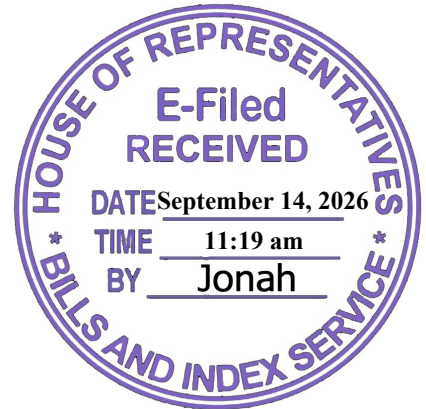


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **11290**



Introduced by **Representative ERIC G. YAP**

EXPLANATORY NOTE

This bill seeks to ensure that Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) have immediate access to legal assistance. It amends Republic Act (RA) No. 8371, otherwise known as the *Indigenous Peoples' Rights Act of 1997*, and provides tax incentives to lawyers who render pro bono legal services to ICC/IPs.

Although RA No. 8371 recognizes and protects the rights of ICCs/IPs, other members of these communities do not have immediate access to legal representation when the situation calls for it. Mainly due to poverty, geographic isolation, and the complexity of legal proceedings involving ancestral domains, it prevents them from effectively asserting and protecting their rights guaranteed under the Philippine constitution.

This bill empowers the National Commission on Indigenous People (NCIP) to appoint *counsels de oficio* for indigent ICC/IPs with pending cases. It also encourages lawyers to provide pro bono services through tax incentives. The call for justice for one of the country's most vulnerable sectors is of utmost importance and thus shall be prioritized. This measure reinforces the State's constitutional duty to recognize, protect, and promote the rights of indigenous people.

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


HON. ERIC G. YAP

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

TWENTIETH CONGRESS
Second Regular Session

House Bill No. **11290**

Introduced by **Representative ERIC G. YAP**

AN ACT

PROVIDING FOR INCENTIVES TO MEMBERS OF THE LEGAL PROFESSION ENGAGED IN THE DEFENSE OF THE RIGHTS OF INDIGENT INDIGENOUS PEOPLES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS "THE INDIGENOUS PEOPLES' RIGHTS ACTS OF 1997"

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

Section 1. A new section to be denominated as Section 78-A is hereby inserted after Section 78 of Republic Act No. 8371, otherwise known as "*The Indigenous Peoples' Rights Act of 1997*", to read as follows:

"SECTION 17-A. PRO BONO LEGAL SERVICES FOR INDIGENT ICCS/IPS. - THE NCIP IS HEREBY EMPOWERED TO APPOINT COUNSELS DE OFICIO FOR INDIGENT ICCS/IPS WITH PENDING CASES BEFORE IT. APPOINTED COUNSELS DE OFICIO SHALL BE ENTITLED TO TAX FREE HONORARIA OR PER DIEMS AS THE NCIP MAY PROVIDE UNDER ITS RULES.

"ANY MEMBER OF THE PHILIPPINE BAR WHO HAS RENDERED FREE LEGAL SERVICES TO INDIGENT ICCS OF AT LEAST ONE HUNDRED (100) HOURS WITHIN ONE (1) YEAR SHALL BE ENTITLED TO DIRECT DEDUCTION FROM HIS INCOME TAX DUE IN THE AMOUNT OF ONE HUNDRED THOUSAND PESOS (P100,000.00). FOR THE AVOIDANCE OF DOUBT, THIS PROVISION SHALL APPLY TO LAWYERS RENDERING DIRECT LEGAL SERVICES TO THE ICCS/IPS OR LEGAL SERVICES RENDERED OUTSIDE OF THE NCIP SUCH AS BUT NOT LIMITED TO LEGAL ADVICE ON CONTRACTS, OR PROVIDING LEGAL ADVICE.

"THE BUREAU OF INTERNAL REVENUE IN CONSULTATION WITH THE INTEGRATED BAR OF THE

PHILIPPINES SHALL FORMULATE THE APPROPRIATE RULES AND REGULATIONS TO ENSURE THAT THE OBJECTIVE UNDER PARAGRAPH 2 OF THIS SECTION IS FULLY IMPLEMENTED. THE NCIP SHALL FORMULATE THE DEFINITION OF "INDIGENT ICCS/IPS,"AND IS HEREBY AUTHORIZED TO ADJUST IT FROM TIME TO TIME BASED ON REASONABLE STANDARDS."

SEC. 2. *Separability Clause.* – If any provision or part of this Act is held invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 3. *Repealing Clause.* – All laws, decrees, orders, rules, and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,