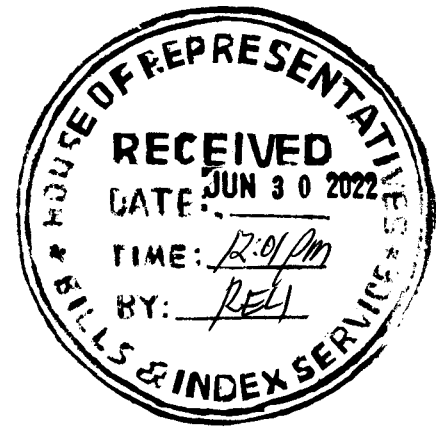




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 8

**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
YEDDA MARIE K. ROMUALDEZ, FERDINAND ALEXANDER A. MARCOS
and JUDE A. ACIDRE**

EXPLANATORY NOTE

This bill was approved by the Committee on Justice in the 18th Congress. It is the consolidated version of various bills filed by Reps. Arnie B. Fuentesbella, Joel Mayo Z. Almario, Alfred Vargas, Ferdinand L. Hernandez, Eric L. Olivarez, Eric Go Yap, Joy Myra Tambunting, Paolo Z. Duterte, Divina Grace C. Yu, and Michael Odylon L. Romero.

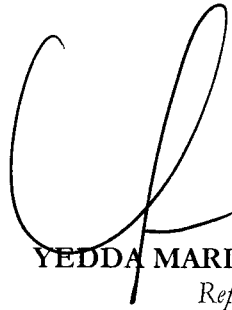
The purpose of this bill is to provide free legal assistance to military and uniformed personnel (MUPs) who have pending cases before the prosecutor's office, the courts, or any quasi-judicial or administrative body involving service-related incidents. Originally, the proposal was to grant free legal assistance to officers and uniformed personnel of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). During the deliberations of the Committee on Justice, however, it was deemed necessary to include officers and uniformed personnel of the Bureau of Fire Protection (BFP), the Bureau of Jail Management and Penology (BJMP) and the Philippine Coast Guard (PCG), since they are also included in the definition of "military and uniformed personnel" under existing laws. Hence, this bill will provide free legal assistance to all officers or uniformed personnel of the AFP, PNP, BJMP, BFP and PCG in all stages of criminal, civil, or administrative proceedings arising from service-related incidents, including retired MUPs who had cases or charges involving service-related incidents while still in active duty.

By providing free legal assistance under this measure, our MUPs who sacrifice their life and limb for the preservation of our national security, public order and public safety will be able to perform their sworn duties without fear of unwarranted cases filed against them for the purpose of harassment or reprisal.

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



FERDINAND MARTIN G. ROMUALDEZ
Representative
First District, Leyte



YEDDA MARIE K. ROMUALDEZ
Representative
Party-List, Tingog Sinirangan



FERDINAND ALEXANDER A. MARCOS
Representative
First District, Ilocos Norte



JUDE A. ACIDRE
Representative
Party-List, Tingog Sinirangan



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HOUSE BILL NO. 8

Introduced by Representatives **FERDINAND MARTIN G. ROMUALDEZ,**
YEDDA MARIE K. ROMUALDEZ, FERDINAND ALEXANDER A. MARCOS and
JUDE A. ACIDRE

AN ACT
PROVIDING FREE LEGAL ASSISTANCE TO ANY OFFICER OR UNIFORMED PERSONNEL OF THE ARMED FORCES OF THE PHILIPPINES, THE BUREAU OF FIRE PROTECTION, THE BUREAU OF JAIL MANAGEMENT AND PENOLOGY, THE PHILIPPINE COAST GUARD, AND THE PHILIPPINE NATIONAL POLICE, FACING ANY CHARGE BEFORE THE PROSECUTOR'S OFFICE, COURT OR ANY COMPETENT BODY ARISING FROM AN INCIDENT RELATED TO THE PERFORMANCE OF OFFICIAL DUTY, AND APPROPRIATING FUNDS THEREFOR

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “Free Legal Assistance for
2 Military and Uniformed Personnel Act”.

3
4 **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to protect the dignity
5 and rights of its citizens, including those responsible for upholding the Constitution, defending
6 the sovereignty of the country and its territory against all enemies, enforcing the laws of the land,
7 preventing crimes, and maintaining peace and order. To this end, the State shall provide free
8 legal assistance to military and uniformed personnel (MUP), including officers and uniformed
9 personnel of the Armed Forces of the Philippines (AFP), the Bureau of Fire Protection (BFP),
10 the Bureau of Jail Management and Penology (BJMP), the Philippine Coast Guard (PCG), and
11 the Philippine National Police (PNP), in all stages of criminal, civil, or administrative
12 proceedings arising from service-related incidents.

13
14 **SEC. 3. *Definition of Terms.*** – As used in this Act:

- 15
16 (a) *Military and Uniformed Personnel (MUP)* refers to officers, enlisted personnel, and
17 uniformed personnel of the AFP, BFP, BJMP, PCG, and PNP.

1 (b) *Service-Related Cases* refer to civil, criminal, and administrative cases filed against MUP
2 involving service-related incidents.

3
4 (c) *Service-Related Incident* refers to any act or omission committed by MUP in good faith
5 that is the consequence of the discharge of their official functions or the
6 performance of their duties, or that is relevant to their office or to the discharge of
7 their official functions.
8

9 **SEC. 4. *Qualifications for Free Legal Assistance in Cases Involving Service-Related***
10 ***Incidents.*** – Any officer or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP facing
11 before a prosecutor’s office, court, administrative body, or any competent body or tribunal, any
12 criminal, civil or administrative charge or case involving service-related incidents shall be entitled
13 to free legal assistance as provided in this Act.
14

15 Officers or uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP who have been
16 granted free legal assistance shall continue to enjoy such legal assistance even after their
17 retirement from service. Retired officers or uniformed personnel of the AFP, BFP, BJMP, PCG,
18 or PNP shall also be given free legal assistance for cases or charges involving service-related
19 incidents committed by such retired officers or uniformed personnel while still in active duty.
20

21 **SEC. 5. *Procedure and Coverage.*** – Within twenty-four (24) hours from the official
22 receipt of the information that an officer or uniformed personnel the AFP, BFP, BJMP, PCG, or
23 PNP is charged, the Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the
24 Commandant of the PCG, or the Chief of the PNP, shall authorize their respective legal offices
25 to provide free legal assistance to such officer or uniformed personnel of the AFP, BFP, BJMP,
26 PCG, or PNP as provided in this Act.
27

28 The free legal assistance shall include the following legal services:

- 29
- 30 (1) Legal representation in all stages of civil, criminal or administrative cases involving
31 service-related incidents;
 - 32 (2) Legal advice or consultations in relation to service-related cases or incidents;
 - 33 (3) Preparation of pleadings, motions, memoranda, and all other legal forms and
34 documents in relation to service-related cases;
 - 35 (4) Notarization of documents in relation to service-related cases; and
 - 36 (5) All other legal services and tasks as directed by the Chief of Staff of the AFP, the Chief
37 of the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the
38 PNP.
39

40 **SEC. 6. *Strengthening of the Legal Offices of the AFP, BFP, BJMP, PCG and PNP.*** –
41 Within ninety (90) days from the effectivity of this Act, the Chief of Staff of the AFP, the Chief
42 of the BFP, the Chief of the BJMP, the Commandant of the PCG, and the Chief of the PNP
43 shall submit to the Department of Budget and Management (DBM) the revised staffing patterns
44 of their respective legal offices necessary for adequate and effective free legal assistance to MUP
45 as provided in this Act. The DBM shall act on the submissions within sixty (60) days from
46 receipt thereof.
47
48
49
50

1 **SEC. 7. *Entitlement of Government Lawyer to Payment for Expenses.*** – Subject to
2 availability of funds and usual government accounting and auditing requirements, the
3 government lawyer so designated to provide legal assistance to an officer or uniformed
4 personnel of the AFP, BFP, BJMP, PCG, or PNP shall be entitled to payment of actual travel
5 and other expenses, including *honoraria* per appearance, as may be authorized to be paid by the
6 Chief of Staff of the AFP, the Chief of the BFP, the Chief of the BJMP, the Commandant of the
7 PCG, or the Chief of the PNP.

8
9 **SEC. 8. *Appearance of Private Counsel.*** – Subject to existing circulars of the Commission
10 on Audit, rules and regulations, an officer or uniformed personnel of the AFP, BFP, BJMP,
11 PCG, or PNP may, in the interest of justice, be provided with private counsel at the expense of
12 the government when necessary, as determined by the Chief of Staff of the AFP, the Chief of
13 the BFP, the Chief of the BJMP, the Commandant of the PCG, or the Chief of the PNP.

14
15 **SEC. 9. *Applicability to Pending Cases.*** – This Act shall also apply to all officers and
16 uniformed personnel of the AFP, BFP, BJMP, PCG, or PNP who have pending cases before the
17 prosecutor’s office, the courts, or any quasi-judicial or administrative body involving service-
18 related incidents.

19
20 **SEC. 10. *Implementing Rules and Regulations.*** Within sixty (60) days from the
21 effectivity of this Act, the Secretaries of the Department of Budget and Management,
22 Department of Defense, Department of the Interior and Local Government, and Department of
23 Transportation, in coordination with Chief of Staff of the AFP, the Chief of the BFP, the Chief
24 of the BJMP, the Commandant of the PCG, and the Chief of the PNP, shall issue the necessary
25 rules and regulations to implement this Act.

26
27 **SEC. 11. *Appropriations.*** – The amount necessary for the implementation of this Act shall
28 be included in the annual General Appropriations Act.

29
30 **SEC. 12. *Separability Clause.*** – Should any provision of this Act be declared invalid, the
31 remaining provisions shall continue to be in force and effect.

32
33 **SEC. 13. *Repealing Clause.*** – Section 49 of Republic Act No. 6975, otherwise known as
34 the “Department of the Interior and Local Government Act of 1990”, as amended, is hereby
35 repealed. All other laws, decrees, orders, rules, regulations or parts thereof inconsistent with this
36 Act are hereby amended, repealed, or modified accordingly.

37
38 **SEC. 14. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
39 Official Gazette or in a newspaper of general circulation.

Approved,