

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 4718



Introduced by Representatives **John Marvin "Yul Servo" C. Nieto, Edward Vera Perez Maceda, Dale "Along" R. Malapitan, Eric M. Martinez, and Rolando M. Valeriano**

EXPLANATORY NOTE

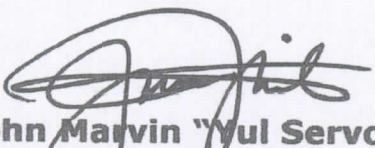
Social justice must be grounded on the recognition of the necessity of interdependence among divers and diverse units of a society. It is also crucial that the protection extended by the government to various sectors of society be equally and evenly distributed because the fundamental and supreme objective of the State is to promote the health, comfort, and quiet of all persons, and to bring about the greatest good to the greatest number.

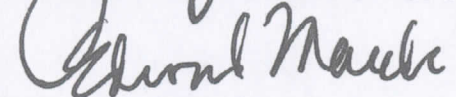
Moreover, the Philippine Constitution provides under Article III Section 11 that the:


"Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty."

It is, therefore, the duty of the State through its chosen representatives, that a person's right to equal access to court be protected and maintained. Although the Constitution upholds such right for both sides of the society, those who struggle in poverty undeniably need to be given special and utmost attention. Therefore, it is necessary that the State provides a comprehensive financial assistance for underprivileged litigants as a fulfillment of its duty.

In view of the foregoing considerations, immediate approval of this measure is sought.


John Marvin "Yul Servo" C. Nieto


Edward Vera Perez Maceda


Dale "Along" R. Malapitan


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AN ACT
ESTABLISHING A FINANCIAL ASSISTANCE PROGRAM FOR
POOR LITIGANTS

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

SECTION 1. Establishment of Financial Assistance Program for Poor Litigants. – It is a declared policy of the State that free access to courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. Pursuant thereto, a Financial Assistance Program for Poor Litigants is hereby created wherein qualified beneficiaries may receive financial assistance while their cases are pending in courts or quasi-judicial bodies.

SEC. 2. Who may Avail of Benefits under the Program. – Any individual who qualifies as a poor litigant based on the qualifications used by the Public Attorney's Office (PAO) may avail of the benefits under this Program.

SEC. 3. Benefits under the Financial Assistance Program. – A poor litigant may avail of the following benefits during the pendency of a case in any court or quasi-judicial body:

- a. reasonable travelling expenses and subsistence allowance in such amount as the PAO may determine;
- b. bond for provisional liberty and/or for civil liability in such amount as the PAO may determine depending on the nature of the case and other relevant circumstances; and
- c. other incidental expenses to be incurred.

SEC. 4. Appropriations. – The Secretary of the Department of Justice (DOJ) shall include in the department's budget, the funding to be used for this Program, which shall be charged against its annual appropriations.

SEC. 5. Implementing Rules and Regulations. – Within six (6) months from the effectivity of this Act, the Secretary of the DOJ, in coordination with the Chief Public Attorney of the PAO, shall promulgate all rules and regulations to carry out the provisions of this Act.

SEC. 6. Separability Clause. – If any provision or part of this Act is held unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 7. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, amended or modified accordingly.

SEC. 8. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,