

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitutional Hills, Quezon City
Metropolitan Manila



THIRTEENTH CONGRESS
First Regular Session

House Bill No. 1934

Introduced by **Honorable Eleuterio R. Violago**

EXPLANATORY NOTE

While the Constitution guarantees that no person shall be denied the equal protection of the laws, it is evident that in Philippine society, existing laws favor the rich more than those belonging to the lower economic strata.

When charged with an offense in court, our poor countrymen are the ones hit hardest because the money which they would use for the daily subsistence of their families will instead be used to post bail for their temporary liberty.

But this scenario has always been the exemption rather than the rule. Almost always, our poor countrymen could not even raise the amount necessary to post bail. Hence, they go straight to jail. And for the sole breadwinner of the family, this imperils the livelihood and existence of their families.

To correct this seeming imbalance, this bill seeks to exempt our fellow countrymen belonging to the lower economic strata from posting bail when charged with non-capital offenses for the first time and be released on his/her own recognizance after the court having jurisdiction over his/her person has satisfied itself that the accused will not flee and will certainly appear before it when so required.

For our less fortunate countrymen, the approval of this bill is earnestly sought.

ELEUTERIO R. VIOLAGO

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AN ACT
EXEMPTING POOR LITIGANTS FROM POSTING BAIL WHEN
CHARGED WITH NON-CAPITAL OFFENSES FOR THE FIRST TIME
AND FOR OTHER PURPOSES

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

Section 1. Short Title. This Act shall be known and cited as the "*Poor Litigants Equalization Act of 2004.*"

Sec. 2. Declaration of Policy. It shall be the declared policy of the State to exempt poor litigants who are Filipino citizens from posting bail when charged with non-capital offenses for the first time and be released on his/her own recognizance.

Sec. 3. Poor Litigants Exempted from Bail on First Offense. Any poor litigant who are citizens of the Philippines shall be exempt from posting bail when charged with non-capital offenses for the first time in any court in the Philippines and be released on his/her own recognizance except when the probability of flight is evident, as determined by the court.

Sec. 4. Conditions of Temporary Liberty on Own Recognizance. Any poor litigant released on his/her own recognizance by virtue of Section 3 of this Act shall appear and present himself/herself before the proper court whenever required in writing.

In case of failure to do so even on the first instance, the court shall immediately order his/her arrest and he/she shall *ipso facto* lose his/her right to be released on his own recognizance. Thereafter, he/she shall be required to post bail for his/her temporary liberty.

If the accused cannot be arrested by reason of flight or when he/she cannot be located at his/her last known address, the same shall be deemed a waiver of his/her right to be present during his/her trial. In such case, the trial may proceed *in absentia*.

Sec. 5. Repealing Clause. All laws, presidential decrees, executive issuance, rules and regulations, or parts thereof, found inconsistent with this Act are hereby expressly repealed or modified accordingly.

Sec. 6. Separability Clause. If, for any reason whatsoever, any provision of this Act is declared unconstitutional, the same shall not affect the validity of the other provisions not declared as such.

Sec. 7. Effectivity. This Act shall take effect upon its approval and fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,