

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4193



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

In the Republic of the Philippines, It is hereby declared the policy of the State to uplift the standards of **legal assistance** in order to prepare Military and Uniformed Personnel (**MUP**) 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 programs in the form of legal assistance, require proper selection, maintain quality, and continuing legal support.

This House Bill seeks to rationalize the standards and provide **free legal assistance** and services for our Military and Uniformed Personnel (**MUP**) in the performance of their duties without fear and punishment.

Earnest approval of this bill is hereby requested.

A handwritten signature in black ink, appearing to read "Michael L. Romero", with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4193

Introduced by Representative Michael L. Romero

AN ACT
PROVIDING FREE LEGAL ASSISTANCE TO ANY MILITARY OR
UNIFORMED PERSONNEL OF THE **(AFP)**, **(BFP)**, **(BJMP)**,
PHILIPPINE COAST GUARD **(PCG)**, AND THE **(PNP)**, FACING ANY
CHARGES BEFORE THE PROSECUTOR'S OFFICE, COURT OR
ANY JUDICIAL BODY ARISING FROM AN INCIDENT IN RELATION
TO THE PERFORMANCE OF THEIR OFFICIAL DUTY,
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 "**Free Legal
Assistance for Military and Uniformed Personnel Act of 2022**"

SECTION 2. DECLARATION OF POLICY. It is the declared policy of the
State to protect the dignity and rights of its citizens, including those
responsible for upholding the Constitution, defending the sovereignty of the
country and its territory against all enemies, enforcing the laws of the land,
preventing crimes, and maintaining peace and order. To this end, the State
shall provide free legal assistance to military and uniformed personnel
(MUP), including officers and uniformed personnel of the Armed Forces of

the Philippines (AFP), the Bureau of Fire Protection (BFP), the Bureau of Jail Management and Penology (BJMP), the Philippine Coast Guard (PCG), and the Philippine National Police (PNP), in all stages of criminal, civil, or administrative proceedings arising from service-related incidents.

SECTION 3. DEFINITION OF TERMS. — As used in this Act:

(a) Military and Uniformed Personnel (**MUP**) refers to officers, enlisted personnel, and uniformed personnel of the AFP, BF, BJMP, CG, and PNP.

(b) Semi-Related Cases refer to civil, criminal, and administrative cases filed against MUP involving service-related incidents. Semi-Related Incident refers to any act or omission committed by MUP in good faith that is the consequence of the discharge of their official functions or the performance of their duties, or that is relevant to their office or to the discharge of their official functions.

SECTION 4. QUALIFICATIONS FOR FREE LEGAL ASSISTANCE IN CASES INVOLVING SERVICE-RELATED INCIDENTS. — Any officer or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP facing before a prosecutor's office, court, administrative body, or any competent body or tribunal, any criminal, civil or administrative charge or case involving service-related incidents shall be entitled to free legal assistance as provided in this Act.

Officers or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP who have been granted free legal assistance shall continue to enjoy such legal assistance even after their retirement from service. Retired officers or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP shall also be given free legal assistance for cases or charges involving service-related incidents committed by such retired officers or uniformed personnel while still in active duty.

SECTION 5. PROCEDURE AND COVERAGE. — Within twenty-four (24) hours from the official receipt of the information that officer or uniformed personnel the AFP, BFP, BJMP, PCG, Of PNP is charged, the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the PNP, shall authorize their respective legal offices to provide free legal assistance to such officer or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP as provided in this Act.

The free legal assistance shall include the following legal services:

- (1)** Legal representation in all stages of civil, criminal or administrative cases Involving service-related incidents;
- (2)** Legal advice or consultations in relation to service-related cases or incidents;
- (3)** Preparation of pleadings, motions, memoranda, and all other legal forms and 36 documents in relation to service-related cases;
- (4)** Notarization of documents in relation to service-related cases; and
- (5)** All other legal services and tasks as directed by the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the PNP.

SECTION 6. STRENGTHENING OF THE LEGAL OFFICES OF THE AFP, BFP, BJMP, PCG and PNP:

Within ninety (90) days from the effectivity of this Act, the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, and the Chief of the PNP shall submit to the Department of Budget and Management **(DBM)** the revised staffing patterns of their respective legal offices necessary for adequate and effective free legal assistance to MUP as provided in this Act.

The DBM shall act on the submissions within sixty (60) days from receipt thereof.

SECTION 7. ENTITLEMENT OF GOVERNMENT LAWYER TO PAYMENT FOR EXPENSES:

Subject to availability of funds and usual government accounting and auditing requirements, the government lawyer so designated to provide legal assistance to an officer of uniformed personnel of the AFP, BFP, BJMP, PCG, Of PNP shall be entitled to payment of actual travel and other expenses, including honoraria per appearance, as may be authorized to be paid by the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the PNP.

SECTION 8. APPEARANCE OF PRIVATE COUNSEL. Subject to existing circulars of the Commission on Audit, rules and regulations, an officer or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP may, in the interest of justice, be provided with private counsel at the expense of the government when necessary, as determined by the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the PNP.

SECTION 9. APPLICABILITY TO PENDING CASES. This Act shall also apply to all officers and uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP who have pending cases before the prosecutor's office, the courts, or any quasi-judicial or administrative body involving service-related incidents.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS. Within sixty (60) days from the effectivity of this Act, the Secretaries of the Department of Budget and Management(DBM) , Department of National Defense (**DND**), Department of the Interior and Local Government (**DILG**), and Department of Transportation (**DOTr**), in coordination with Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the PCG, and the Chief of the PNP, shall issue the necessary rules and regulations to implement this Act.

SECTION 11. APPROPRIATIONS. — The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act (**GAA**).

SECTION 12. PERIODIC REPORTS - The *Department of Justice* (**DOJ**) shall submit periodic reports on its findings and make recommendations on actions to be taken by Congress and Senate and the appropriate department.

SECTION 13. AUTOMATIC REVIEW - Every three (**3**) **years** after the effectivity of this Act, an independent review panel composed of experts to be appointed by the *Department of Justice* (**DOJ**) shall review the policies and programs and shall make recommendations, based on its findings, to the President and to both Houses of Congress.

SECTION 14. SEPARABILITY CLAUSE. — Should any provision of this Act be declared invalid, the remaining provisions shall continue to be in force and effect.

SECTION 15. REPEALING CLAUSE. — Section 49 of Republic Act No. 6975, otherwise known as the "Department of the Interior and Local Government Act of 1990", as amended, is hereby repealed. All other laws, decrees, orders, rules, regulations or parts thereof inconsistent with this Act are hereby amended, repealed, or modified accordingly.

SECTION 16. EFFECTIVITY. — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,