



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
2993
HOUSE BILL NO. ____

Introduced by Representative Fidel Nograles

EXPLANATORY NOTE

The State is very cognizant of the need to provide free access to the courts and quasi-judicial bodies; and to ensure adequate legal assistance to marginalized and underprivileged clients. The State likewise recognizes the right of persons to speedy resolution of cases before all judicial, quasi-judicial, or administrative bodies. Such rights are provided in the 1987 Constitution.

In pursuant to this and under Section 5(5), Article VIII of the 1987 Constitution, under its power to adopt and promulgate rules concerning legal assistance to the underprivileged, the Supreme Court has recently released A.M. No. 19-03-24-SC Rule 138-A *Law Student Practice*, otherwise known as the *Revised Law Student Practice Rule*.

The *Revised Law Student Practice Rule* provides, amongst others, that a law student must be certified to be able to engage in the limited practice of law; it seeks to ensure access to justice of the marginalized sectors, enhance learning opportunities of law students by instilling in them the value of legal professional social responsibility, and to prepare them for the practice of law; and the need to institutionalize clinical legal education program in all law schools in order to

enhance, improve, and streamline law student practice, and regulate their limited practice of law.

In a similar manner, *Republic Act No. 7662 (Legal Education Reform Act of 1993)*, established the Legal Education Board, to oversee and provide reforms in legal education. Some of its objectives include preparing students for the practice of law; and contributing towards the promotion and advancement of justice and the improvement of administration, the legal system and legal institutions.

Moreover, a baseline study conducted by the Ateneo Human Rights Center and Alternative Groups in 2007 found that only thirty-one (31) percent of law schools have legal aid programs in place. While, four regions – CAR, ARMM (now BARMM), and Regions 1 and 2 have none at all. Further, NCR has the highest number of law schools with attached legal aid clinics, *e.g.*, Office of the Legal Aid of the University of the Philippines as one of the pioneers of such program.

Alongside the revision of the Rule 138-A, the need to institutionalize a comprehensive Legal Aid Program, through the creation of Legal Aid Clinics in law schools nationwide is imperative. Such comprehensive Legal Aid Program will provide the necessary guidance and supervision of law student practice.

This House Bill seeks to create a comprehensive Legal Aid Program. The development of a comprehensive Legal Aid Program for law schools all over the Philippines would provide the necessary link to access to justice for the marginalized and underprivileged, and the law students who shall be certified and qualified to extend legal aid.

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


JUAN FIDEL NOGRALES

Republic of the Philippines
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HOUSE BILL NO. 2993

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AN ACT

CREATING A COMPREHENSIVE LEGAL AID PROGRAM,
RATIONALIZING STANDARDS FOR THE UNDERPRIVILEGED AND
UNDERSERVED, 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 “Legal Aid
Program Act of 2019.”

SECTION 2. DECLARATION OF POLICY. – It is a policy of the State to
promote and encourage legal services for the underprivileged and underserved.
To make available adequate legal services especially in rural areas.

In order to guarantee promoting access to justice to those who come from
low socio-economic strata of society, legal aid would serve to support victims,
improve implementation of the law, and counter impunity. The development of
a legal aid program in these schools would boost the access to justice for the
marginalized sector that needs the aid the most.

It is the policy of the State to uplift the standards of legal education in order to prepare law students for advocacy, counselling, problem-solving, and decision-making, to infuse in them the ethics of the legal profession; to impress on them the importance, nobility and dignity of the legal profession as an equal and indispensable partner of the Bench in the administration of justice and to develop social competence.

Towards this end, the State shall undertake appropriate reforms in the legal education system, including requiring legal apprenticeships and law student practice through legal aid clinics.

SECTION 3. OBJECTIVES. – It shall be the policy of the State to undertake, in cooperation with all the respective law schools, a comprehensive and continuing Legal Aid Program, which shall:

- a. Uplift the conditions of the underprivileged and undeserved, in a sectoral approach;
- b. Provide for the rational delivery of legal services;
- c. Adopt workable policies to regulate and direct urban growth and expansion towards a dispersed urban-rural interdependence;
- d. Provide for an equitable program that shall guarantee the delivery of legal services;
- e. Encourage more effective people's participation in the developing legal services process; and
- f. Improve the capability of all law schools in undertaking the delivery and development of such legal services.

SECTION 4. COVERAGE. – The provisions of this Act shall apply to all public or private law schools, upon the determination of the LEB in accordance with Section 9 of this Act.

SECTION 5. IMPLEMENTING RULES AND REGULATIONS. – The Legal Education Board (LEB), under the direction of the Supreme Court (SC), and in coordination with Department of Justice (DOJ) and Local Government Units

(LGUs), Integrated Bar of the Philippines (IBP), Philippine Association of Law Schools (PALS), Association of Law Student in the Philippines (ALSP), Office of the Legal Aid (OLA) of the University of the Philippines (UP), International Pro Bono Alliance, civil society organizations and other stakeholders, shall establish a comprehensive **Legal Aid Program** within six (6) months from effectivity of this Act, and to be implemented in the next academic school year. The same comprehensive Legal Aid Program shall similarly serve as the necessary rules and regulations for the effective implementation of this Act.

The Legal Aid Program shall refer to the comprehensive plan for the creation of Legal Aid Clinic in law schools that shall be aimed at achieving such noble objectives of the Program; *Provided*, That it shall aim to strengthen and support A.M. No. 19-03-24-SC Rule 138-A Law Student Practice, otherwise known as the Revised Law Student Practice Rule.

The Legal Aid Clinic in schools shall provide free legal assistance to indigent clients, with priority to clients that belong to sectors with the highest prevalence of need for each locality.

In the creation of this Program, a review and rationalization of the legal services, standards and guidelines, and all other objectives and activities of all agencies and sectors involved which shall substantially affect the entire populace shall be undertaken with the concurrence of the LGUs concerned.

SECTION 6. APPEARANCE. – The appearance of the law student shall be upon conditions provided under the Revised Law Student Practice Rule; *Provided*, That it shall be under the direct supervision and control of a member of the IBP duly accredited by the law school.

SECTION 7. PRIVILEGED SERVICES. – The Rules safeguarding privileged communications between attorney and client shall apply to similar communications made to or received by the law student, acting for the legal aid clinic.

SECTION 8. STANDARDS OF CONDUCT AND REGULATION. – The law student shall comply with the standards provided in the Revised Law Student Practice Rule.

Failure of an attorney to provide adequate supervision of students practice may be a ground for disciplinary action.

SECTION 9. LEGAL AID PROGRAM IN PRIVATE SCHOOLS. – The LEB shall conduct a study and recommend to Congress the feasibility of the conduct of a Legal Aid Program in private law schools. Should the LEB determine, after study, it shall recommend to Congress the establishment of a nationwide implementation of a Legal Aid Program: *Provided*, That the study shall be conducted within one (1) year from the effectivity of this Act.

SECTION 10. PERIODIC REPORTS. – The LEB shall submit periodic reports on the implementation of this Act at the end of the third year from the date of its effectivity and every year thereafter; *Provided, further*, that the LEB shall likewise submit its findings and make recommendations on actions to be taken by Congress and Senate and the appropriate department.

SECTION 11. APPROPRIATION – The initial amount necessary for the implementation of this Act shall be charged against the current appropriation of the LEB: *Provided*, That such sums necessary for the continued implementation of this Act shall be taken from the Legal Education Fund, as provided in Republic Act No. 7662: *Provided, further*, That State universities and colleges affected by this Act shall include in the annual General Appropriations Act thereof for the continued 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,