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SENATE
S. B. No. 2814

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(In substitution of S.B. Nos. 422, 681, 896, 1608, 2198, and 2309, taking into consideration H.B. No. 6509)

Prepared by the Committees on National Defense and Security, Peace, Unification and Reconciliation; Public Order and Dangerous Drugs; and Finance with Senators Go, Ejercito Estrada, Dela Rosa, Revilla, Jr., Marcos, Villar (M), and Poe as authors thereof

AN ACT

PROVIDING FREE LEGAL ASSISTANCE TO MILITARY AND UNIFORMED PERSONNEL FACING ANY CHARGE ARISING FROM INCIDENTS RELATED TO THE PERFORMANCE OF OFFICIAL DUTY, AND APPROPRIATING FUNDS THEREFOR

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 “Free Legal Assistance
2 for Military and Uniformed Personnel Act.”

3 Sec. 2. *Declaration of Policy.* – It is the declared policy of the State to protect
4 the dignity and rights of its citizens, including those responsible for upholding the
5 Constitution, defending the sovereignty of the country and its territory against all
6 enemies, enforcing the laws of the land, preventing crimes, and maintaining peace
7 and order.

8 The State shall promote peace and order and ensure public safety through
9 effective and efficient military and uniformed service composed of highly motivated

1 officers, enlisted and uniformed personnel.

2 To this end, the State shall provide free legal assistance to military and
3 uniformed personnel (MUP), including officers and uniformed personnel of the Armed
4 Forces of the Philippines (AFP), the Bureau of Fire Protection (BFP), the Bureau of Jail
5 Management and Penology (BJMP), the Philippine Coast Guard (PCG), the Bureau of
6 Corrections (BuCor), the Philippine National Police (PNP) and the Hydrography Branch
7 of the National Mapping and Resource Information Authority (NAMRIA), in all stages
8 of criminal, civil, or administrative proceedings arising from service-related incidents.

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

10 (a) *Military and Uniformed Personnel (MUP)* refers to officers, enlisted and
11 uniformed personnel of the AFP, BFP, BJMP, PCG, BuCor, PNP and the
12 Hydrography Branch of the NAMRIA; and

13 (b) *Service-related Cases* refers to civil, criminal, and administrative cases filed
14 against the MUP related to or in connection with the discharge of their
15 official functions or the performance of their duties.

16 *Sec. 4. Qualifications for Free Legal Assistance. –* MUP facing any service-
17 related case before a prosecutor's office, court, quasi-judicial or administrative body,
18 or any competent body or tribunal shall be entitled to free legal assistance.

19 Retired MUP shall be eligible to free legal assistance for service-related cases
20 committed while still in active duty.

21 *Sec. 5. Procedure and Coverage. –* Within twenty-four (24) hours from the
22 official receipt of the charge against the MUP, the Chief of Staff of the AFP, the Chief
23 of the BFP, the Chief of the BJMP, the Commandant of the PCG, Director General of
24 BuCor, the Chief of the PNP and Administrator of the Hydrography Branch of the
25 NAMRIA shall direct their respective legal offices to provide free legal assistance to
26 qualified MUP as provided in this Act: *Provided, That* in cases of conflict of interest,
27 the heads of the MUP services shall refer the service-related cases to the Public
28 Attorney's Office (PAO).

29 The free legal assistance shall include the following:

30 (1) Legal representation in all stages of civil, criminal or administrative
31 proceedings;

32 (2) Legal advice or consultations;

- 1 (3) Preparation of pleadings, motions, memoranda, and all other legal forms
2 and documents; and
3 (4) Notarization of documents.

4 *Sec. 6. Strengthening of the Legal Offices of the AFP, BFP, BJMP, PCG, BuCor,*
5 *PNP and the Hydrography Branch of the NAMRIA.* – Within ninety (90) days from the
6 effectivity of this Act, the Chief of Staff of the AFP, the Chief of the BFP, the Chief of
7 the BJMP, the Commandant of the PCG, the Director General of BuCor, the Chief of
8 the PNP and the Administrator of the Hydrography Branch of the NAMRIA shall submit
9 to the Department of Budget and Management (DBM) the revised organizational
10 structure and staffing patterns for their respective legal offices necessary to render
11 adequate and effective free legal assistance to qualified personnel as provided in this
12 Act. The DBM shall act on the submissions in accordance with Republic Act No. 11032
13 otherwise known as the "Ease of Doing Business and Efficient Government Service
14 Delivery Act of 2018."

15 *Sec. 7. Entitlement of Government Lawyers to Payment for Expenses.* – The
16 government lawyer providing legal assistance to the MUP shall be entitled to payment
17 of actual travel and other expenses, including Special Counsel Allowance, subject to
18 existing laws, rules and regulations.

19 *Sec. 8. Applicability to Pending Cases.* – This Act shall apply to all MUP who
20 have pending service-related cases.

21 *Sec. 9. Implementing Rules and Regulations.* – Within ninety (90) days from
22 the effectivity of this Act, the Secretaries of the Department of Budget and
23 Management, Department of National Defense, Department of the Interior and Local
24 Government, and Department of Transportation, in coordination with the Chief of Staff
25 of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG,
26 the Director General of BuCor, the Chief of the PNP and the Administrator of the
27 Hydrography Branch of the NAMRIA, and the Chief of PAO shall issue the necessary
28 rules and regulations to implement this Act: *Provided*, That the non-promulgation of
29 the implementing rules and regulations shall not prevent the implementation of this
30 Act upon effectivity.

31 *Sec. 10. Appropriations.* – The amount necessary for the implementation of
32 this Act shall be included in the annual General Appropriations Act.

1 Sec. 11. *Separability Clause.* – If any portion or provision of this Act is declared
2 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
3 remain in force and effect.

4 Sec. 12. *Repealing Clause.* – Section 49 of Republic Act No. 6975, otherwise
5 known as the “Department of the Interior and Local Government Act of 1990”, as
6 amended by Republic Act No. 8551, otherwise known as the “Philippine National Police
7 Reform and Reorganization Act of 1998”, is hereby repealed. All other laws, decrees,
8 orders, rules, regulations or parts thereof inconsistent with this Act are hereby
9 amended, repealed, or modified accordingly.

10 Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after its
11 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,