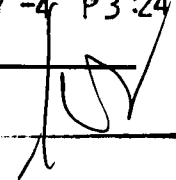


SENATE
S. No. 1475

20 MAY -4 P 3:24

Introduced by Senator Grace Poe

RECEIVED BY 

AN ACT
TO ENCOURAGE MORE FILIPINO LAWYERS TO SERVE THE PEOPLE AND JOIN THE PUBLIC ATTORNEY'S OFFICE, ESTABLISHING FOR THE PURPOSE THE "ABOGADO PARA SA BAYAN" RETURN SERVICE PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

The principle that justice is guaranteed to all is enshrined in numerous provisions of the 1987 Philippine Constitution:

- a.) Article III, 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.) Article III, 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."

All Filipinos, regardless of economic standing, are entitled to recourse through the justice system. Numerous laws have been enacted to afford these basic guarantees to all. 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.

One major problem of our justice system is the absence of lawyers to provide free legal assistance to the Filipino people. On average, one lawyer in the Public Attorney's Office (PAO)-government agency mandated to "...render, free of charge, legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases x x x"¹- handles 5,300 clients per year. This is probably more clients than a small law firm handles in a year.

¹ Chapter 5, Section 14-A of Executive Order No. 292, as amended by Republic Act No. 9406, or "An Act Reorganizing and Strengthening the Public Attorney's Office."

Such a shortage cannot be attributed to a patent lack of lawyers. On the contrary, an average of a thousand law students pass the bar every year. The real issue is allocation.

This measure seeks to remedy this situation by establishing an "*Abogado Para sa Bayan*" program. Inspired by the "*Doctors to the Barrios*" program, it aims to incentivize aspiring law students to eventually join the ranks of the Public Attorney's Office. In fine, a law student who undergoes his program shall be entitled to financial assistance, provided that he shall serve as a public attorney under the PAO for at least five (5) years. This measure envisions a generation of "barefoot lawyers" going to the countryside to assist the marginalized in their pursuit of justice,

To give more in law to those who have less in life-this elegant formulation was part of the "Magsaysay Credo", a set of principles written by President Ramon Magsaysay. It is with this that this measure is submitted to Congress – to bring justice to those who need it the most.

To give more in law to those who have less in life – an elegant formulation that applies to many issues of public concern. In particular, this representation humbly believes it would apply to the issue of access to justice in the country.

Speedy approval of this measure is eagerly sought.



GRACE POE



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[Signature]

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AN ACT

TO ENCOURAGE MORE FILIPINO LAWYERS TO SERVE THE PEOPLE AND JOIN THE PUBLIC ATTORNEY'S OFFICE, ESTABLISHING FOR THE PURPOSE THE "ABOGADO PARA SA BAYAN" RETURN SERVICE PROGRAM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* — This Act shall be known as the "*Abogado Para sa*
2 *Bayan Act*".

3 Sec. 2. *Declaration of Policy.* — The State shall ensure that no person shall be
4 deprived of life, liberty, or property without due process of law, nor shall any person
5 be denied the equal protection of the laws. The State shall also provide free and
6 adequate legal assistance to all citizens regardless of economic standing. The State
7 shall hereby establish a program to encourage more lawyers to serve the people,
8 and to guarantee that there shall be, at all times, a sufficient number of lawyers to
9 provide free and adequate legal services to indigent and under-privileged Filipinos in
10 need of legal assistance.

11 Sec. 3. *Abogado Para sa Bayan Program.* — In accordance with the Declared
12 Policy of this Act, there shall be established an "*Abogado Para Sa Bayan Program*",
13 hereafter referred to as "*the Program*" under the Public Attorney's Office (PAO)

14 Sec. 4. *Assistance to Grantees.* — The grantee shall be entitled to financial
15 assistance which shall include tuition and other school fees, outright grant for
16 prescribed textbooks and essential school supplies, transportation expenses and
17 monthly living allowance: *Provided*, that the financial assistance provided herein
18 shall be reviewed and adjusted to its value using the Consumer Price Index (CPI) as
19 published by the Philippine Statistics Authority (PSA) five (5) years from the
20 implementation of this Act, and every five (5) years thereafter.

21 Sec. 5. *Qualifications.* — In order to qualify for the Program, the applicant
22 must meet the following requirements:

- 1 a) Must have a bachelor's degree from the reputable tertiary education
- 2 institution;
- 3 b) Must have passed the entrance exam of any reputable law school selected
- 4 by the DOJ;
- 5 c) Must be currently enrolled in a *Juris Doctor (J.D)* or *Legum Baccalareus*
- 6 (LLB) course in a reputable law school selected by the DOJ; and
- 7 d) Must be of good moral character.

8 **Sec. 6. *Service Obligations.*** – Immediately upon signing the roll of attorneys,
9 the grantee shall serve for five (5) years as a public attorney in an area identified by
10 the Public Attorney's Office (PAO): *Provided*, that areas with the lowest number of
11 public attorneys shall be prioritized.

12 **Sec. 7. *Selection of Law Schools.*** – Within sixty (60) days from the effectivity
13 of this Act, the DOJ shall identify the law schools which shall be covered under this
14 Act; *Provided*, that the PAO shall ensure that the selected law schools shall be of
15 unquestionable reputation.

16 **Sec. 8. *Appropriations.*** – The amounts necessary for the effective
17 implementation of this Act shall be included under the appropriations of the Public
18 Attorney's Office under the annual General Appropriations Act.

19 **Sec. 9. *Annual Report.*** – Within one (1) year from the effectivity of this Act,
20 and every year thereafter, the PAO shall submit an annual report on the
21 implementation of this Act to the Senate and the House of Representatives of the
22 Philippines.

23 **Sec. 10. *Penalties.*** –

- 24 a.) Any grantee who fails to comply with the service obligations set forth
- 25 under Section 7 of this Act shall be, upon conviction, pay a fine of
- 26 equivalent to the total financial assistance which they received under this
- 27 Act, or a fine of Php One Million Pesos (Php 1,000,000.00), whichever is
- 28 greater;
- 29 b.) Any government official who uses the Program for partisan political activity
- 30 shall, upon conviction, suffer the penalty of imprisonment of six (6)
- 31 months to one (1) year and/or a fine of not less Fifty Thousand Pesos (Php
- 32 50,000.00) to One Hundred Thousand Pesos (Php 100,000.00), at the
- 33 discretion of the court, and without prejudice to further prosecution and
- 34 conviction under other administrative and criminal laws.

35 For the purpose of this Act, "*Partisan political activity*" refers to activities, statements
36 or manifestations, which solely or primarily serve to campaign for or against any
37 particular political party or candidate for any elective public office.

38 **Sec. 11. *Implementing Rules and Regulations.*** – Within sixty (60) days from
39 the effectivity of this Act, the PAO shall promulgate the implementing rules and
40 regulations necessary to implement this Act.

1 Sec. 12. *Separability Clause.* – If, for any reason, any part, section or
2 provision of this Act is held invalid or unconstitutional, the remaining provisions not
3 affected thereby shall continue to be in full force and effect.

4 Sec. 13. *Repealing Clause.* – All laws, decrees, executive orders,
5 proclamations, rules and regulations, and other issuances, or parts thereof which are
6 inconsistent with the provisions of this Act are hereby repealed, amended, or
7 modified accordingly.

8 Sec. 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
9 its publication in the Official Gazette or in a newspaper of general circulation.

Approved,