

SENATE
S.B. No. 1981

'18 SEP -5 P4 :49

Introduced by Senator Grace Poe

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[Signature]

AN ACT
TO PROVIDE FREE LEGAL ASSISTANCE TO ALL INDIGENT FILIPINOS,
AMENDING FOR THE PURPOSE CHAPTER 5, TITLE III, BOOK IV OF
EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE
"ADMINISTRATIVE CODE OF 1987", APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

Explanatory Note

The principle that justice is guaranteed to all is enshrined in the following sections of provisions of the Bill of Rights (Article III, 1987 Philippine Constitution):

- a.) Section 1: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws."
- b.) Section 11: "Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty."

These Constitutional provisions above are clear: All Filipinos, regardless of economic standing, are entitled to recourse through the justice system.

But in reality, justice remains inaccessible to many, particularly the poor and the marginalized. The scales of justice remain tilted towards the rich and the powerful, while the victims of injustice remain helpless. This measure seeks to remedy this situation by providing a statutory definition of "indigent" for the Public Attorney's Office (PAO).

Presently, the definition of "indigent" under the applicable circular of the PAO is out-dated. First of all, they use old poverty thresholds from 2007. Second, they do not include individuals identified as poor under the National Household Targeting System (NHTS) of the Department of Social Welfare and Development (DSWD).

In view of the foregoing, speedy approval of this measure is eagerly sought.

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

1 Section 1.- Short Title.- This Act shall be known as the "*Hustisya Para sa*
2 *Lahat Act of 2018*".

3 Sec 2.- A new section 14-B is hereby inserted in Chapter 5, Title III, Book IV
4 of Executive Order No. 292, otherwise known as the "*Administrative Code of 1987*"
5 which shall read as follows:

6
7 "SEC. 14-B. *Indigent defined.* – For the purpose of this Act, "indigent" shall
8 refer to any individual who falls into any of the following categories:

9 a.) Those whose net income falls below the most recent official city, municipal
10 or provincial poverty threshold published by the Philippine Statistics
11 Authority (PSA);

12 b.) Those identified as poor and near poor based on the National Household
13 Targeting System (NHTS) of the DSWD; *or*

14 c.) Those vulnerable households who are living under precarious
15 circumstances, such as those who are members of the informal economy,

1 informal sectors, indigenous peoples, and those living in geographically
2 isolated and disadvantaged areas.

3
4 Ownership of land shall not constitute a ground for disqualification of an
5 applicant for free legal assistance.”

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7 Sec 3.- A new section 14-C is hereby inserted in Chapter 5, Title III, Book IV
8 of Executive Order No. 292, otherwise known as the "*Administrative Code of 1987*"
9 which shall read as follows:

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11 "SEC. 14-C. *Documentary Requirements.*- To ensure that only qualified
12 beneficiaries shall benefit from this Act, the applicant shall be required to provide
13 any of the following documents:

14 a.) Certificate of Indigency from the Department of Social Welfare and
15 Development (DSWD), its local District Office, or the Municipal Social
16 Welfare and Development Office having jurisdiction over the residence
17 of the applicant; *or*

18 b.) Certificate of Indigency from the Barangay Chairman having
19 jurisdiction over the residence of the applicant.”

20
21 Sec. 4. *Appropriations.*- The amounts necessary for the effective
22 implementation of this Act shall be included under the appropriations of the Public
23 Attorney's Office (PAO) under the annual General Appropriations Act.

24 Sec. 5. *Implementing Rules and Regulations.*- Within sixty (60) days from the
25 effectivity of this Act, the PAO, in coordination with the DSWD and the PSA shall
26 promulgate the implementing rules and regulations necessary to implement this Act.

27 Sec. 6. *Repealing Clause.*- All laws, decrees, executive orders, proclamations,
28 rules and regulations, and other issuances, or parts thereof, which are inconsistent
29 with the provisions of this Act including Sec. 3, Article II of PAO Memorandum
30 Circular No. 18, s. 2002, as amended, are hereby repealed, amended or modified
31 accordingly.

1 *Sec 7. Separability Clause.*- If, for any reason, any part, section or provision
2 of this Act is held invalid or unconstitutional, the remaining provisions not affected
3 thereby shall continue to be in full force and effect.

4 *Sec. 8. Effectivity Clause.*- This Act shall take effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation.

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7 *Approved,*

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