Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **1027**

HOUSE OF REPRESENTATIVES
E-Filed
RECEIVED
DATE July 4, 2022
TIME 10:30 am
BY Reli
BILLS AND INDEX SERVICE

Introduced by Representative PABLO JOHN F. GARCIA

EXPLANATORY NOTE

The Preamble of the 1987 Constitution is a fervent prayer by the Filipino people. In it we express our aspirations for a just and humane society under the rule of law. We also wish for a regime of peace. Goal 16 of the United Nations Sustainable Development Goals is "Peace, Justice, and Strong Institutions".

Lawyers are officers of the Court, and as servants of the law, they are expected to maintain the rule of law.[1]

However, they face a grim reality. One hundred and ten lawyers were killed from 1972 to the present.[2] A non-government organization tracking the killings said more than half were work-related.[3]

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.[4] Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.[5] Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.[6]

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[1] De Leon v. Castelo, A.C. No. 8620 (2011).
[2] Carlos Conde, Human Rights Watch, *Record High Killing of Philippine Lawyers*, available at https://www.hrw.org/news/2021/03/15/record-high-killing-philippine-lawyers.
[3] *Id.*
[4] Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990).
[5] *Id.*
[6] *Id.*

This bill aims to help resolve this ghastly spate of killings by legislating stiff penalties therefor. It also establishes a Council which shall ensure the swift investigation, prosecution, and resolution of cases involving crimes and offenses against members of the Bench and Bar. The various roles of appropriate government bodies are also provided for.

It is hoped that this measure will serve as a strong deterrent against such crimes and emphasize our commitment to the rule of law. Members of the Bench and Bar constitute the Judicial Branch—one of the three pillars of our democracy. Any attack on a lawyer strikes at the very heart of the rule of law.

The unfettered practice of law in whatever manner is crucial to the integrity of our legal system and the very existence of our Republic. We in the Legislative Branch must join our brethren in the Judiciary.[7]

In view of the foregoing, the urgent passage of this bill is earnestly sought.

Rep. PABLO JOHN F. GARCIA
3rd District, Province of Cebu

[7] *See* Tetch Torres-Tupas, Inquirer, *SC condemns lawyer killings, threats: These are 'no less than an assault on the Judiciary'*, available at https://newsinfo.inquirer.net/1410515/sc-on-lawyers-killings-threats.

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AN ACT
PROTECTING THE PRACTICE OF LAW BY PENALIZING THE HARMING AND KILLING OF MEMBERS OF THE BENCH AND BAR, IMPOSING STIFF PENALTIES THEREFOR, AND FOR OTHER PURPOSES

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

CHAPTER I
PRELIMINARY PROVISIONS

Section 1. ***Short Title.*** - This Act shall be known as the "*Protecting the Practice of Law Act*".

Section 2. ***Declaration of Policy.*** - It is policy of the State to recognize members of the Bench and Bar as elements of the Judiciary, one of the three pillars of our republican democracy. Any attack on a lawyer or judge strikes at the very heart of the rule of law. The State shall thus extend whatever protection possible, such as the imposition of stiff penalties as deterrents, to ensure the unfettered practice of law, the continuous integrity of the Philippine legal system, and the accomplishment of the following goals found in the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990):

(a) Governments shall ensure that lawyers:

(i) Are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;

(ii) Are able to travel and to consult with their clients freely both within their own country and abroad; and

(iii) Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics;

(b) Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities; and

(c) Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

CHAPTER II
INSTITUTIONAL FRAMEWORK

Section 3. ***Council for the Protection of Lawyers. -*** There is hereby established a Council for the Protection of Lawyers ("Council") tasked with the coordination and oversight of governmental efforts to accomplish the goals of this Act and the fulfillment of its declared policies.

The Council shall ensure the swift investigation, prosecution, and resolution of cases involving the prohibited Acts in Chapter III against members of the Bench and Bar, as well as other crimes, felonies, and/or offenses found in other laws, rules, or regulations concerning the same. The Council shall also endeavor to continuously refine the legal landscape and system of the Philippines to ensure the integrity and safety of the practice of law.

The Council shall be composed of the following members:

(a) The Secretary of the Department of Justice;

(b) The Chairperson of the Senate Committee on Justice;

(c) The Chairperson of the House Committee on Justice; and

(d) The President of the Integrated Bar of the Philippines

The Council may invite the Chairperson of the Commission of Human Rights, the Ombudsman, and a representative of the Supreme Court as observers, collaborators, and/or resource persons when necessary.

Section 4. ***Role of the Government in General. -*** The various departments, bureaus, offices, agencies, and local government units are hereby enjoined to give full support, assistance, and cooperation to the Council in carrying out its purposes.

Section 5. ***Role of the National Bureau of Investigation. -*** The National Bureau of Investigation shall forthwith investigate all cases referred to it by the Council or any other concerned government body concerning the provisions and declared policies of this Act.

Section 6. ***Role of the Philippine National Police. -*** The Philippine National Police shall endeavor to:

(a) Help enhance the knowledge and skills of lawyers in security, personal defense, gun use, and discipline and allow the free use of its facilities for such trainings subject to existing rules and policies;

(b) Assist and facilitate the processing of the applications for license to own and possess firearms ("LTOPF"), firearms registration, and permit to carry firearms outside residence ("PTCFOR") for the benefit of lawyers; and

(c) Provide timely assistance and protection to members of the Bench and Bar and shall expedite any investigation and provide preferential attention to incidents involving prohibited acts against the same.

Section 7. ***Role of the Integrated Bar of the Philippines. -*** The Integrated Bar of the Philippines shall:

(a) Help improve the legal knowledge and skills of police officers concerning the goals and policies of this Act by conducting training programs;

(b) Commit to provide legal assistance through its legal aid program when necessary;

(c) Establish and manage the appropriate incentive and reward fund to assist and encourage informants and witnesses to help in the resolution of cases involving the aims of this Act; and

(d) Advocate for laws and reforms that will further achieve the declared policies of this Act.

CHAPTER III
PROHIBITED ACTS AND PENALTIES

Section 8. ***Unlawful Interference of the Practice of Law. -*** The penalty of *prision mayor* shall be imposed on any person who shall vilify, persecute, harass, coerce, or threaten, directly or indirectly, a member of the Bench or Bar with the infliction of any wrong upon his person, honor or property or that of any immediate

member or members of his family in order to prevent or interfere with an act of such member if it is on account of, in relation to, on the occasion of, or arising from a lawyer's representation, or a judge's presiding over a case. Should the offender be a public officer or employee, the penalty shall be *reclusion temporal*.

Section 9. ***Chilling Effect on the Practice of Law. -*** The penalty of *reclusion temporal* shall be imposed on any public officer or employee who shall, outside a lawful civil, criminal, or administrative proceeding, request for the names or any other identifying information of lawyers representing accused persons, or persons advocating a civil, political, economic, or social aspiration, or do any other similar intrusive act which would tend to send a chilling effect or constitute a prohibitive obtrusion on the practice of law by seeking to identify or otherwise associate lawyers with their clients or their clients' causes as a result of discharging their functions.

Section 10. ***Penalty for Physical Injuries. -*** Any person who shall commit the crime(s) of Mutilation, Serious Physical Injuries, Administering Injurious Substances or Beverages, Less Serious Physical Injuries, and/or Slight Physical Injuries and Maltreatment, as provided for in Act No. 3815 or the Revised Penal Code, as amended, against a member of the Bench or Bar on account of, in relation to, on the occasion of, or arising from a lawyer's representation, or a judge's presiding over a case, shall accordingly be imposed the penalty two (2) degrees higher than that provided for by Act No. 3815, as amended. Any fines imposed therein shall be trebled.

Section 11. ***Penalty for Murder. -*** The penalty of *reclusion perpetua* and a fine of Three Million Pesos (Php 3,000,000.00) shall be imposed on any person who shall commit the felony of Murder, as provided for in Act No. 3815, as amended, regardless of the stage of execution or degree of participation, against a member of the Bench or Bar on account of, in relation to, on the occasion of, or arising from a lawyer's representation, or a judge's presiding over a case.

Section 12. ***Perpetual Absolute Disqualification. -*** Should the offender in any of the foregoing prohibited acts be a public officer or employee, the accessory penalty of Perpetual Absolute Disqualification shall be imposed, which entails the following:

(a) Deprivation of the public offices and employments which the offender may have held even if conferred by popular election;

(b) Deprivation of the right to vote in any election for any popular office or to be elected to such office;

(c) Disqualification for the offices or public employments and for the exercise of any of the rights mentioned; and

(d) Loss of all rights to retirement pay or other pension for any office.

Section 13. ***Disputable Presumption. -*** The commission of any of the prohibited acts described in this Act against any member of the Bench or Bar shall give rise to a disputable presumption that the same has been committed on account of, in relation to, on the occasion of, or arising from a lawyer's representation, or a judge's presiding over a case.

CHAPTER IV
FINAL PROVISIONS

Section 14. ***Liability Under Other Laws. -*** A prosecution under this Act shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

Section 15. ***Implementing Rules and Regulations. -*** The Council shall issue within sixty (60) days from the effectivity of this Act the necessary rules and regulations for the effective implementation of this Act.

Section 16. ***Repealing Clause.*** - All laws, executive orders, proclamations, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Section 17. ***Separability Clause.*** - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall continue to remain in full force and effect.

Section 18. ***Effectivity.*** - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,