



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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11260



Introduced by **Representative EDUARDO R. RAMA JR.**

EXPLANATORY NOTE

Under Republic Act No. 9406, the Public Attorney's Office (PAO) is mandated to independently provide legal representation, assistance, and counseling to indigent persons in criminal, civil, labor, administrative, and other quasi-judicial cases.

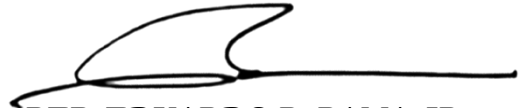
In the performance of this mandate, public attorneys are often required to handle cases involving serious and violent offenses and to represent persons who may be associated with dangerous criminal organizations, drug syndicates, or armed groups. They may likewise be assigned to remote, isolated, or conflict-affected areas, where they are exposed to threats of violence, retaliation, infectious diseases, and other substantial risks arising from the nature and circumstances of their duties.

Republic Act No. 9406 and its Implementing Rules and Regulations provide for special allowances funded from a Special Trust Fund consisting principally of success fees collected after successful litigation. Those special allowances, however, are distinct from hazard pay because they are not specifically tied to the actual performance of dangerous assignments or exposure to hazardous conditions.

The proposed measure seeks to grant a monthly hazard pay of Five Thousand Pesos (**(₱5,000.00)**) to public attorneys who, by reason of the nature, location, or circumstances of their assignments, are exposed to substantial risks to their safety, health, or security. The measure recognizes that the hazards faced by public attorneys are not merely incidental to the practice of law but may arise

directly from their duty to provide legal assistance to indigent persons, particularly in criminal and other high-risk cases.

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



REP. EDUARDO R. RAMA, JR.

2nd District, City of Cebu



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AN ACT
GRANTING HAZARD PAY TO PUBLIC ATTORNEYS EXPOSED TO
HAZARDOUS SITUATIONS AND PERFORMING HAZARDOUS DUTIES
RELATED TO THEIR OFFICIAL FUNCTIONS, AND APPROPRIATING FUNDS
THEREFOR

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 the “***Public Attorneys Hazard Pay Act.***”

SECTION 2. *Declaration of Policy.* - It is the policy of the State to protect the life, security, health, and welfare of public attorneys who perform essential functions under hazardous conditions. The State recognizes the indispensable role of public attorneys in providing free legal services to indigent persons and ensuring access to justice. To ensure the continued delivery of effective and independent legal assistance, the State shall provide qualified public attorneys with hazard pay as they perform hazardous duties or are exposed to hazardous conditions in the course of their official functions.

SECTION 3. *Coverage.* - All duly appointed and incumbent PAO lawyers, as defined under Republic Act No. 9406 and its Implementing Rules and Regulations, who are actually

performing the hazardous duties or are exposed to the hazardous situations described in Section 4 of this Act shall be entitled to receive hazard pay.

PAO officials who have direct supervision over PAO lawyers may likewise be entitled to hazard pay when they are required, as part of their official functions, to directly supervise, authorize, review, approve, coordinate or otherwise participate in hazardous duties or assignments covered in this Act.

The hazard pay shall be granted only upon certification by the Secretary of Justice or a duly authorized representative that the covered PAO lawyer or official actually performed the hazardous duty or was exposed to the hazardous situation during the applicable period.

SECTION 4. *Hazard Pay*- All covered PAO lawyers and officials shall be entitled to a monthly hazard pay of Five Thousand Pesos (₱5,000.00), in addition to their regular compensation, while performing hazardous duties or while assigned or exposed to hazardous conditions, including:

(a) Handling or providing legal representation, assistance, or counseling in criminal or other cases involving serious, violent, organized, or high-risk offenses defined and penalized under Act No. 3815, otherwise known as “The Revised Penal Code”;

(b) Representing or assisting clients who are charged with, accused of, or investigated for offenses involving organized crime, dangerous drugs, terrorism, firearms, trafficking, money laundering, corruption, or similar serious offenses;

(c) Appearing in custodial investigations, inquests, hearings, or other proceedings involving violent, armed, or high-risk accused, detainees, or convicted persons;

(d) Performing official travel, field work, client interviews, detention-facility visits, investigations, or court appearances in conflict-affected, strife-torn, isolated, distressed, or disaster or emergency-affected areas;

(e) Performing official duties in correctional, detention, custodial, police, military, or other facilities where there is a substantial risk of violence, infectious disease, hostage-taking, riot, escape, or similar danger; and

(f) Assigned to other hazardous duties and circumstances analogous to the foregoing, as determined by the Secretary of Justice.

SECTION. 5. *Tax Exemption and Non-Diminution of Benefits*. - The hazard pay provided in this Act shall form part of the exclusions from taxable gross income in accordance

with Section 32 (b) (7) (e) of the National Internal Revenue Code of 1997, as amended: Provided, That nothing in this Act shall be construed to diminish, in any manner, any benefit granted to duly appointed public attorneys under existing laws, rules and regulations, local ordinances, and other issuances.

SECTION. 6. *Implementing Rules and Regulations.* - Within sixty (60) days from the effectivity of this Act, the Secretary of Budget and Management and the Secretary of Justice shall jointly promulgate rules and regulations for the effective implementation of this Act.

SECTION 7. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriation of the Department of Justice. Thereafter, such amount shall be included in the annual General Appropriations Act.

SECTION. 8. *Separability Clause.* - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in force and effect.

SECTION. 9. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, or parts thereof contrary to or inconsistent with the provisions of this Act are amended, repealed or modified accordingly.

SECTION 10. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.