

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'22 DEC 12 A11 :40

SENATE

S.B. NO. 1608

RECEIVED BY

Introduced by Senator Ramon Bong Revilla, Jr.

**AN ACT
PROVIDING FREE LEGAL ASSISTANCE TO ANY OFFICER OR ENLISTED
PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES (AFP) AND THE
PHILIPPINE NATIONAL POLICE (PNP) ON ANY CHARGE BEFORE THE
PROSECUTOR'S OFFICE, COURT, ADMINISTRATIVE OR ANY COMPETENT
BODY ARISING FROM AN INCIDENT OR INCIDENTS RELATED TO THE
PERFORMANCE OF OFFICIAL DUTY**

EXPLANATORY NOTE

The Bill of Rights guarantees that free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.

Towards this end, Congress enacted Republic Act No. 9999 or the "*Free Legal Assistance Act of 2010*" which declared, among others, as a State policy the provision of free legal assistance to the poor and ensuring that every person who cannot afford the services of a counsel is provided with a competent and independent counsel.

In the 2019 State of the Nation Address (SONA), then President Rodrigo Duterte mentioned how members of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) "get unjustly sued" while performing their sworn duties. Thus, providing them with free legal assistance could "help and boost their morale."

This proposed measure allows the leadership of the AFP and the PNP to authorize lawyers of their respective agencies, with the assistance of the Public Attorney's Office (PAO), to provide legal assistance to any officer or enlisted personnel

charged before the courts arising from incidents related to the performance of official functions.

It is hoped that this measure can strengthen the resolve of our uniformed personnel in carrying out their mandate of enforcing our laws and running after lawless elements, and not be stymied or intimidated by possible lawsuits and legal harassments that may be thrown their way, especially coming from criminal syndicates or high-profile personalities. It also seeks to support the junior soldiers and policemen, especially those with low income, who may get entangled with judicial proceedings, and to ensure that they are properly represented and advised.

In this light, the immediate passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



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

1 Section 1. Any officer or enlisted personnel of the Armed Forces of the
2 Philippines (AFP) and the Philippine National Police (PNP), who is facing before the
3 prosecutor's office, court, administrative or any competent body, any charge arising
4 from an incident or incidents related to the performance of official duty, shall be
5 entitled to free legal assistance.

6 Sec. 2. Within twenty-four (24) hours from the official receipt of the information
7 that an officer or enlisted personnel is charged, the Secretary of the Department of
8 National Defense (DND), the Secretary of the Department of the Interior and Local
9 Government (DILG), the Chief of Staff of the AFP, the Chairperson of the National
10 Police Commission (NAPOLCOM), or the Chief of the PNP, shall authorize any lawyer
11 or lawyers of their respective agencies, with the assistance of the Public Attorney's
12 Office (PAO), to provide free legal assistance to said officer or enlisted personnel of
13 the AFP and the PNP.

1 Sec. 3. *Implementing Rules and Regulations.* – Within sixty (60) days from the
2 effectivity of this Act, the PAO, in coordination with the DND, DILG, AFP, NAPOLCOM
3 and the PNP, shall issue the necessary rules and regulations to implement this Act.

4 Sec. 4. *Separability Clause.* – If any provision or part hereof is held invalid or
5 unconstitutional, the remainder of the law or the provision or part not otherwise
6 affected shall remain valid and subsisting.

7 Sec. 5. *Repealing Clause.* – Any law, presidential decree or issuance, executive
8 order, letter of instruction, administrative order, rule, or regulation contrary to or
9 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
10 accordingly.

11 Sec. 6. *Effectivity.* – This Act shall take effect fifteen (15) days after its
12 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,