

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4281



Introduced by Representative Fidel Nograles

EXPLANATORY NOTE

The State assures access to justice of the poor by providing free access to the courts and quasi-judicial bodies; and ensures that adequate legal assistance shall not be denied to any person by reason of poverty. The State likewise recognizes the right of persons to speedy disposition of cases before all judicial, quasi-judicial, or administrative bodies. (§ 11 and 16 of Article III, 1987 Constitution).

The State further recognizes Sustainable Development Goal (SDG) No. 16, to provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

The Public Attorney's Office (PAO), was reorganized and strengthened through Republic Act No. 9406, which amended Executive Order No. 292, otherwise known as the "Administrative Code of 1987," as amended. The PAO, being an arm in the establishment of access to justice, needs further amendment to this effect.

This House Bill seeks to establish and support the modernizing and further strengthening of the PAO, to broaden the access to justice by both the complainant and petitioner as clients, and further include legal assistance to the Armed Forces of the Philippines, government officials and employees, who are attacked by virtue of their conduct of their official duty. It likewise seeks to ensure that a legal defense and representation fund is available in all government offices. Moreover, it seeks to include a sectoral based approach by the PAO to defend those who need said access to justice by virtue of their sectoral cases, including individuals, civil society organizations, community and people's organizations that need legal assistance in a concerned sector. Sectoral legal and representation funds shall also be established. Further, the retirement benefits available under Republic Act No. 10071, provided to the National Prosecution Service shall likewise be granted to PAO. Last, in order to modernize and make available an Access to Justice Sector in the country, a Legal Needs Study is required to be conducted to understand further the needs of the people.

Thus, the early passage of this bill is earnestly requested.

Fidel Nograles
FIDEL NOGRALES

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AN ACT

MODERNIZING, BROADENING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE, FURTHER AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS THE "ADMINISTRATIVE CODE OF 1987," AS AMENDED, AND AMENDING REPUBLIC ACT NO. 9406, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. SHORT TITLE. – This Act shall be known as the "Public Attorney's Office Modernization Act of 2019."

SECTION 2. Section 14, Chapter 5, Title III, Book IV of the Executive Order No. 292, otherwise known as the "Administrative Code of 1987," as amended, is hereby further amended to read as follows:

"SEC. 14. Public Attorney's Office (PAO). – The Citizen's Legal Assistance Office (CLAO) is renamed Public Attorney's Office (PAO). It shall exercise the powers and functions as are now provided by law for the Citizen's Legal Assistance Office or may hereafter be provided by law.

“The PAO shall be an independent and autonomous office, but attached to the Department of Justice in accordance with Section 38(3), Chapter 7 of Book IV of this Code for purposes of policy and program coordination.

“The PAO shall be the principal law office of the Government in extending free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases; ***Provided, That the PAO likewise extends its free legal assistance to the complainant or petitioner, in as much as it would not conflict with other laws, rules and regulations.***”

SECTION 3. New Sections 14-B and 14-C, are hereby inserted in Chapter 5, Title III, Book IV of the Executive Order No. 292, otherwise known as the “Administrative Code of 1987,” as amended, is hereby further amended to read as follows:

“SEC. 14-B. *Legal Assistance to the Armed Forces of the Philippines (AFP) and Government Officials and Employees.* – The PAO shall likewise provide the necessary legal assistance to the AFP and government officials and employees; *Provided, That* said cases filed against them are in connection to their functions as civil servants of the Philippines, subject to existing laws, rules and regulations.

“SEC. 14-C. *Sectoral Representation.* – The PAO shall render, free of charge, legal representation, assistance, and counselling for sectoral representation, including but not limited to cases involving the environment, labor, Indigenous Peoples, and persons with disabilities. Assistance shall be provided to individuals, civil society organizations, and people’s and community organizations in the concerned sectors.”

SECTION 4. A new Section 16-G, is hereby inserted in Chapter 5, Title III, Book IV of the Executive Order No. 292, otherwise known as the "Administrative Code of 1987," as amended, is hereby further amended to read as follows:

"SEC. 16-G. *Legal Defense and Representation Fund.* – For purposes of legal defense representation and necessary expenses to be incurred, there shall be a Legal Defense and Representation Fund to be charged against the appropriations of the respective agency, office, or bureau of the government official or employee charged. Such sums shall be included in the agencies' annual General Appropriations Act (GAA). Provided that sectoral legal aid representation funds shall also be established and included in the budget of the National Anti-Poverty Commission."

SECTION 5. RETIREMENT BENEFITS. – Republic Act No. 10071, otherwise known as the "Prosecution Service Act of 2010," and its future amendments, shall be made applicable to the PAO, as provided for in Republic Act No. 9406, amending Executive Order No. 292, as amended, granting retirement benefits as those of the National Prosecution Service.

SECTION 6. ACCESS TO JUSTICE AS A SECTOR. – The PAO, in coordination with the Supreme Court of the Philippines, Department of Justice (DOJ), National Government Agencies, civil society organizations, and other stakeholders shall conduct a study and recommend to Congress on the development of a separate sector focused specifically on Access to Justice focused on the needs of the people, or a user-centered approach to enhancing the access to services promises to raise quality, reduce waste and improve well-being, and as a continuum of legal aid services. *Provided,* That the Philippine Statistics Authority, in coordination with the PAO and DOJ, shall conduct a Legal Needs Study in the form of surveys, and appropriate methodologies, to

understand the Basic *Access to Justice* Legal Needs Assessment of the people. *Provided*, further that the report of the PSA shall be submitted within one (1) year from the effectivity of this Act, and the report of the PAO shall be submitted to Congress within six (6) months from the submission of the PSA Report.

SECTION 11. APPROPRIATION – The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of the PAO. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 11. IMPLEMENTING RULES AND REGULATIONS. – Within ninety (90) days from the approval of this Act, the PAO, in coordination with DOJ, the Department of Budget and Management, other concerned agencies and stakeholders, shall adopt and issue the rules and regulations for the effective implementation of this Act.

SECTION 12. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 14. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the *Official Gazette* or in any national newspapers of general circulation.

Approved,