

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. 8401



Introduced by HON. LINABELLE RUTH R. VILLARICA
4th District, Bulacan

EXPLANATORY NOTE

Section 11 of Article III of the 1987 Philippine Constitution provides that "Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty". In support of this constitutional provision, the Public Attorney's Office (PAO) was created and tasked to represent indigent persons in civil, administrative and criminal cases.

In qualifying indigent persons, the PAO currently uses the following parameters: 1) Residents of Metro Manila whose family income does not exceed ₱14,000.00 a month; 2) Residents of other cities whose family income does not exceed ₱13,000.00 a month; and, 3) Residents of all other places whose family income does not exceed ₱12,000.00 a month.

These parameters, however, are no longer realistic and practicable for the present time, as these were based on poverty threshold data that were culled years ago. In fact, in the latest annual per capita poverty threshold data of the Philippine Statistics Authority (PSA) in 2015, nation-wide poverty threshold was pegged at P21,753, and Metro Manila threshold at P25,007, which are far figures from the PAO definition.

Moreover, the country now has a National Household Targeting System (NHTS) in the Department of Social Welfare and Development (DSWD), which provides information on who and where the poor are in the Philippines, based on geographic targeting, household assessment and validation.

Given the foregoing, a statutory redefinition of "indigent" persons for purposes of the Public Attorney's Office is in order, hence this proposed measure.

Immediate approval is most eagerly sought.

REP. LINABELLE RUTH R. VILLARICA

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AN ACT
TO PROVIDE FREE LEGAL ASSISTANCE TO ALL INDIGENT FILIPINOS,
AMENDING FOR THE PURPOSE CHAPTER 5, TITLE III, BOOK IV OF EXECUTIVE
ORDER NO. 292, OTHERWISE KNOWN AS THE “ADMINISTRATIVE CODE OF
1987”, 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 “*Hustisya Para sa Lahat Act of 2018*”.

SEC. 2. A new section 14-B is hereby inserted in Chapter 5, Title III, Book IV of Executive Order No. 292, otherwise known as the “Administrative Code of 1987” which shall read as follows:

“SEC. 14-B. *Indigent defined.* – For the purpose of this Act, “indigent” shall refer to any individual who falls into any of the following categories:

- a.) Those whose net income falls below the most recent official city, municipal or provincial poverty threshold published by the Philippine Statistics Authority (PSA);
- b.) Those identified as poor and near poor based on the National Household Targeting System (NHTS) of the DSWD; or
- c.) Those vulnerable households who are living under precarious circumstances, such as those who are members of the informal economy, informal sectors, indigenous peoples, and those living in geographically isolated and disadvantaged areas.

Ownership of land shall not constitute a ground for disqualification of an applicant for free legal assistance.”

SEC. 3. A new section 14-C is hereby inserted in Chapter 5, Title III, Book IV of Executive Order No. 292, otherwise known as the “Administrative Code of 1987” which shall read as follows:

“SEC. 14-C. *Documentary Requirements.* – To ensure that only qualified beneficiaries shall benefit from this Act, the applicant shall be required to provide any of the following documents:

- a.) Certificate of Indigency from the Department of Social Welfare and Development (DSWD), its local District Office, or the Municipal Social Welfare and Development Office having jurisdiction over the residence of the applicant; or
- b.) Certificate of Indigency from the Barangay Chairman having jurisdiction over the residence of the applicant.”

SEC 4. Appropriations. – The amounts necessary for the effective implementation of this Act shall be included under the appropriations of the Public Attorney’s Office (PAO) under the annual General Appropriations Act.

SEC. 5. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the PAO, in coordination with the DSWD and the PSA shall promulgate the implementing rules and regulations necessary to implement this Act.

SEC. 6. Repealing Clause. – All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof, which are inconsistent with the provisions of this Act including Sec, 3, Article II of PAO Memorandum Circular No. 18, s. 2002, as amended, are hereby repealed, amended or modified accordingly.

SEC. 7. Separability Clause. – If, for any reason, any section or provision of this Act is declared to be unconstitutional or invalid, the other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SEC. 8. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of national circulation.

Approved,