

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

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4527



Introduced by Honorable Ma. Alana Samanta Taliño Santos

AN ACT ESTABLISHING A LEGAL SCHOLARSHIP AND RETURN SERVICE PROGRAM FOR DESERVING STUDENTS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

According to the World Justice Project 2018 Survey, only 20% of Filipinos were able to access legal assistance, leaving 80% of our population without the benefit of legal help. More alarming is the fact that among those who were able to seek legal support, 72% turned to friends and family members, only 15% consulted lawyers, and the remainder sought help from institutions. This demonstrates the glaring gap between the need for professional legal assistance and the actual accessibility of such services.¹

It is undeniable that the shortage of lawyers, particularly in far-flung and underserved communities, remains a critical barrier to justice. Yet, despite the need, the high cost of legal education has rendered the study of law inaccessible for many qualified but financially disadvantaged students.

To address a similar challenge in the medical profession, Republic Act No. 11509, or the “Doktor Para sa Bayan Act,” was enacted to establish a Medical Scholarship and Return Service Program. Its primary objective was to ensure that every municipality, especially in rural areas, would have access to at least one physician.² This legislative precedent illustrates how scholarships, coupled with a return service obligation, can effectively fill service gaps in essential professions.

¹ Access to Justice Project available at <https://sustainabledevelopment.un.org/partnership/?p=33320#:~:text=Background%20of%20the%20Project%3A%20According, and%20the%20rest%20from%20institutions.> (last accessed 8 August 2020).

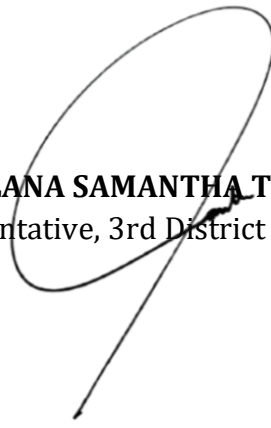
² Republic Act No. 11509 (2020). https://lawphil.net/statutes/repacts/ra2020/ra_11509_2020.html

The same principle must now be applied to the legal profession. As enshrined in Article III, Section 11 of the 1987 Constitution: "Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty."³ This constitutional mandate obliges the State to guarantee not only access to the courts but also the provision of competent legal assistance to every citizen, regardless of economic status.

This measure, therefore, seeks to establish a Legal Education Scholarship and Return Service Program that will provide scholarships to deserving students who aspire to become lawyers. In return, the scholars shall be required to render two (2) years of mandatory service in selected government agencies upon passing the Bar Examinations.

Through this program, the State will not only ease the financial burden of aspiring lawyers but also ensure a steady influx of competent, service-oriented legal professionals who will advance the cause of justice, particularly in communities where access to legal assistance is scarce.

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



HON. MA. ALANA SAMANTHA TALIÑO SANTOS
Representative, 3rd District of Cotabato

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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 “*Abogado Para sa Bayan Act*”.

Section 2. **Declaration of Policy.** – It is the policy of the State to uphold the right to free access to the courts and quasi-judicial bodies and to ensure that adequate legal assistance shall not be denied to any person by reason of poverty. In recognition of the constitutional directive to provide legal aid services to the underprivileged, the State shall establish a Legal Scholarship and Return Service Program to assist deserving students who pursue legal education and who shall render legal services in government offices.

Section 3. **Definition of Terms.** - For purposes of this Act: (a) Legal Education Board (LEB) refers to the agency mandated to supervise legal education in the Philippines. (b) Legal Scholarship and Return Service (LSRS) Program refers to the scholarship and return service program established under this Act. (c) Scholar refers to a student who is a beneficiary of the LSRS Program. (d) State Universities and Colleges (SUCs) refer to public higher education institutions offering the Juris Doctor degree. (e) Partner Private Higher Education Institutions (HEIs) refer to private institutions authorized to participate in the LSRS Program in regions where no SUC offers the Juris Doctor degree.

Section 4. **Establishment of the Legal Scholarship and Return Service Program.** – There is hereby established a Legal Scholarship and Return Service (LSRS) Program for deserving students who intend to pursue a Juris Doctor degree in SUCs or in partner private HEIs in regions where no SUC offers the Juris Doctor degree. The LSRS Program shall provide the following benefits to qualified legal education students:

- (a) Free tuition and other school fees, including but not limited to registration, library, and publication fees;
 - (b) Allowance for prescribed books and supplies;
 - (c) Allowance for review fees for government-mandated bar examinations;
- and;
- (d) Allowance for licensure fees.

Section 5. ***Qualifications and Requirements*** – To qualify for the LSRS Program, an applicant must:

- (a) Be a Filipino citizen residing in the Philippines;
- (b) Not have completed a Juris Doctor or Bachelor of Laws degree from any HEI;
- (c) Be a graduating student or a graduate of an undergraduate degree program;
- (d) Have passed the entrance examination and complied with other requirements for admission into the Juris Doctor program of the SUC or private HEI;
- (e) Be of good moral character; and
- (f) Belong to a low-income to middle-income household, as defined by the LEB in consultation with relevant government agencies.

Section 6. ***Conditions for the Grant of Legal Scholarship***. – Qualified scholars shall:

- (a) Sign an agreement stating the terms and conditions of the scholarship as prescribed by the LEB;
- (b) Carry the full load of subjects prescribed per semester and not drop any course resulting in underloading, except for valid and justifiable reasons;
- (c) Complete the Juris Doctor degree within the prescribed period, subject to the retention policies of the SUC or private HEI, with allowance for leave of absence for valid reasons;
- (d) Take the bar examination within one (1) year after completion of the Juris Doctor degree; and
- (e) Render return service as provided under Section 9 of this Act.

Sec. 7. *Disqualifications and Termination of Scholarship.* – The scholarship grant shall be terminated and the scholar disqualified in the following cases:

- (a) Failure to meet academic requirements or to complete the course within the prescribed period without valid cause;
- (b) Commission of gross misconduct or acts prejudicial to the LEB, SUC, private HEI, or the community;
- (c) Submission of false information or fraudulent documents; or
- (d) Violation of any other terms and conditions of the scholarship agreement.

Section 8. *Administration of the Program.* – The LEB shall administer the LSRS Program, including the selection of scholars, allocation of slots, monitoring of compliance, and enforcement of return service obligations. The LEB shall coordinate with the Philippine Association of Law Schools, participating HEIs, and relevant government agencies.

Section 9. *Mandatory Return Service.* – Within five (5) years from admission to the practice of law, a scholar shall render mandatory return service for two (2) years in government agencies, including but not limited to: the Public Attorney's Office, National Prosecution Service, Department of Education, Department of Environment and Natural Resources, Department of the Interior and Local Government, Department of Health, Department of Justice, Department of National Defense, Department of Social Welfare and Development, the Courts, or other government agencies and instrumentalities providing legal services to poor and marginalized individuals and communities, or to public school teachers, public health workers, and military and uniformed personnel involved in cases arising from or in connection with the performance of their duties: Provided, That the mandatory return service shall be separate and distinct from the Clinical Legal Education Program under Rule 138-A of the Rules of Court: Provided, further, That scholars appointed to plantilla positions shall receive appropriate salaries and benefits: Provided, furthermore, That scholars who, after three (3) years from admission to the practice of law, fail to secure government appointment may either (i) pay the full cost of scholarship and related benefits received, or (ii) undertake alternative compliance as formulated by the LEB pursuant to this Act and [RA 9999], the Free Legal Assistance Act of 2010: Provided, finally, That in the application of [RA 9999], the allowable deduction from gross income shall be the amount that could have been collected from the actual free legal services rendered or up to twenty percent (20%) of the gross income derived from the legal profession, whichever is lower.

Section 10. *Number and Allocation of Scholars.* – Prior to implementation and every five (5) years thereafter, the LEB, in consultation with the Philippine Association of Law Schools and participating HEIs, and upon assessment of the shortage of legal practitioners in the public sector, shall determine the number and geographic allocation of scholars to be admitted to the LSRS Program.

Section 11. *Harmonization with the Clinical Legal Education Program.* – Pursuant to Section 5(5), Article VIII of the Constitution, the LEB shall adopt policies on the Revised

Law Student Practice Rule, ensure law student participation in clinical legal education programs, define the scope of service, and promote access to justice for marginalized sectors.

Section 12. ***Monitoring and Evaluation.*** – The LEB shall regularly monitor and evaluate the implementation and impact of the LSRS Program, including the performance of scholars and the effectiveness of the return service component. The LEB shall submit an annual report to Congress.

Section 13. ***Sanctions*** – Any lawyer who avails of the LSRS Program but fails or refuses to comply with the mandatory return service shall pay twice the amount of scholarship and benefits received: Provided, That this penalty shall not apply to those unable to comply due to force majeure or reasons not due to their fault or negligence.

Section 14. ***Appropriations.*** – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

Section 15. ***Implementing Rules and Regulations.*** – Within sixty (60) days from effectivity, the LEB, in consultation with the Philippine Association of Law Schools, Philippine Association of State Universities and Colleges, and the Commission on Higher Education, shall promulgate rules and regulations to implement this Act.

Section 16. ***Separability Clause.*** – If any provision or part of this Act is held invalid or unconstitutional, the remainder shall remain in full force and effect.

Section 17. ***Repealing Clause.*** – All laws, presidential decrees, executive orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed, amended, or modified accordingly.

Section 18. ***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,