



SENATE

S. No. 2814

PREPARED BY THE COMMITTEES ON NATIONAL DEFENSE AND SECURITY, PEACE, UNIFICATION AND RECONCILIATION; PUBLIC ORDER AND DANGEROUS DRUGS; AND FINANCE WITH SENATORS GO, ESTRADA, DELA ROSA, REVILLA JR., MARCOS, VILLAR (M), POE, TULFO, AND ZUBIRI AS AUTHORS THEREOF

AN ACT PROVIDING FREE LEGAL ASSISTANCE TO MILITARY AND UNIFORMED PERSONNEL FACING ANY CHARGE ARISING FROM INCIDENTS 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
2 the “Free Legal Assistance for Military and Uniformed
3 Personnel Act”.

4 SEC. 2. *Declaration of Policy.* – It is the declared
5 policy of the State to protect the dignity and rights of its
6 citizens, including those responsible for upholding the

1 Constitution, defending the sovereignty and territory of the
2 country against all enemies, enforcing the laws of the land,
3 preventing crimes, and maintaining peace and order.

4 The State shall promote peace and order and ensure
5 public safety through effective and efficient military and
6 uniformed service composed of highly motivated officers,
7 enlisted and uniformed personnel.

8 To this end, the State shall, as far as practicable,
9 provide free legal assistance to military and uniformed
10 personnel in criminal, civil, or administrative proceedings
11 arising from service-related incidents.

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

13 (a) *Military and Uniformed Personnel (MUP)* refers to
14 officers, enlisted and uniformed personnel of the Armed
15 Forces of the Philippines (AFP), Bureau of Fire Protection
16 (BFP), Bureau of Jail Management and Penology (BJMP),
17 Philippine Coast Guard (PCG), Bureau of Corrections
18 (BuCor), Philippine National Police (PNP) and the
19 Hydrography Branch of the National Mapping and
20 Resource Information Authority (NAMRIA); and

1 (b) *Service-related Cases* refer to civil, criminal, and
2 administrative cases filed against the MUP for incidents
3 related to or in connection with the discharge of their
4 official functions or the performance of their duties.

5 SEC. 4. *Qualifications for Free Legal Assistance.* –
6 MUP facing any service-related case before a prosecutor’s
7 office, court, quasi-judicial or administrative body, or any
8 competent body or tribunal shall be entitled to free legal
9 assistance.

10 Retired and honorably discharged and separated
11 MUP shall be eligible for free legal assistance on
12 service-related cases committed while still in active duty.

13 SEC. 5. *Procedure and Coverage.* – Within
14 twenty-four (24) hours from the official receipt of the
15 charge against the MUP, the heads of the MUP agencies,
16 through the head of the Legal Office, shall direct their
17 respective legal officers to provide free legal assistance to
18 qualified MUP as provided in this Act. The agencies shall
19 establish guidelines and procedures for availing free legal
20 assistance and determining service-related cases to be

1 approved by the head of the MUP agency: *Provided*, That
2 in case of conflict of interest, the MUP shall not be entitled
3 to free legal assistance under this Act. Notwithstanding
4 any provision to the contrary, “conflict of interest” as used
5 in this Act shall refer to an instance where the handling by
6 the legal office of a case will adversely affect the interest of
7 the MUP concerned agency.

8 The determination of which cases are service-related
9 shall be made by the respective legal offices of the AFP,
10 BFP, BJMP, PCG, BuCor, PNP, and NAMRIA based on the
11 evidence provided by the MUP. Any officer tasked to
12 determine the eligibility of MUP applicants for free legal
13 assistance under this Act who, through manifest partiality,
14 evident bad faith, or gross inexcusable negligence,
15 improperly denies or approves an application shall be held
16 liable under Section 3(e) of Republic Act No. 3019,
17 otherwise known as the “Anti-Graft and Corrupt Practices
18 Act”.

19 Free legal assistance shall include the following:

1 (a) Legal representation in civil, criminal, or
2 administrative proceedings, as far as practicable;

3 (b) Legal advice or consultations;

4 (c) Preparation of pleadings, motions, memoranda,
5 and all other legal forms and documents;

6 (d) Court fees and other related fees; and

7 (e) Notarization of documents.

8 SEC. 6. *Strengthening the Legal Offices of the AFP,*
9 *BFP, BJMP, PCG, BuCor, PNP and NAMRIA.* – Within
10 ninety (90) days from the effectivity of this Act, the Chief of
11 Staff of the AFP, the Chiefs of the PNP, BJMP, and BFP,
12 Commandant of the PCG, Director General of BuCor, and
13 the Administrator of the NAMRIA shall submit to the
14 Department of Budget and Management (DBM) the
15 revised organizational structure and staffing patterns
16 based on the ideal ratio of legal officers with the total
17 number of personnel, taking into consideration the
18 demands of the service, historical number of cases handled,
19 current case load, and logistical requirements necessary for
20 their respective legal offices to render adequate and

1 effective free legal assistance to qualified personnel. The
2 DBM shall act on the submissions in accordance with
3 Republic Act No. 11032, or the “Ease of Doing Business
4 and Efficient Government Service Delivery Act of 2018”.

5 SEC. 7. *Entitlement of Government Lawyers to*
6 *Payment for Expenses.* – The government lawyer providing
7 legal assistance to the MUP shall be entitled to payment of
8 actual travel and other expenses, including Special
9 Counsel Allowance for each appearance before the
10 prosecutor’s office, court, quasi-judicial, and administrative
11 agency, or any competent body or tribunal, subject to
12 existing laws, rules, and regulations.

13 SEC. 8. *Applicability to Pending Cases.* – This Act
14 shall apply to all MUP who have pending service-related
15 cases.

16 SEC. 9. *Implementing Rules and Regulations.* –
17 Within ninety (90) days from the effectivity of this Act, the
18 DBM, Department of National Defense, Department of
19 Justice, Department of the Interior and Local Government,
20 and Department of Transportation, in coordination with

1 the Chief of Staff of the AFP, Chiefs of the PNP, BJMP and
2 BFP, the Commandant of the PCG, the Director General of
3 BuCor, and the Administrator of the NAMRIA, shall issue
4 the necessary rules and regulations to implement this Act:
5 *Provided, That the non-promulgation of the implementing*
6 *rules and regulations shall not prevent the implementation*
7 *of this Act upon effectivity.*

8 SEC. 10. *Appropriations.* – The amount necessary for
9 the implementation of this Act shall be included in the
10 annual General Appropriations Act.

11 SEC. 11. *Separability Clause.* – If any portion or
12 provision of this Act is declared unconstitutional, the
13 remainder or any provisions not affected thereby shall
14 remain in force and effect.

15 SEC. 12. *Repealing Clause.* – All other laws, decrees,
16 orders, rules, regulations, or parts thereof inconsistent
17 with this Act are hereby amended, repealed, or modified
18 accordingly.

1 SEC. 13. *Effectivity.* – This Act shall take effect fifteen
2 (15) days after its publication in the *Official Gazette* or a
3 newspaper of general circulation.

Approved,