

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 563

Introduced by **Representative Jaime R. Fresnedi**

EXPLANATORY NOTE

This bill seeks to create an independent Public Defenders Unit in all Public Attorney's District Offices. It shall exclusively be responsible in providing, free of charge, legal representation, assistance and counselling to indigent persons accused in criminal cases.

Lawyers from the Public Attorney's Office (PAO) have been assisting indigent litigants who are complainants in criminal cases by preparing their complaint-affidavits against the respondent. In some cases, these respondents are also indigent persons. After the preliminary investigation, if there is probable cause, the Prosecutor will file the necessary criminal case in the appropriate court against the respondent who will now become an accused. Then the complainant shall become the PEOPLE OF THE PHILIPPINES. The complainant which was assisted by PAO will simply become a private complainant and witness for the State. The People, in turn, will be represented in court by the Prosecutor. Unfortunately, the indigent respondent who now stands as an accused in the criminal case cannot avail of any assistance from the PAO because he or she will be disqualified by the PAO on the ground of conflict of interest.

What is the conflict? The conflict is when the PAO assisted the complainant in the preliminary stage and will therefore be in conflict to that of the complainant's interest. It could be a violation of legal ethics. To prevent such a situation from obtaining, there is clearly a need to create an office that shall have the primary mandate of serving as Defense Counsel for any accused who cannot afford the services of a competent counsel during trial.

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


JAIME R. FRESNEDI
Representative
Lone District, Muntinlupa City

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AN ACT
CREATING A PUBLIC DEFENDERS UNIT IN ALL PUBLIC ATTORNEY'S
DISTRICT OFFICES AND APPROPRIATING FUNDS THEREFOR, AMENDING
FOR THE PURPOSE EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS
"THE ADMINISTRATIVE CODE OF 1987", AS AMENDED

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

SECTION 1. Section 15. Chapter 5, Title III. Book IV of Executive Order No. 292. otherwise known as the "Administrative Code of 1987," is hereby amended by inserting a new section which shall read as follows:

"SECTION 15-A: PUBLIC DEFENDERS UNIT. – THERE SHALL BE CREATED AN INDEPENDENT PUBLIC DEFENDERS' UNIT (PDU) IN ALL PUBLIC ATTORNEY'S DISTRICT OFFICES WHICH SHALL EXCLUSIVELY BE RESPONSIBLE IN PROVIDING, FREE OF CHARGE, LEGAL REPRESENTATION, ASSISTANCE AND COUNSELLING TO INDIGENT PERSONS ACCUSED IN CRIMINAL CASES. IN CASES WHERE THERE ARE MULTIPLE ACCUSED WHERE SOME OR ALL OF THEM HAVE NO MEANS TO SECURE THEIR OWN COUNSEL, THE PDU SHALL STRIVE TO REPRESENT ALL THOSE QUALIFIED AFTER CONDUCTING MERIT AND INDIGENCY TESTS. THE OBSERVANCE OF THE FIRST-COME-FIRST-SERVED RULE SHALL BE DISCOURAGED IN CRIMINAL CASES AND INSTEAD, PROTOCOLS TO PROTECT AGAINST CONFLICTS OF INTEREST SHALL BE ESTABLISHED THROUGH RULES AND REGULATIONS ISSUED BY THE CHIEF PUBLIC ATTORNEY FOR SUCH PURPOSE."

SEC. 2. *Implementing Rules and Regulations.* – The Department of Justice (DOJ), in cooperation and consultation with relevant agencies and stakeholders, shall promulgate the rules and regulations for the proper implementation of this Act within ninety (90) days from the effectivity of this Act.

SEC. 3. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the departments and agencies concerned. Thereafter, such amount shall be included in the annual General Appropriations Act.

SEC. 4. *Separability Clause.* – If any provision of this Act shall be deemed unconstitutional or invalid, the other provisions not affected there shall remain in force and effect.

SEC. 5. *Repealing Clause.* – All Acts, Presidential Decrees, Executive Orders and Administrative Orders, Rules and Regulations and other such issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 6. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,