

REPUBLIC OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

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2017-11-15

SENATE

Senate Bill No. 1202

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Introduced by Senator Manny Villar

EXPLANATORY NOTE

Teachers are often said to be the heroes of every election season. This is because they are called on to do back-breaking, largely thankless work during the polls. They have to go through so much during elections and the government cannot give them enough protection or even benefits.

For all the hardship during election day and the counting of votes, full compensation and transportation allowance for the teachers were delayed most of the time or not given at all.

In some places, teachers had to put up even with physical harm. In Bangued, Abra, five teachers were wounded in an ambush on election day. In this they were at least more fortunate than two other teachers in Taysan, Batangas -who perished, also on election day, after a polling precinct was set on fire.

Worse, many teachers are slapped with election-related cases which are intended to just harass them. These cases unduly burden the poor teachers who risked their lives for a clean and honest election. This bill seeks to provide a mechanism for a free legal assistance to teachers who are charged with cases arising from a lawful discharge of professional duties during elections.

In view of the foregoing, the approval of this bill is earnestly requested


MANNY VILLAR

SENATE

Senate Bill No. 1202

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Introduced by Senator Manny Villar

AN ACT
TO PROVIDE FREE LEGAL ASSISTANCE AND FINANCIAL SUPPORT TO
PUBLIC SCHOOL TEACHERS CHARGED WITH ELECTION-RELATED
OFFENSES

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

SECTION 1. Declaration of Policy. It is the declared policy of the State to value the dignity of every human person and guarantee the rights of every individual, particularly those who cannot afford the services of a legal counsel.

SEC. 2. Definition of Terms- For purposes of this Act, the term:

- a. "Legal services" to be performed by a lawyer refers to any activity which requires the application of law, legal procedure, knowledge, training and experiences which shall include, among others, legal advice and counsel, and the preparation of instruments and contracts, including appearance before the administrative and quasi-judicial offices, bodies and tribunals, handling cases in court, and other similar services as may be defined by the Supreme Court.
- b. "Election-related cases" refers to administrative, civil or criminal proceedings filed against a teacher for actions committed directly in the lawful discharge of professional duties during elections.
- c. "Financial support" refers to reasonable financial assistance determined by both Department of Education and Commission on Elections to defray emergency expenses.

SEC. 3. Requirements for Availment - Public school teachers charged with cases involving due performance of electoral duties shall be given free legal assistance and financial support. For purposes of availing of the benefits and services as envisioned in this Act, a lawyer or professional partnership shall secure a certification from the Public Attorney's Office (PAO), Department of Justice (DOJ), or accredited association of the Supreme Court indicating that the said legal services to be provided are within the services defined by the Supreme Court.

For purposes of determining the number of hours actually provided by the lawyer and/or professional firm in the provision of legal services, the association and/or organization duly accredited by the Supreme Court shall issue the necessary certification that said legal services were actually undertaken. The certification issued by, among others, the PAO, DOJ and other accredited association by the Supreme Court shall be submitted to the Department of Justice (DOJ) for purposes of monitoring.

SEC. 4. Incentives to Lawyers. - For purposes of this Act, a lawyer rendering actual legal services, as defined by the Supreme Court, shall be entitled to at least thirty-six (36) credit units of mandatory continuing legal education (MCLE).

SEC. 5. Information, Education and Communication (IEC) Campaign. -The Department of Justice (DOJ), in cooperation with the Philippine Information Agency (PIA), is hereby mandated to conduct an annual information, education and communication (IEC) campaign in order to inform the lawyers of the procedures and guidelines and inform the general public that a free legal assistance to those who cannot afford counsel is being provided by the State.

SEC. 6. Reportorial Requirement. - For purposes of determining the effectiveness and social impact of the provisions of this Act, the Department of Justice (DOJ) shall submit an Annual Report to both Houses of Congress indicating therewith the number of parties who benefited from this measure. The report shall state in detail, among others, the geographic location, demographic characteristics and socio-economic profile of the beneficiaries of this measure.

SEC. 7. Implementing Rules and Regulations (IRR). -Within ninety (90) days from the date of effectivity of this Act, the Supreme Court (SC) shall formulate the necessary implementing rules and regulations with respect to the legal services covered under this Act, the process of accreditation of organizations and/or associations which will provide free legal assistance and the incentives to be given to lawyers.

SEC. 8. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected by such declaration, shall remain in full force and effect.

SEC. 9. Repealing Clause. - Any law, decree, ordinance, administrative circulars not consistent with any provision of this Act is hereby amended, repealed or modified accordingly.

SEC. 10. Effectivity Clause. -This act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,