



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 10708

Introduced by: **REPRESENTATIVE IRENE GAY F. SAULOG**

EXPLANATORY NOTE

I endorse this House Bill entitled “An Act Determining Pauper Litigants for the Issuance of Certificate of Indigency”.

As part of every Filipino’s basic and fundamental right, the 1987 Constitution states 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.

According to a report by the PSA, in the first half of 2021, the poverty index reached 23.7% or about 26.14 million Filipinos who lived below the poverty threshold living at 12,082 pesos on average, for a family of five per month in the first semester of 2021.

This in turn means that more litigants in various cases before the courts, quasi-judicial bodies and mediation cannot afford the services of a lawyer to defend their rights and assert their lawful claims. As an effect, justice becomes elusive to the poor litigants who are often pressured by the fees and looming deadlines to gather the documents needed.

With this, a certificate of indigency is required on the part of the pauper litigants according to the qualifications imposed by the barangay or Social

Welfare and Development before these litigants can avail the free legal services of Public Attorney's Office, Integrated Bar of the Philippines, and other organizations offering free legal services for the poor.

However, there are cases where the issuance of a certificate of indigency is accompanied by fraud or misrepresentation. Hence, there arises a legitimate need to determine who are those qualified as pauper litigants by establishing criteria and examination which would ensure that only real qualified individuals will be issued with a "certificate of indigency" by authorized officials of the government.

In view thereof, immediate approval of this Bill is sought.


Irene/Gay F. Saulog
Kalinga Party-list



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House Bill No. 10708

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AN ACT
DETERMINING PAUPER LITIGANTS FOR THE ISSUANCE OF THE
CERTIFICATE OF INDIGENCY

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

SECTION 1. *Short Title.* – This Act shall be known as “Pauper Litigant’s Act of 2022”.

SEC. 2. *Declaration of Policy.* – As a basic and fundamental right vested to the Filipinos under the 1987 Philippine Constitution, 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.

SEC. 3. *Who may Avail the Benefits Under the Act.* – An individual who qualifies as a pauper or indigent litigant is a party who has no money or property sufficient and available for food, shelter and basic necessities for himself and his family such as:

- a. whose gross income and that of their immediate family does not exceed an amount double the monthly minimum wage of an employee; and
- b. who owns real property/ies with BIR Zonal Valuation not exceeding THREE hundred thousand (PhP 300,000.00).

SEC. 4. *Issuance of Certificate of Indigency.* – This document shall be exclusively issued by the City or Municipal Social Welfare and Development Office where the Applicant is a resident, to avail legal services.

SEC. 5. *Duty of the Applicant.* – An Applicant for a Certificate of Indigency shall submit the following documents:

- a. Certificate of Residency issued by the Barangay which states the residency period of the applicant and exact address;
- b. An Application under oath which states that the applicant and his/ her immediate family do not earn a gross income mentioned under the next preceding section nor they own any real property with the fair value under Section 3 (2);
- c. The Applicant's Income Tax Return issued by the Bureau of Internal Revenue;
- d. The current tax declaration of owned real property, if any; and
- e. Such other requirements to be imposed by the City / Municipal Social Welfare and Development Office in determining the qualification of the applicant.

SEC. 6. *Duty of the Social Welfare and Development Officer.* – It shall be the duty of the CSWD Officer to examine the application submitted by the Applicant and issue the Certificate of Indigency upon meeting the requirements required under this law. On the other hand, if the application for Certificate of Indigency is denied, a written explanation should be issued to explain the reason/s for denial.

SEC. 7. *Power to Administer Oaths.* – The Social Welfare and Development Officer or the head of the City or Municipal Social Welfare and Development Office of the Local Government Units, shall have the power to

administer oaths on matters regarding the application for certificate of indigency of a litigant which are connected with the performance of their official duties.

SEC. 8. *Penalties.* – Any falsity in the affidavit of litigant or disinterested person shall be sufficient cause to dismiss the complaint or action or to strike out of any pleading filed by the litigant, without prejudice to whatever criminal liability may have been incurred by the affiant and the authorized government official who issued the certificate of indigency or certificate of low income. Provided, that if the authorized government official was found to have been amiss in ascertaining the truth in the affidavit submitted by a litigant, he/she may also be held liable for any applicable administrative sanctions.

SEC. 9. *Implementing Rules and Regulations.* – Within six (6) months from the effectivity of this Act, Integrated Bar of Philippines, the Secretary of the Department of Justice, in coordination with the Public Attorney's Office, and the Secretary of the Department of Interior and Local Government shall promulgate rules and regulations to carry out the provisions of this Act.

SEC. 10. *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. 11. *Effectivity.* – This Act shall take effect fifteen (15) days after the completion of its publication in the Official Gazette or in at least two (2) newspapers of general circulation