFORMED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, THE BUREAU OF FIRE PROTECTION, THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, THE PHILIPPINE COASTGUARD, AND THE PHILIPPINE NATIONAL POLICE, FACING ANY CHARGE BEFORE THE PROSECUTOR'S OFFICE, COURT OR ANY COMPETENT BODY ARISING FROM AN INCIDENT RELATED TO THE PERFORMANCE OF OFFICIAL DUTY, AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

The Constitution mandates that every Filipino has a right to free access to courts and quasi-judicial bodies. It also guarantees adequate legal assistance to any person, as the same shall not be denied by reason of poverty.

Members of the military and police are the protector of the people and our nation. They play a crucial role in preserving peace and harmony by defending the country against terrorism, preventing crimes, and ensuring public safety. Despite their heroic contributions, their lives are most often put in danger and they become victims of baseless accusations and cases which hamper their sworn duties. Because of this, there arises their need for legal services or legal assistance.

Through filing a bill that aims to deter unwarranted and unjust cases filed against our officers, members of the military and police will be able to perform their duties without fear of incurring costs of litigation.

In view of the foregoing, the immediate passage of this bill is highly fervently sought.



**MARK A. VILLAR**

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**PROVIDING FREE LEGAL ASSISTANCE TO ANY OFFICER OR UNIFORMED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, THE BUREAU OF FIRE PROTECTION, THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, THE PHILIPPINE COAST GUARD, AND THE PHILIPPINE NATIONAL POLICE, FACING ANY CHARGE BEFORE THE PROSECUTOR'S OFFICE, COURT, OR OTHER SIMILAR OFFICE, ARISING FROM INCIDENTS RELATED TO THE PERFORMANCE OF OFFICIAL DUTIES, AND APPROPRIATING FUNDS THEREFOR**

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

1           Section. 1. *Declaration of Policy.* – It is the declaration of the State to protect the  
2 dignity and rights of its citizens, including those responsible for upholding the  
3 Constitution, defending the sovereignty of the country and its territory against all  
4 enemies, enforcing the law of the land, preventing crimes, and maintaining peace and  
5 order. To this end, the State shall provide free legal assistant to military and uniformed  
6 personnel (MUP), including officers and uniformed personnel of the Armed Forces of  
7 the Philippines (AFP), the Bureau of Fire Protection (BFP), the Bureau of Jail  
8 Management and Penology (BJMP), the Philippine Coast Guard (PCG), and the  
9 Philippine National Police (PNP), in all stages of criminal, civil, or administrative  
10 proceedings arising from service-related incidents.

11           Sec. 3. *Definition of Terms.* – As used in this Act:

1 (a) *Military and Uniformed Personnel (MUP)* refers to officers, enlisted  
2 personnel, and uniformed personnel, and uniformed personnel of the  
3 AFP, BFP, BJMP, PCG, and PNP.

4 (b) *Service-Related Cases* refers to civil, criminal, and administrative cases  
5 filed against MUP involving service-related incidents.

6 (c) *Service-Related Incident* refers to any act or omission committed by  
7 MUP, in good faith, that is the consequence of the discharge of their  
8 official functions or the performance of their duties, or that is relevant to  
9 their office or to discharge of their official functions.

10 *Sec. 4. Qualifications for Free Legal Assistance in Cases Involving Service-Related*  
11 *Incidents.* – Any officer or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP  
12 facing before prosecutor’s office, court, administrative body, or any competent body  
13 or tribunal, any criminal, civil or administrative charge or case involving service-related  
14 incidents shall be entitled to free legal assistance as provided in this Act.

15 Officers or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP who have  
16 been granted free legal assistance shall continue to enjoy such legal assistance even  
17 after their retirement from service. Retired officers or uniformed personnel of the AFP,  
18 BFP, BJMP, PCG, or PNP shall also be given free legal assistance for cases or charges  
19 involving service-related incidents committed by such retired officers or uniformed  
20 personnel while still in active duty.

21 *Sec. 5. Procedure and Coverage.* – Within twenty-four (24) hours from the official  
22 receipt of the information that officer or uniformed personnel the AFP, BFP, BJMP,  
23 PCG, or PNP as provided in this Act.

24 The free legal assistance shall include the following legal services:

- 25 1) Legal representation in all stages of civil, criminal or administrative cases  
26 involving service-related incidents;
- 27 2) Legal advice or consultations in relation to service-related cases or  
28 incidents;
- 29 3) Preparation of pleadings, motions, memoranda, and all other legal forms  
30 and documents in relation to service-related cases; and
- 31 4) Notarization of documentations in relation to service-related cases.

1            *Sec. 6. Implementing Rules and Regulations.* - Within ninety (90) days from  
2 the effectivity of this Act, the Department of Justice, in coordination with the  
3 Department of National Defense, the AFP, the National Police Commission, the PNP,  
4 the PCG, the BFP, and the BJMP shall promulgate the necessary implementing rules  
5 and regulations (IRR) to implement the provisions of this Act.

6            *Sec. 7. Separability Clause.* - If any provision of this Act Is declared invalid or  
7 unconstitutional, the provisions not affected thereby shall remain in full force and  
8 effect.

9            *Sec. 8. Repealing Clause.* - All laws, presidential decrees, executive orders,  
10 presidential proclamations, rules and regulations or parts thereof contrary to or  
11 inconsistent with this Act are hereby repealed or modified accordingly.

12            *Sec 9. Effectivity Clause.* - This Act shall take effect fifteen (15) days after its  
13 publication in the Official Gazette or in at least two (2) national papers of general  
14 circulation.

*Approved,*