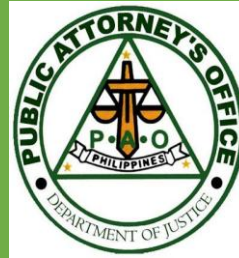




ATTY. PERSIDA V. RUEDA-ACOSTA
Chief Public Attorney

The Report of the **PUBLIC ATTORNEY'S OFFICE**

*Serving, Sharing, and
Striving More
to Fulfill Its Mandate*



By DR. PERSIDA V. RUEDA-ACOSTA, DSD

- Chief Public Attorney, Public Attorney's Office*
- Doctor of Social Development, College of Social Work and Community Development, University of the Philippines-Diliman, Quezon City*
- Senior Executive Fellow, Harvard Kennedy School*
- Climate Reality Leader, The Climate Reality Project/The Climate Reality Leadership Corps*
- Senior Fellow, Asian Public Intellectuals Fellowships*
- Fellow, Salzburg Global Seminar*
- Fellow, Japan Legal Aid Association*
- International Visitor (IV), International Visitors Program of the United States of America*
- Member, International Legal Aid Group*
- Member, International Association of Bloodstain Pattern Analysts*
- Member, International Corrections and Prisons Association*
- 4th Placer, 1989 Philippine Bar Examinations*
- Professor, Ateneo de Manila University Law School*

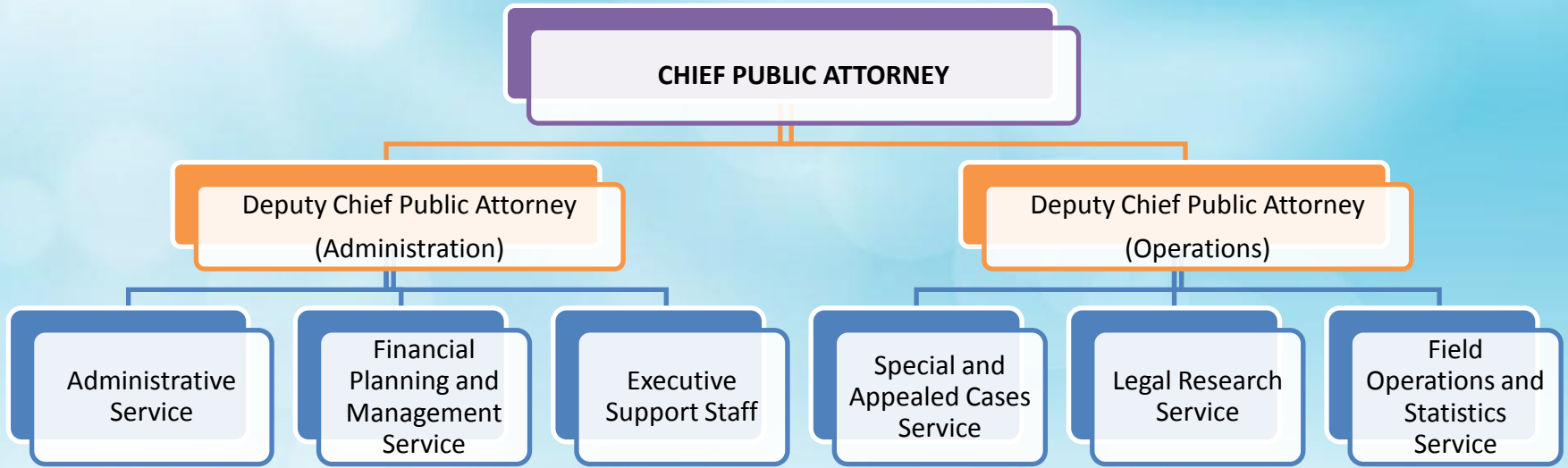


**2018 International Forum
on Legal Aid**

The Public Attorney's Office (PAO)

- Principal law office of the Philippine Government in extending free legal assistance to indigent clients and other qualified persons in criminal, civil, labor, administrative and other quasi-judicial cases
- By virtue of Republic Act No. 9406 or the PAO Law (Approved on March 23, 2007)
 - The PAO has become an Independent and autonomous office, but attached to the Department of Justice for policy and program coordination

PAO Organizational Structure



➤ The Public Attorney's Office has two thousand eighty **(2,080) public attorneys** and one thousand seven **(1,007) support personnel.**



Legal Aid Funding

Table 1

Year	Total Allotment Released	Personnel Services	Maintenance and Other Operating Expenses	Capital Outlay
2014	PHP 1,971,795,162 (\$ 36,514,725)	PHP 1,875,975,162 (\$ 34,740,281)	PHP 92,120,000 (\$ 1,705,926)	PHP 3,700,000 (\$ 68,518)
2015	PHP 2,101,845,496 (\$ 38,923,065)	PHP 1,980,878,496 (\$ 36,682,936)	PHP 94,467,000 (\$ 1,749,389)	PHP 26,500,000 (\$ 490,740)
2016	PHP 2,550,763,254 (\$ 47,236,357)	PHP 2,331,448,254 (\$ 43,174,968)	PHP 96,316,000 (\$ 1,783,629)	PHP 122,999,000 (\$ 2,277,760)
2017	PHP 3,176,555,996 (\$ 58,825,111)	PHP 2,995,951,996 (\$ 55,480,592)	PHP 98,500,000 (\$ 1,824,075)	PHP 82,104,000 (\$ 1,520,444)
2018 (as of August)	PHP 3,801,937,226 (\$ 70,406,244)	PHP 3,681,478,226 (\$ 68,175,522)	PHP 108,459,000 (\$ 2,008,500)	PHP 12,000,000 (\$ 222,222)

Note: USD \$1 = Php 54 (USD Equivalent Amount Rounded-off)

Salary of public attorneys

Table 2

POSITION	2018 SALARY GRADE	CY 2001 MONTHLY SALARY (1 ST Step)	CY 2018 MONTHLY SALARY (1 ST Step)	CY 2019 MONTHLY SALARY
ASSOCIATE PUBLIC ATTORNEY I	18	PHP 15,841.00 (\$293.35)	PHP 38,085.00 (\$705.27)	PHP 40,637.00 (\$ 752.53)
ASSOCIATE PUBLIC ATTORNEY II	22	PHP 19,251.00 (\$356.50)	PHP 58,717.00 (\$1,087.35)	PHP 65,319.00 (\$ 1,209.61)
PUBLIC ATTORNEY I	25	PHP 20,823.00 (\$385.61)	PHP 82,439.00 (\$1,526.64)	PHP 95,083.00 (\$1,760.79)
PUBLIC ATTORNEY II	26	PHP 21,655.00 (\$401.01)	PHP 92,108.00 (\$1,705.70)	PHP 107,444.00 (\$1,989.70)
PUBLIC ATTORNEY III	27	PHP 22,521.00 (\$417.05)	PHP 102,910.00 (\$1,905.74)	PHP 121,411.00 (\$2,248.35)
PUBLIC ATTORNEY IV	28	PHP 23,422.00 (\$ 433.74)	PHP 114,981.00 (\$2,129.27)	PHP 137,195.00 (\$ 2,540.64)
PUBLIC ATTORNEY V	29 Step 1	PHP 24,359.00 (\$451.09)	PHP 128,467.00 (2,379.01)	PHP 155,030.00 (\$ 2,870.92)
DEPUTY CHIEF PUBLIC ATTORNEY	29 Step 4	PHP 25,333.33 (\$469.13)	PHP 134,330.00 (\$2,487.59)	PHP 162,746.00 (\$ 3,013.81)
CHIEF PUBLIC ATTORNEY	31*	PHP 28,875.00 (\$534.72)	PHP 198,168.00 (\$ 3,669.77)	PHP 257,809.00 (\$ 4,774.24)

* Salary Grade (SG) attained "for being a Highest Presidential *Lingkod Bayan* Awardee and promoted in September 2004 from Undersecretary rank (SG 30) to Department Secretary rank (SG 31) pursuant to E.O. 508 issued on 2 March 1992, as amended by E.O. 77 issued on 31 March 1993, in relation to Section 35, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987."

Number of public attorneys, number of cases and clients per public attorney

Rise in *plantilla* positions for public attorneys & support personnel - Table 3

Year	No. of Public Attorneys	No. of Support Personnel
2014	1,522	1,016
2015	1,523	1,023
2016	1,688	1,024
2017	2,005	984

Increased no. of public attorneys, no. of cases handled & clients served - Table 4

Year	No. of Public Attorneys	No. of Cases per Public Attorney	No. of Clients per Public Attorney
2014	1,522	523	4,937
2015	1,523	565	5,087
2016	1,688	511	5,237
2017	2,005	458	5,794

PAO's surging no. of clients & cases handled Table 5

Year	Total No. of Clients Served by PAO	Total No. of Cases Handled by PAO
2014	7,514,325	783,569
2015	7,747,735	848,516
2016	8,839,742	850,298
2017	11,616,916	906,251

Highlights of the PAO's accomplishments in 2017

76.13% favorable dispositions in criminal cases



- **Judicial services** refer to legal representation in court or quasi-judicial bodies.
- PAO renders free legal representation to indigent persons and other qualified clients in
 - criminal
 - civil
 - labor
 - administrative and
 - other quasi-judicial cases
- **Non-judicial services** refer to the instant services and outreach activities of the Office
 - Instant services - legal counselling and documentation (i.e. preparation of affidavits, notices, etc.), and administering of oaths
 - Outreach activities - police custodial investigation and inquest proceedings, jail visitations and *barangay* (the basic political unit in the Philippines) outreach programs

PAO handles cases - from institution up to finality of judgment, including the appeals (subject to existing PAO law, rules and regulations)

Highlights of the PAO's accomplishments in 2017 (Continuation)

Table 6

JUDICIAL	
REGULAR SERVICES	906, 251
1. Criminal	640,094
2. Civil	41,004
3. Admin. 1 (Administrative Cases Proper)	13,807
4. Admin. 2 (Prosecutor's Office Cases)	64, 033
5. Admin. 3 (Labor Cases)	44, 630
6. Appealed Cases	17, 054
7. Women Clients (Victims of R.A. 9262)	36, 067
8. Children in Conflict with the Law	24, 153
9. Special Legal Services (Pursuant to Sec. 14-A of R.A. 9406 and MOAs)	25, 409
LIMITED SERVICES	
1. Arraignment	133, 109
2. Pre-Trial	84, 957
3. Promulgation	61, 339
4. Others (As counsel de oficio, Direct or Cross Examination during trial in the absence of private counsel, Motion to Bail, etc)	406, 667

QUASI-JUDICIAL	
RENDITION OF QUASI-JUDICIAL SERVICES	337, 850
1. Mediation and Conciliation	337, 831
2. Investigation (R.A. 9745 or Anti-Torture Law	19

Table 7

Highlights of the PAO's accomplishments in 2017 (Continuation)

Table 8

NON-JUDICIAL	
Rendition of Non-Judicial Services	8, 409, 045
1. Legal Counseling/ Advice	3, 488, 920
2. Legal Documentation	2, 087, 554
3. Oaths Administered	2, 832, 571
Outreach Activities	1, 041, 382
4. Inquest Investigation & Custodial Interrogation	252, 169
5. Nationwide Lawyers' Jail Visitation	789, 213
5.1. No. of Interviews Conducted with Inmates	346, 772
5.2. No. of Prisoners Provided Assistance	442, 441

Table 9

Forensic Services Rendered	589
<i>Barangay</i> Outreach	199, 500
PAO Central Office Legal and Medical Jail Visitation and Decongestion Program	7, 396
Office of the CPA (Answer/Reply to queries of the public)	28, 831

Highlights of the PAO's accomplishments in 2017 (Continuation)

Table 10

	Judicial	Non-Judicial
Persons with Disabilities (PWDs)	2, 726	6, 963
Senior Citizens	14, 216	226, 396
Overseas Filipino Workers [OFWs] (Land)	836	5, 215
OFWs (Sea)	212	5, 217
Indigenous Group	8, 654	53, 104
Comprehensive Dangerous Drugs Act (RA 9165)	210, 863	186, 226
Anti-Trafficking	646	1, 513
Agrarian Cases	1, 390	8, 076
Rape Victims	2, 240	4, 107
Anti-Torture	342	1, 202
Human Security Act	98	1, 161
Refugees/Evacuees	22	3, 073

Highlights of the PAO's accomplishments in 2017 (Continuation)

Table 11

Total Number of Terminated Criminal Cases		211, 226
Total Number of Acquittals and Other Favorable Dispositions		161, 138
Acquittals	16, 754	
Other favorable dispositions	144, 384	

ACQUITTALS AND OTHER FAVORABLE DISPOSITIONS

Criminal Cases - 2007 to 2017

Table 12

YEAR	Acquittals	Other Favorable Dispositions	Total Number of Acquittals and Other Favorable Dispositions (Criminal Cases)
2007	13,265	63,328	76,593
2008	9,859	72,107	81,966
2009	10,906	107,713	118,619
2010	12,562	135,905	148,467
2011	18,064	155,508	173,572
2012	10,687	100,372	111,059
2013	11,659	140,793	152,452
2014	12,199	137,615	149,814
2015	13,221	145,127	158,348
2016	13,881	134,835	148,716
2017	16,754	144,384	161,138
TOTAL (2007-2017)	143,057	1,337,687	1,480,744

Monitoring of public attorneys

- 1. Rigid selection of public attorneys and staff;*
- 2. Evaluation by immediate supervisors/
other high ranking PAO officials;*
- 3. Evaluation by clients;*
- 4. Ensure accountability of erring employees;*
- 5. Implementation of administrative sanctions/ penalties;*
- 6. Installation of Biometrics System;*
- 7. Spot Inspection*



Financial eligibility criteria for legal aid eligibility

INDIGENCY TEST > Article 3, Chapter II, 2016 Revised PAO Operations Manual

Under the **Indigency Test**, the applicant must show that his/her individual net income does not exceed the following:

- “1. If residing in Metro Manila, whose individual net income does not exceed **P14,000.00** a month;
2. If residing in other cities, whose individual net income does not exceed **P13,000.00** a month; and
3. If residing in all other places, whose individual net income does not exceed **P12,000.00** a month.

The term **income shall not include the pension** received by retirees.

The term “**net income**” as herein employed shall be understood to refer to the income of the litigant less statutory and authorized deductions.

‘**Statutory deductions**’ shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums; and other loan amortizations duly supported by written contracts.

INDIGENCY TEST > Article 3, Chapter II, 2016 Revised **PAO Operations Manual (Continuation)**

Authorized deductions shall be understood to include all deductions as reflected in the pay slip, other deductions with the expressed written consent of the employee and in agreement with the employer, and all other deductions that can be substantiated by the employee.

For purposes of this Section, ownership of land shall not per se constitute a ground for disqualification of an applicant for free legal assistance in view of the ruling in Juan Enaje vs. Victorio Ramos, et al. (G.R. No. L-22109, January 30, 1970) that the determinative factor for indigency is the income of the litigant and not his ownership of real property.



**INDIGENCY TEST > Article 3, Chapter II, 2016 Revised
PAO Operations Manual (Continuation)**

Furthermore, the applicant shall be required to execute an Affidavit of Indigency and to submit any of the following documents:

1. Latest Income Tax Return or pay slip or other proofs of income; or
2. Certificate of Indigency from the Department of Social Welfare and Development, its local District Office, or the Municipal Social Welfare and Development Office of the place where he/she is residing; or
3. Certificate of Indigency from the Barangay Chairman having jurisdiction over his/her place of residence.”

INDIGENCY TEST > Article 2, Chapter II, 2016 **Revised PAO Operations Manual**

“Section 2. Merit Test. - A case shall be considered meritorious, if an assessment of the law and evidence on hand, discloses that the legal services of the office will assist, or be in aid of, or in the furtherance of justice x x x.”



The old and revised Income Tests of the Indigency Test

Table 13

<p style="text-align: center;">Old Income Test <i>Memorandum Circular No. 18,</i> <i>Series of 2002</i></p>	<p style="text-align: center;">Revised Income Test <i>Memorandum Circular No. 02,</i> <i>Series of 2010</i></p>
<p>“Xxx (T)he following shall be considered indigent persons:</p> <ol style="list-style-type: none"> 1. Those residing in Metro Manila whose family income does not exceed P14,000.00 a month; 2. Those residing in other cities whose family income does not exceed P13,000.00 a month; and 3. Those residing in all other places whose family income does not exceed P12,000.00 a month (As amended by MC No. 2, Series of 1998 dated August 25, 1998) <p>The term “family income” as herein employed shall be understood to refer to the <u>gross income of the litigant and that of his or her spouse</u>, but shall not include the income of the other members of the family. (Underscoring supplied)</p> <p>Xxx”</p>	<p>“Xxx (T)he following applicant shall be considered as an indigent person:</p> <ol style="list-style-type: none"> 1. If residing in Metro Manila, whose net income does not exceed Php14,000.00 a month; 2. If residing in other cities, whose net income does not exceed Php13,000.00 a month; 3. If residing in other places, whose net income does not exceed Php 12,000.00 a month. <p>The term “net income” as herein employed shall be understood to refer to the <u>income of the litigant less statutory deductions</u>. (Underscoring supplied)</p> <p>Statutory deductions shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums as well as mandatory deductions.</p> <p>Xxx”</p>

Income Test reflecting the “individual net income”
as stated in Chapter II, Article 3 of the
*2016 Revised Operations Manual - Office Order No. 224,
Series of 2016, as Corrected/Modified by Memorandum
Circular No. 003, Series of 2017*

- “1. If residing in Metro Manila, whose individual net income does not exceed **P14,000.00** a month;
2. If residing in other cities, whose individual net income does not exceed **P13,000.00** a month; and
3. If residing in all other places, whose individual net income does not exceed **P12,000.00** a month.

Table 13.1

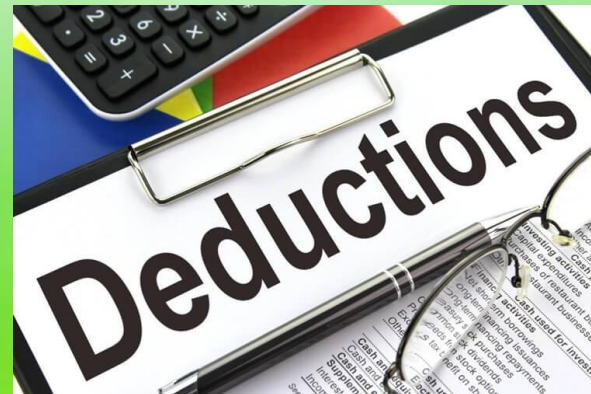
(Continuation)

The term “**net income**” as herein employed shall be understood to refer to the income of the litigant less statutory and authorized deductions.

“**Statutory deductions**” shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums; and other loan amortizations duly supported by written contracts.

Authorized deductions shall be understood to include all deductions as reflected in the pay slip, other deductions with the expressed written consent of the employee and in agreement with the employer, and all other deductions that can be substantiated by the employee.

- Xxx” (Underscoring supplied).



(Continuation)

The term **income shall not include the pension** received by retirees.*

The term “**net income**” as herein employed shall be understood to refer to the income of the litigant less statutory and authorized deductions.

“**Statutory deductions**” shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums; and other loan amortizations duly supported by written contracts.

Authorized deductions shall be understood to include all deductions as reflected in the pay slip, other deductions with the expressed written consent of the employee and in agreement with the employer, and all other deductions that can be substantiated by the employee.

Xxx” (Underscoring supplied).

(**Memorandum Circular No. 002, Series of 2016, dated February 26, 2016, Re: Exclusion of Pension in the Determination of Indigency Qualifications of Applicants for PAO Legal Services*)

New services and/or innovative projects

1. Extension of the time which the general public can avail of the legal services of the office;
2. Inquest duty at the Central Office and selected district offices
3. PAO Legal, Medical, Dental, Optical Mission and Jail Decongestion Program,
4. The PAO Victims' Assistance Unit, and
5. PAO Forensic Laboratory

PAO-Central Office Legal, Medical, Dental, Optical Mission and Jail Decongestion Program

The Office of the President noted that a total of **40, 969** inmates were freed from overcrowded jails and prisons nationwide through the PAO's jail visitation and decongestion program from July 2010 to April 2012. (*Office of the President Technical Report, 2012 SONA of former President Benigno S. Aquino III*)



- **Received the *Excellence Award in Criminal Justice*** from the Filipino Academy of Movie Arts and Sciences (FAMAS) on July 13, 2014.
- **Recognized for its contributions in alleviating the plight of inmates that we visited in various jails, detention centers, and correctional facilities in our country.**

PAO Victims' Assistance Unit

- Created on July 12, 2012
- Addresses the needs of:
 - ✓ victims of violence against women and their children
 - ✓ victims of torture, massacres & killings
 - ✓ mass disasters & natural calamities
 - ✓ and children in conflict with the law and
 - ✓ other similar cases



PAO Forensic Laboratory

- Provides medico-legal and forensic assistance to clients of PAO Victims' Assistance Unit
- Was launched on January 27, 2010



The PAO Forensic Team


- Retrieval operations & exhumation activities in connection with the *M/V Princess of the Stars* maritime tragedy
 - ❑ Vessel sunk on *June 21, 2008* in the deep waters of San Fernando, Sibuyan Island, in the province of Romblon
 - ❑ Philippine Coast Guard, Royal Jessan Petromin Resources, Inc., & the PAO Forensic Team retrieved and exhumed:
 - **133** human remains (Yr. 2010)
 - **15** human remains (May and July 2011)
 - **11** had been positively identified & turned-over to families/relatives

The cases of the relatives of the victims of the *M/V Princess of the Stars* maritime tragedy (pursuant to Department Order No. 439, Series of 2008)


- *71 civil cases* - RTC-Branch 49, Manila; **Status:** Decided, but subject of an appeal filed by the Sulpicio Lines before the Court of Appeals
- *64 civil cases* - RTC-Branch 10, Cebu City; **Status:** Submitted for Decision
- Criminal case for Reckless Imprudence
Status: Pending at the Supreme Court



FBI NO. : 12 Dec 2007 05:44 P 001



Republic of the Philippines
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila



VN-DC-_____

DEPARTMENT ORDER NO. 792


SUBJECT: AUTHORITY TO REPRESENT POSSIBLE VICTIMS OF DENGVAXIA RELATED INJURIES, ILLNESSES AND DEATHS

DATE: DEC 12 2007

In the interest of the service and pursuant to the provisions of Republic Act No. 9406 and its Implementing Rules and Regulations, the Public Attorney's Office, through Chief Public Attorney Persida V. Rueda-Acosta, is hereby authorized and directed to extend free legal assistance in civil, criminal and administrative cases to all possible victims of Dengvaxia related injuries, illnesses and deaths.


This Order takes effect immediately and shall remain in force until revoked.

For strict compliance.


VITALIANO H. AGUIRRE II
 Secretary

Department of Justice
CA 02017206
000000000000000000

Copy furnished:
All concerned.


 King Martin Luther T. Ancheta



NEVER AGAIN

***Never again to indiscriminate
mass vaccination
marred by deplorable indifference
and gross negligence!!!***

Table 14

Year	No. of forensic services rendered
2014	24
2015	144
2016	329
2017	589



NOTE: 2010 & 2011 Statistical Data not included here.

As mentioned earlier, one hundred thirty-three (133) human remains in 2010, and fifteen (15) in May and July 2011) were retrieved and exhumed by the PAO Forensic Team, with the help of the Philippine Coast Guard and Royal Jessan Petromin Resources, Inc., in connection with the case of the *M/V Princess of the Stars*.



6th Mandatory Continuing Legal Education (MCLE) Accredited National Convention of Public Attorneys held on September 18 - 22, 2017 at the Tent City, Manila Hotel

Mandatory Continuing Legal Education (MCLE) Conventions

2nd National Convention of
PAO Lawyers

- August 18 to 23, 2003

Grand Workshop of the Lawyers and
Staff of the Public Attorney's Office

- November 6 to 10, 2006

3rd MCLE Accredited National
Convention of Public Attorneys

- September 28 to October 2, 2009

4th MCLE Accredited National
Convention of Public Attorneys

- December 12 to 16, 2011

5th MCLE Accredited National
Convention of Public Attorneys

- October 12 to 17, 2014



PAO's International Partner Institutions/Training Sponsors

- *United Nations Children's Fund (UNICEF)*
- *United Nations Development Programme (UNDP)*
- *United Nations Office on Drugs and Crime (UNODC)*
- *Office of the United Nations High Commissioner for Refugees (UNHCR)*
- *United States Agency for International Development (USAID)*
- *American Bar Association - Rule of Law Initiative (ABA-ROLI)*



Maraming Salamat Po

Outstanding Institution for Government Service Year 2017
19th Founding Anniversary of Volunteers Against
Crime and Corruption(VACC)
Heroes Hall, Malacañang Palace, Manila
August 16, 2017

2017 The Rotary Golden Wheel Awards
Exemplary Achievements in the field of Social Justice
Paul Harris Vocational Service Awards
Crowne Plaza Manila Galleria
February 4, 2017

9th Natatanging San Joseño Gawad Parangal
Natatanging San Joseño sa Paglilingkod Bayan
Aking Dangal at Kalinga, Inc.
City of San Jose Del Monte, Bulacan
Nobyembre 4, 2016

Plaque of Recognition
64th Anniversary of the National Press Club
Bulwagang Plaridel, Intramuros, Manila
October 28, 2016

Gawad Dangal ng Lipi 2016
Sa Larangan ng Paglilingkod Bayan
Lalawigan ng Bulacan, Lungsod ng Malolos
September 15, 2016

Outstanding and Significant Achievement in
Public Service Award
18th Founding Anniversary of Volunteers Against
Crime and Corruption (VACC)
Rizal Hall, Malacañang Palace, Manila
August 29, 2016

2016 Golden Globe Annual Awards for Filipino Achiever
Outstanding and Significant Achievement in Public Service

To avail of free legal counselling, call PAO hotline: (02) 426-26-83; (02) 426-24-50;
(02) 426-28-01; (02) 426-20-75; (02) 426-23-95 and (02) 426-29-87 or 929-94-36 local 106 / 107 during
office hours and local 159 after office hours (including weekends and holidays), . You may also send your e-mail to
pao_executive@yahoo.com or visit PAO-Central Office at DOJ Agencies Bldg., NIA Road corner East Avenue,
Dilliman, Quezon City. For more information, you may access our website at www.pao.gov.ph

2015 Most Outstanding Filipino Public Service Award
15th Gawad Amerika Awards

2015 Most Outstandinging Public Service Year Award
Lyceum of the Philippines University Alabang

2015 Pamana ng Kapayapaan
Asian Congress for Media and Communication

Outstanding Alumna Award
University of the East - Visayas
Hawaii Chapter (UEAA)

Congratulatory Certificate
28th Legislature of the Philippines

PASADO Gawad Sinasadya
PinakaPASADONG Lungsod ng Marikina
(May Mataas na Pampelikulang Sarap)

Gintuang Sulo ng Bayan
Golden Torch Creative

Outstanding San Rafael
D'San Rafaelenos of San Rafael

2nd Gintong Palad Public
Movie Writers Welfare
Rotary Club of Intramuros

Special Award for an Institution
in the Government Service
Volunteers Against Crime

Filipino Academy of Movie Writers
62nd FAMAS Annual Awards
FAMAS Excellence Award
PAO Jail Decongestion

Dr. Persida V. Rueda-Acosta
Chief Public Attorney



The Report of the Public Attorney's Office

(Serving, Sharing, and Striving More to Fulfill Its Mandate)

By DR. PERSIDA V. RUEDA-ACOSTA, DSD

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Climate Reality Leader, The Climate Reality
Project/The Climate Reality Leadership Corps
Senior Fellow, Asian Public Intellectuals Fellowships
Fellow, Salzburg Global Seminar
Fellow, Japan Legal Aid Association
International Visitor (IV), International Visitors Program
of the United States of America
Member, International Legal Aid Group
Member, International Association of Bloodstain Pattern Analysts
Member, International Corrections and Prisons Association
4th Placer, 1989 Philippine Bar Examinations
Professor, Ateneo de Manila University Law School*

It is my fourth time to be here at the International Forum on Legal Aid (IFLA), a global gathering of distinguished legal aid professionals and advocates that is organized by our amiable host, the Legal Aid Foundation (LAF) of Taiwan. I am both humbled and honored to be a part of the past three (3), and the fourth and current conferences of the LAF – from its infancy and now that it has grown in stature in the legal aid community, as well as in its capacity to serve its clientele.

Our previous conference in 2014 was a milestone for both the Public Attorney's Office and the Legal Aid Foundation, since it was then when we signed our Memorandum of Understanding which has benefited the citizens of the Republic of the Philippines and Republic of China (Taiwan).

I will deliver my Report in accordance with the questions and some statistical data asked by our host. I will answer the questions that are applicable to our Office, the Public Attorney's Office or PAO. With regard to the statistical data, I will provide the figures that are pertinent to my Report.

However, before I go to the said questions, I will share with you some of the basic information about the Public Attorney's Office, the agency which I have been serving as its nationwide head since 2001. It is the principal law

office of the Philippine government in extending free legal assistance to indigent persons and other mandated clients in criminal, civil, labor, administrative and other quasi-judicial cases. By virtue of Republic Act No. 9406, which was approved on March 23, 2007, the Public Attorney's Office has become an independent and autonomous office, attached to the Department of Justice only for purposes of policy and program coordination.

Republic Act No. 9406 is otherwise known as "An Act Reorganizing And Strengthening The Public Attorney's Office (PAO), Amending For The Purpose Pertinent Provisions Of Executive Order No. 292, Otherwise Known As The 'Administrative Code Of 1987', As Amended, Granting Special Allowance To PAO Officials And Lawyers, And Providing Funds Therefor".

Among the highlights of this law are the following, to wit:

(1) "Xxx The Chief Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the Chief State Prosecutor of the National Prosecution Service. The Deputy Chief Public Attorneys shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the Assistant Chief State Prosecutor of the National Prosecution Service. Xxx

"The Regional Public Attorney and the Assistant Regional Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of a Regional State Prosecutor and the Assistant Regional State Prosecutor of the National Prosecution Service respectively.

"The Provincial Public Attorney, City Public Attorney and the Municipal District Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances and retirement privileges as those of a Provincial

Prosecutor and City Prosecutor as the case may be, of the National Prosecution Service, respectively.

"The other administrative personnel in the PAO shall have the rank and salaries equivalent to their counterpart in the National Prosecution Service";¹

(2) The Chief Public Attorney, Deputy Chief Public Attorneys and Regional Public Attorneys shall not be removed or suspended, except for cause provided by law;²

(3) The clients of the PAO are exempted from payment of docket and other fees incidental to instituting an action in court and other quasi-judicial bodies;³

(4); Local government units are authorized to extend financial and other support in the form of honoraria, free office space, equipment, furniture, stationery, and manpower to the PAO;⁴

(5) The PAO is exempted from payment of charges on postage stamps and mail matters;⁵

(6) Public Attorney's positions at the ratio of one public attorney to an organized court sala;⁶

(7) PAO lawyers have general authority to administer oaths in connection with the performance of duty. No need to apply before the courts for authority as notary public;⁷ and

(8) The Chief Public Attorney, the Deputy Chief Public Attorneys, the Regional Public Attorneys, the Provincial, City and Municipal District Public Attorneys, other PAO lawyers and officials who have direct supervision over

¹ Section 5, *Republic Act No. 9406*

² Section 6 [16-A], *Ibid.*

³ Section 6 [16-D], *Id.*

⁴ Section 6 [16-E], *Id.*

⁵ Section 6 [16-F], *Id.*

⁶ Section 7, *Id.*

⁷ Section 8, *Id.*

PAO lawyers shall be granted special allowances not exceeding 100% of the basic salary of PAO officials and lawyers.⁸

Compared to one which is under departmental supervision and control or administrative supervision, an attached agency has a larger measure of independence from the department to which it is attached. Attachment refers to the lateral relationship between the Department or its equivalent and the attached agency or corporation for purposes of policy and program coordination. Matters of day-to-day administration or all those pertaining to internal operations are left to the discretion or judgment of the executive officer of the agency or corporation.⁹

The Chief Executive Officer of the Public Attorney's Office is the Chief Public Attorney. Republic Act No. 9406 provides that the authority and mandate of this Office and the discharge of its power and functions shall be vested in the Chief Public Attorney.¹⁰

The Chief Public Attorney is assisted by two (2) Deputy Chief Public Attorneys. One is designated as Deputy Chief Public Attorney for administration, and the other one as Deputy Chief Public Attorney for Operations.¹¹

Likewise, parts of the organizational structure of the Public Attorney's Office are the six (6) line services of the Central Office. Under the supervision of the Deputy Chief Public Attorney for Administration are three (3) of the line services namely, the Administrative, Financial Planning and Management, and the Executive Support Staff. The remaining three (3) services, which are the Special and Appealed Cases, Legal Research, and the Field Operations and Statistics Service, are under the supervision of the Deputy Chief Public Attorney for Operations.

⁸ Section 9, *Republic Act No. 9406*.

⁹ Executive Order 292, *Instituting the "Administrative Code of 1987"* Book IV, Chapter 7

¹⁰ Section 5, *Supra*, Note 8.

¹¹ Section 4, *Ibid*.

Below the structure are the seventeen **(17)** regional offices, three hundred sixteen **(316)** district offices, four **(4)** sub-district offices, two **(2)** Regional Special and Appealed Cases Units, and two **(2)** satellite offices. A total of three hundred forty-one **(341)** offices outside of the Central Office are located at strategic places across the country to effectively and efficiently deliver free legal aid services to indigent and other qualified clients.

As of August 2018, the Public Attorney's Office has two thousand eighty **(2,080)** public attorneys and one thousand seven **(1,007)** non-lawyer employees. The Philippines, with a population of **106.4** million¹² and around forty thousand **(40,000)** lawyers¹³, can rely on a total of three thousand eighty-seven **(3,087)** officials and personnel of the Public Attorney's Office to carry out its mandate nationwide and serve the legal needs of its qualified clients.

Moving on now to our answers to our host's questions...

I. QUESTION: Were there any major changes in your organization over the past four years in the following aspects: organization structure; legal aid funding; number of staff lawyers; ratio of cases taken by staff attorneys; quality management; recruitment and/or monitoring of legal aid attorneys; salary of legal aid staff attorneys; procedures and financial eligibility criteria for legal aid applications; new services and/or innovative projects? If yes, specify the changes and reasons.

ANSWER: Yes, there were major changes at the Public Attorney's Office over the past four (4) years in the following aspects:

¹² Jaymalin, Mayen (2018, July 28). *Population balloons to 106.4 million*. Retrieved from <https://www.philstar.com/headlines/2018/07/28/1837539/population-balloons-1064-millionlion#5LTpTfvg8p0IEZEb.99>.

¹³ Gatdula, Jemy (2016, September 16). *Too Many Lawyers*. Retrieved from <http://bworldonline.com/content.php?id=133546>.

Legal aid funding

Year	Total Allotment Released	Personnel Services	Maintenance and Other Operating Expenses	Capital Outlay
2014	PHP 1,971,795,162 (\$ 36,514,725)	PHP 1,875,975,162 (\$ 34,740,281)	PHP 92,120,000 (\$ 1,705,926)	PHP 3,700,000 (\$ 68,518)
2015	PHP 2,101,845,496 (\$ 38,923,065)	PHP 1,980,878,496 (\$ 36,682,936)	PHP 94,467,000 (\$ 1,749,389)	PHP 26,500,000 (\$ 490,740)
2016	PHP 2,550,763,254 (\$ 47,236,357)	PHP 2,331,448,254 (\$ 43,174,968)	PHP 96,316,000 (\$ 1,783,629)	PHP 122,999,000 (\$ 2,277,760)
2017	PHP 3,176,555,996 (\$ 58,825,111)	PHP 2,995,951,996 (\$ 55,480,592)	PHP 98,500,000 (\$ 1,824,075)	PHP 82,104,000 (\$ 1,520,444)
2018 (as of August)	PHP 3,801,937,226 (\$ 70,406,244)	PHP 3,681,478,226 (\$ 68,175,522)	PHP 108,459,000 (\$ 2,008,500)	PHP 12,000,000 (\$ 222,222)

Table 1

Note: USD \$1 = Php 54
USD Equivalent Amount Rounded-off

In the span of four (4) years, as indicated in the table above, the total allotment released for the *legal aid funding* of the PAO continuously increased. We have also included here our legal aid funding for this year, which is **P 3,801,937,226** or **\$ 70,406,244**, as of August 2018. Kindly refer to Table 1 for the breakdown. Last year, it amounted to **P 3,176,555,996** or **\$ 58,825,111**. Please see Table 1 for the breakdown.

Our Office has minimal operating expenses since a lot of local government units extend financial and other support in the form of honoraria, free office space, equipment, furniture, stationery, and manpower to our district offices nationwide, in faithful adherence with the provision of Section 6 of *Republic Act No. 9406* or the PAO Law. Local government units also defray utility expenses of the said offices.

In 2017, on the average, the government merely spent two hundred

seventy-two pesos and six centavos (Php 272.06)¹⁴ as fee for every client of the PAO. Our Office spent the said amount prudently and sensibly, keeping in mind that we are spending the Filipino taxpayers' money.

Salary of public attorneys

As for the increase in the salary of public attorneys, shown below is Table 2, reflecting the said increase in the years 2001, 2018, and 2019. Pardon me for digressing from the four-year period as a reference point for this topic. With the statistical data on Table 2, allow me, please, to emphasize the fact that public attorneys worked hard and tendered years of “labor of love” for our clients even during those times when our lawyers with salary grade 18 only received **P15,841.00** or **\$293.35** as their monthly salary.

POSITION	2018 SALARY GRADE	CY 2001 MONTHLY SALARY (1 ST Step)	CY 2018 MONTHLY SALARY (1 ST Step)	CY 2019 MONTHLY SALARY
ASSOCIATE PUBLIC ATTORNEY I	18	PHP 15,841.00 (\$293.35)	PHP 38,085.00 (\$705.27)	PHP 40,637.00 (\$ 752.53)
ASSOCIATE PUBLIC ATTORNEY II	22	PHP 19,251.00 (\$356.50)	PHP 58,717.00 (\$1,087.35)	PHP 65,319.00 (\$ 1,209.61)
PUBLIC ATTORNEY I	25	PHP 20,823.00 (\$385.61)	PHP 82,439.00 (\$1,526.64)	PHP 95,083.00 (\$ 1,760.79)
PUBLIC ATTORNEY II	26	PHP 21,655.00 (\$401.01)	PHP 92,108.00 (\$1,705.70)	PHP 107,444.00 (\$1,989.70)
PUBLIC ATTORNEY III	27	PHP 22,521.00 (\$417.05)	PHP 102,910.00 (\$1,905.74)	PHP 121,411.00 (\$2,248.35)
PUBLIC ATTORNEY IV	28	PHP 23,422.00 (\$ 433.74)	PHP 114,981.00 (\$2,129.27)	PHP 137,195.00 (\$ 2,540.64)
PUBLIC ATTORNEY V	29 Step 1	PHP 24,359.00 (\$451.09)	PHP 128,467.00 (2,379.01)	PHP 155,030.00 (\$ 2,870.92)
DEPUTY CHIEF PUBLIC ATTORNEY	29 Step 4	PHP 25,333.33 (\$469.13)	PHP 134,330.00 (\$2,487.59)	PHP 162,746.00 (\$ 3,013.81)

¹⁴ Total budget received excluding terminal leave for the year 2017 divided by the number of clients assisted/served for the year 2017.

CHIEF PUBLIC ATTORNEY	31 ¹⁵	PHP 28,875.00 (\$534.72)	PHP 198,168.00 (\$ 3,669.77)	PHP 257,809.00 (\$ 4,774.24)
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Table 2

Note: USD \$1 = PHP 54

In relation to this, the United Nations Development Programme-funded study entitled, *2003 Assessment of the Public Attorney's Office* noted the following observation:

“The ability of an organization to motivate its staff rests not only on monetary terms. Apparently, in the PAO the psychic rewards of helping the poor are very strong....”¹⁶

Nonetheless, the same study said:

(O)ur research indicates that the PAO is able to provide adequate and affordable access to justice for its poor clients despite immense resource constraints. However, the PAO has reached its peak capacity with further expansion in services already heavily constrained by a limited budget. With demand for its services expected to rise even further in the coming years, the sustainability of its operations is severely challenged....”¹⁷

As per the said study, we were “already heavily constrained by a limited budget” then, and that “in the coming years, the sustainability of (our) operations (will) be severely challenged.” Evidently, we were able to rise up from the said circumstances. This was made possible with the approval of *Republic Act No. 9406* or the PAO Law, which I have already mentioned earlier. The approval of this law stands on the solid foundation of hard work and dedication to duty, which is nothing less than “working beyond the call of duty.” I personally abide by this work ethic, and since my appointment in

¹⁵ Salary Grade (SG) attained “for being a Highest Presidential *Lingkod Bayan* Awardee and promoted in September 2004 from Undersecretary rank (SG 30) to Department Secretary rank (SG 31) pursuant to E.O. 508 issued on 2 March 1992, as amended by E.O. 77 issued on 31 March 1993, in relation to Section 35, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987.”

¹⁶ Supreme Court Republic of the Philippines, United Nations Development Programme, La Salle Institute of Governance (2003). Retrieved from <http://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2012/12/2003-Assessment-of-PAO.pdf>.

¹⁷ *Ibid.*

2001 as Chief Public Attorney, I am glad that most, if not all, of our public attorneys and support personnel practice the same.

Going back to Table 2, it is shown that an Associate Public Attorney I position with salary grade 18, has a corresponding monthly salary of **P 38,085.00** or **\$705.27** effective this year; for the same position, the forthcoming salary in 2019, is **P40,637.00** or **\$ 752.53**. Please be informed, however, that most of the successful lawyer-applicants to the Public Attorney’s Office are given a Public Attorney I entry position, with a current monthly salary of **P82,439.00** or **\$1,526.64**; for the same position the forthcoming salary in 2019, is **P95,083.00** or **\$1,760.79**.

Because of the increase of the salary of public attorneys in consonance with *Republic Act No. 9406*, our Office can offer competitive salaries to even our newly-hired public attorneys. Their salaries and benefits are even higher than the compensation being offered to their counterparts in small and medium size law firms in the Philippines.

Number of public attorneys, number of cases and clients per public attorney

As shown in Table 1, the budget for the salary of public attorneys has also been increased. This is because, aside from the increase in the salaries of PAO employees, there is also an ascent in the number of *plantilla* positions for the said PAO employees. The rise in the *plantilla* positions for both the public attorneys and staff for the past four (4) years (2014 - 2016) is shown on the table below:

Year	No. of Public Attorneys	No. of Support Personnel
2014	1,522	1,016
2015	1,523	1,023
2016	1,688	1,024
2017	2,005	984

Table 3

Last year (2017), it is evident on Table 3 that the number of our

support staff was below the figures reflecting the statistics of the previous years (2014-2016). This is due to the retirement of our retired personnel which necessitated our Office to appoint qualified applicants; however, the aspirants had to pass through a rigid selection process which needed some time to be accomplished.

As to the increased number of public attorneys from 2014 to 2017, and each of these lawyers' number of cases handled and clients served during the said period, please refer to Table 4.

Year	No. of Public Attorneys	No. of Cases per Public Attorney	No. of Clients per Public Attorney
2014	1,522	523	4,937
2015	1,523	565	5,087
2016	1,688	511	5,237
2017	2,005	458	5,794

Table 4

Collectively, the Public Attorney's Office was able to render legal assistance to surging number of clients and handle equally rising number of cases during the said four-year period. The swelling figures are shown on the table below (Table 5):

Year	Total No. of Clients Served by PAO	Total No. of Cases Handled by PAO
2014	7,514,325	783,569
2015	7,747,735	848,516
2016	8,839,742	850,298
2017	11,616,916	906,251

Table 5

Highlights of accomplishments in 2017

As stated in Table 5, for the year 2017 alone, the Public Attorney’s Office has extended free legal services to eleven million six hundred sixteen thousand nine hundred sixteen (**11,616,916**) clients and handled nine hundred six thousand two hundred fifty-one (**906,251**) cases. In the said cases, we obtained **76.13%** favorable dispositions (in criminal cases). The PAO carries out its mandate through its judicial and non-judicial services.

Judicial services refer to legal representation in court or quasi-judicial bodies. Thus, the PAO renders free legal representation to indigent persons and other qualified clients in criminal, civil, labor, administrative and other quasi-judicial cases. The Office handles their cases from their institution up to finality of judgment, including the appeals, subject to existing PAO law, rules and regulations.

Non-judicial services refer to the instant services and outreach activities of the Office. The instant services include legal counselling and documentation (i.e. preparation of affidavits, notices, etc.), and administering of oaths. On the other hand, outreach activities include police custodial investigation and inquest proceedings, jail visitations and *barangay* outreach programs. (A *barangay* is the smallest administrative unit in my country. This also refers to a community or village.) These services are likewise available subject to existing PAO law, rules and regulations.

In 2017, we rendered **906,251** judicial services through our regular services and given **686,072** limited services. Please refer to Table 6.

JUDICIAL	
REGULAR SERVICES	906, 251
1. Criminal	640,094
2. Civil	41,004
3. Admin. 1 (Administrative Cases Proper)	13,807

4. Admin. 2 (Prosecutor's Office Cases)	64, 033
5. Admin. 3 (Labor Cases)	44, 630
6. Appealed Cases	17, 054
7. Women Clients (Victims of R.A. 9262)	36, 067
8. Children in Conflict with the Law	24, 153
9. Special Legal Services (Pursuant to Sec. 14-A of R.A. 9406 and MOAs)	25, 409
LIMITED SERVICES	686, 072
1. Arraignment	133, 109
2. Pre-Trial	84, 957
3. Promulgation	61, 339
4. Others (As counsel de oficio, Direct or Cross Examination during trial in the absence of private counsel, Motion to Bail, etc)	406, 667

Table 6

As to our quasi-judicial services, we were able to render **337,850** services, as shown on the table below (Table 7)

QUASI-JUDICIAL	
RENDITION OF QUASI-JUDICIAL SERVICES	337, 850
1. Mediation and Conciliation	337, 831
2. Investigation (R.A. 9745 or Anti-Torture Law	19

Table 7

Moving on to our non-judicial services, we were able to render **8,409,045** services (Table 8) through specific services such as: legal counselling/advice, documentation, and administration of oaths. We have a separate statistical figure for our outreach activities such as inquest investigation and custodial interrogation, and nationwide lawyers' jail visitation. We rendered a total of **1,041,382** services for our outreach activities (Table 8).

NON-JUDICIAL	
Rendition of Non-Judicial Services	8, 409, 045
1. Legal Counseling/ Advice	3, 488, 920
2. Legal Documentation	2, 087, 554
3. Oaths Administered	2, 832, 571
Outreach Activities	1, 041, 382
4. Inquest Investigation & Custodial Interrogation	252, 169
5. Nationwide Lawyers' Jail Visitation	789, 213
5.1. No. of Interviews Conducted with Inmates	346, 772
5.2. No. of Prisoners Provided Assistance	442, 441

Table 8

For the statistics for other services programs rendered last year, please refer to Table 9 below:

Forensic Services Rendered	589
<i>Barangay</i> Outreach	199, 500
PAO Central Office Legal and Medical Jail Visitation and Decongestion Program	7, 396
Office of the CPA (Answer/Reply to queries of the public)	28, 831

Table 9

For our specifically mandated clients (persons with disabilities, senior citizens, land and sea-based overseas Filipino workers, indigenous group, rape victims, those who are involved in Anti-Trafficking and agrarian cases, Anti-Torture and Human Security Act cases, and refugees/evacuees), we have the statistical data on Table 10 below as to the number of services we rendered to them last year.

	Judicial	Non-Judicial
Persons with Disabilities (PWDs)	2, 726	6, 963
Senior Citizens	14, 216	226, 396
Overseas Filipino Workers [OFWs] (Land)	836	5, 215
OFWs (Sea)	212	5, 217
Indigenous Group	8, 654	53, 104
Comprehensive Dangerous Drugs Act (RA 9165)	210, 863	186, 226
Anti-Trafficking	646	1, 513
Agrarian Cases	1, 390	8, 076
Rape Victims	2, 240	4, 107
Anti-Torture	342	1, 202

Human Security Act	98	1, 161
Refugees/Evacuees	22	3, 073

Table 10

There was an upsurge in our number of acquittals and other favorable dispositions which is **161,138** last year, way higher than our statistics in 2016 which is **148,716**. Please refer to Tables 11 and 12.

Total Number of Terminated Criminal Cases		211, 226
Total Number of Acquittals and Other Favorable Dispositions		161, 138
Acquittals	16, 754	
Other favorable dispositions	144, 384	

Table 11

For a thorough appreciation of our performance relative to the acquittals and other favorable dispositions obtained by our Office, we have included our ten-year performance (2007 – 2017) on Table 12 below.

ACQUITTALS AND OTHER FAVORABLE DISPOSITIONS

Criminal Cases - 2007 to 2017

YEAR	Acquittals	Other Favorable Dispositions	Total Number of Acquittals and Other Favorable Dispositions (Criminal Cases)
2007	13,265	63,328	76,593
2008	9,859	72,107	81,966
2009	10,906	107,713	118,619
2010	12,562	135,905	148,467
2011	18,064	155,508	173,572
2012	10,687	100,372	111,059
2013	11,659	140,793	152,452
2014	12,199	137,615	149,814
2015	13,221	145,127	158,348
2016	13,881	134,835	148,716
2017	16,754	144,384	161,138
TOTAL (2007-2017)	143,057	1,337,687	1,480,744

Table 12

Monitoring of public attorneys

There are practices which may be considered as monitoring processes at the PAO, that are being observed to uphold the quality of its human resources, most especially its public attorneys who have the prime responsibility of carrying out the mandate of the Office. Their competence, character, dedication to service, and sense of accountability to clients and the public are vital in ensuring and maintaining the quality of the free legal aid services of our Office. The said practices are the following:

1. **Rigid selection** of public attorneys and staff before hiring by observing these requirements: (a) neuro-psychiatric clearance; (b) written and oral examinations; (c) computer skills; (d) police and ombudsman clearances; and (e) good scholastic records;

2. **Evaluation per semester of the immediate supervisors/heads** of district offices or services and **other higher ranking officials** of the PAO, regarding the performance of public attorneys under their supervision;

3. **Evaluation by the clients** regarding the service provided by the public attorneys who served them. Every client of the Office is given a survey form which indicates his or her level of satisfaction or dissatisfaction, as the case may be, to the service provided by the public attorney and other office personnel.

4. To ensure accountability, **filing of administrative cases and thorough investigation** of erring officials, public attorneys, and staff;

5. **Implementation of administrative sanctions and penalties** to erring officials, public attorneys, and staff after investigation, due process, and fair hearing;

6. **Installation of Biometrics System** for the registration of the **attendance** of PAO lawyers and support staff;

7. **Conduct of Spot Inspection for proper monitoring** to ensure the efficiency, accountability and good governance of all PAO field offices where the bulk of the public attorneys who have specific court assignments hold office; thus, they have regular legal representation duties to PAO clients with cases, in addition to the non-judicial and outreach activities as well as other similar responsibilities of public attorneys.

Financial eligibility criteria for legal aid applications

The qualifications before an applicant may be accepted as a client of PAO are the *Indigency* and *Merit Tests* as provided for by *Republic Act No. 9406*, or the *PAO Law*, in relation to the *2016 Revised PAO Operations Manual*¹⁸.

Under the *Indigency Test*, the applicant must show that his/her individual net income does not exceed the following:

- “1. If residing in Metro Manila, whose individual net income does not exceed **P14,000.00** a month;
2. If residing in other cities, whose individual net income does not exceed **P13,000.00** a month; and
3. If residing in all other places, whose individual net income does not exceed **P12,000.00** a month.

The term **income shall not include the pension** received by retirees.¹⁹

The term **“net income”** as herein employed shall be understood to refer to the income of the litigant less statutory and authorized deductions.

¹⁸ Office Order No. 244, Series of 2016, as Corrected/Modified by Memorandum Circular No. 003, Series of 2017

¹⁹ Memorandum Circular No. 002, Series of 2016, dated February 26, 2016, Re: Exclusion of Pension in the Determination of Indigency Qualifications of Applicants for PAO Legal Services.

“Statutory deductions” shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums; and other loan amortizations duly supported by written contracts.

Authorized deductions shall be understood to include all deductions as reflected in the pay slip, other deductions with the expressed written consent of the employee and in agreement with the employer, and all other deductions that can be substantiated by the employee.

For purposes of this Section, ownership of land shall not per se constitute a ground for disqualification of an applicant for free legal assistance in view of the ruling in *Juan Enaje vs. Victorio Ramos, et al.* (G.R. No. L-22109, January 30, 1970) that the determinative factor for indigency is the income of the litigant and not his ownership of real property.

Furthermore, the applicant shall be required to execute an Affidavit of Indigency and to submit any of the following documents:

1. Latest Income Tax Return or pay slip or other proofs of income; or
2. Certificate of Indigency from the Department of Social Welfare and Development, its local District Office, or the Municipal Social Welfare and Development Office of the place where he/she is residing; or
3. Certificate of Indigency from the Barangay Chairman having jurisdiction over his/her place of residence.”²⁰

²⁰ Article 3, Chapter II, 2016 Revised PAO Operations Manual.

The basis for the Income Test of the Indigency Test, which every prospective PAO client must pass, was changed by this humble public servant from **gross income** of the litigant and his/her spouse to the **net income** of the applicant himself/herself. Please take note that net income here means “the income of the litigant less statutory deductions,” hence, such amendment to the old Income Test has the effect of broadening the reach of the Public Attorney’s Office to an even larger number of clients. Likewise, it enables spouses to seek legal assistance from our Office independently from their respective husbands or wives. Such independence is crucial in dealing with sensitive cases, such as domestic violence. The old and revised Income Tests of the Indigency Test are stated on Table 13:

<p style="text-align: center;">Old Income Test <i>Memorandum Circular No. 18,</i> <i>Series of 2002</i></p>	<p style="text-align: center;">Revised Income Test <i>Memorandum Circular No. 02,</i> <i>Series of 2010</i></p>
<p>“Xxx (T)he following shall be considered indigent persons:</p> <ol style="list-style-type: none"> 1. Those residing in Metro Manila whose family income does not exceed P14,000.00 a month; 2. Those residing in other cities whose family income does not exceed P13,000.00 a month; and 3. Those residing in all other places whose family income does not exceed P12,000.00 a month (As amended by MC No. 2, Series of 1998 dated August 25, 1998) <p>The term “family income” as herein employed shall be understood to refer to the <u>gross income of the litigant and that of his or her spouse</u>, but shall not include the income of the other members of the family. (Underscoring supplied)</p> <p>Xxx”</p>	<p>“Xxx (T)he following applicant shall be considered as an indigent person:</p> <ol style="list-style-type: none"> 1. If residing in Metro Manila, whose net income does not exceed Php14,000.00 a month; 2. If residing in other cities, whose net income does not exceed Php13,000.00 a month; 3. If residing in other places, whose net income does not exceed Php 12,000.00 a month. <p>The term “net income” as herein employed shall be understood to refer to the <u>income of the litigant less statutory deductions</u>. (Underscoring supplied)</p> <p>Statutory deductions shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums as well as mandatory deductions.</p> <p>Xxx”</p>

Table 13

On the other hand, Table 13.1 (below) reflects the “individual net income” as it is now stated in Chapter II, Article 3 of the *2016 Revised Operations Manual*. Please take note also that there is an emphasis here about the “pension received by retirees” which is not included in the term “income”. This further broadens the coverage of the qualified clients of the PAO, and shows our regard to this particular sector in the Philippine society, the retirees. Most of them are senior citizens; thus, they are not officially part of the workforce anymore, but we continuously value them and their contributions. We have included the senior citizens in the roster of specifically mandated clients of our Office.

Income Test reflecting the “individual net income” as stated in Chapter II, Article 3 of the 2016 Revised Operations Manual - Office Order No. 224, Series of 2016, as Corrected/Modified by Memorandum Circular No. 003, Series of 2017
<p>“1. If residing in Metro Manila, whose <u>individual net income</u> does not exceed P14,000.00 a month;</p> <p>2. If residing in other cities, whose <u>individual net income</u> does not exceed P13,000.00 a month; and</p> <p>3. If residing in all other places, whose <u>individual net income</u> does not exceed P12,000.00 a month.</p> <p><u>The term income shall not include the pension received by retirees.</u>²¹</p> <p>The term “net income” as herein employed shall be understood to refer to the income of the litigant less statutory and authorized deductions.</p> <p>“Statutory deductions” shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums; and other loan amortizations duly supported by written contracts.</p> <p>Authorized deductions shall be understood to include all deductions as reflected in the pay slip, other deductions with the expressed written consent of the employee and in agreement with the employer, and all other deductions that can be substantiated by the employee.</p> <p>Xxx” (Underscoring supplied).</p>

Table 13.1

²¹ *Supra*, Note 19.

New services and/or innovative projects

Our innovative projects are not exactly new, but I will share them with you just the same since we continuously practice them or make use of them to serve our clientele up to now and years more to come as long as they are relevant to the needs of our clients.

One innovation I initiated to increase the satisfaction of our clientele is the ***extension of the time which the general public can avail of the legal services of the office.*** For example, the operating hours of the Executive Support Staff, which serves as the frontline service provider in the Central Office, is extended for two (2) hours. It starts from seven o'clock in the morning and ends at six o'clock in the evening. Hence, the clients who come early need not wait for the usual start of the business hours before they can consult a public attorney, while those who come in late, possibly because they went to media outfits and other offices that endorsed them to us, may still seek legal advice even after five o'clock in the afternoon. This innovation started in March 2012 to help meet the increasing number of clients visiting the Central Office. To keep the system in place, lawyers and support personnel at the Executive Support Staff were required to render an additional working hour per day. One half of them were required to start work an hour earlier than the usual business hours, while the other half had to extend work in the afternoon.

The said practice of the Executive Support Staff continues up to now. The clients are surprised and amused that they can be accommodated early in the morning or even after five o'clock in the afternoon, as the case maybe. This is especially true in the case of clients who come from the provinces who spend time and money just to seek legal advice.

Another example is the inquest duty at the Central Office and selected district offices. At the Central Office, ***clients can call the office anytime of***

the day or night, including weekends and holidays, for their legal concerns. An on-duty public attorney and staff are always available to accept calls for legal counselling and respond to situations requiring immediate legal assistance, such as inquest proceeding of an arrested person. In selected district offices, the inquest duty is until ten o'clock in the evening. After such hours at other district offices which cannot maintain an on-duty public attorney at night, on-call public attorneys are still available for inquest and other matters calling for urgent legal assistance. The ***24/7 inquest duty at the Central Office*** started in October 2009 to address emergency situations requiring the services of a counsel. While the ***late night inquest duty and on-call duty at the district offices around the country*** was implemented in September 2010. The feedbacks from clients who avail of these services are positive especially those who were arrested and detained at police stations. The clients are very grateful for the timely service of our public attorneys during their dire situation.

Two PAO legal aid/public service innovations were honored with national recognitions; one of which was cited by the Office of the President and awarded by a well-known institution, and the other contributed to the approval of a landmark piece of legislation in the Philippines. These are the ***PAO Legal, Medical, Dental, Optical Mission and Jail Decongestion Program***, the ***PAO Victims' Assistance Unit***, and ***PAO Forensic Laboratory***.

Since the creation of the PAO, jail visitation has been one of its regular outreach activities. However, I deemed it necessary to widen the scope of this program for the welfare of the inmates and the progress of the criminal justice system in our country. Hence, on April 12, 2007, we included ***medical (with dental and optical) services*** to our regular legal assistance.

Our jail visitation program was cited by the Office of the President in

its *Technical Report* for former Philippine President Benigno S. Aquino III's 2012 *State of the Nation Address*. The Office of the President noted that a total of **40,969** inmates were freed from overcrowded jails and prisons nationwide through the PAO's jail visitation and decongestion program from July 2010 to April 2012.

Two years after this citation, on July 13, 2014, the PAO Jail Visitation Team which is headed by yours truly, received the *Excellence Award in Criminal Justice* from the Filipino Academy of Movie Arts and Sciences or the FAMAS. It recognized the contributions of the PAO Legal, Medical, Dental, Optical Mission and Decongestion Program in alleviating the plight of inmates that we visited in various jails, detention centers, and correctional facilities in our country.

The **PAO's Victims Assistance Unit** was created on July 12, 2012 to address the needs of victims of mass disasters, natural calamities, torture, massacres, extrajudicial killings, and Violence Against Women and their Children (VAWC), Children in Conflict with the Law (CICL) and other similar cases of persons who have requested legal assistance from the Public Attorney's Office, on first come first served basis. In 2012, one of the beneficiaries of this legal aid innovation was Bonita Baran. She was a former household helper who complained of maltreatment from her previous employers which caused the loss of her right eyesight. Her case helped in creating awareness and drawing support to the then Domestic Workers bill that was approved by former President Benigno S. Aquino III on January 18, 2013, and is now known as *Republic Act No. 10361* or the "*Domestic Workers Act.*" Recently, Bonita's female employer was found guilty of serious illegal detention and her husband was found guilty as an accomplice to the said crime.

Another innovation, the **PAO Forensic Laboratory**, provides medico-legal and forensic assistance to clients who seek the help of our Victims' Assistance Unit. Since the launching of our Forensic Laboratory in 2010, we have continuously rendered our forensic assistance to the victims of extrajudicial killings, wife battering, child abuse, sexual molestation and torture in connection with the PAO's role as their legal counsel and defender as provided by *Republic Act No. 9262 (Anti-Violence Against Women and their Children Act of 2004)*, *Republic Act No. 8353 (Anti-Rape Law)*, *Republic Act No. 9745 (Anti-Torture Act of 2009)* and other related laws.

The PAO Forensic Team was actively involved in the retrieval operations and exhumation activities relative to the capsizing and sinking of the *M/V Princess of the Stars*. The said vessel sunk on June 21, 2008 in the deep waters of San Fernando, Sibuyan Island, in the province of Romblon. In cooperation with divers from the Philippine Coast Guard and Royal Jessan Petromin Resources, Inc., our Forensic Team retrieved and exhumed a total of one hundred thirty-three (**133**) human remains in 2010, another fifteen (**15**) human remains were retrieved in May and July 2011. Of the said exhumed/retrieved human remains, eleven (**11**) had been positively identified and turned-over to their respective families/relatives.

The said retrieval operations and exhumation activities that were carried out by the PAO Forensic Team were done in connection with the **cases of the relatives of the victims and surviving victims of the *M/V Princess of the Stars* maritime tragedy** that are being handled by the PAO. The families of the victims and the survivors of the said tragedy sought the assistance of the Public Attorney's Office in 2008. Seven (7) years later, with the assistance of the PAO, the Philippine Span Asia Carrier Corporation, formerly known as the Sulpicio Lines, Inc., owner of the *M/V Princess of the Stars* was ordered by RTC-Branch 49, Manila on October

14, 2015 to pay **a total of 241.7** million pesos to the heirs of the victims of the *M/V Princess of the Stars* maritime tragedy.

The Decision of the RTC-Manila, Branch 49 in the consolidated 71 civil cases for damages filed by the relatives of the victims of the *M/V Princess of the Stars* before RTC-Manila, Branch 49 granting their individual claims for damages is the subject of an appeal filed by the Sulpicio Lines, Inc. before the Court of Appeals.

The 64 consolidated civil cases for damages filed by the relatives of the victims of the *M/V Princess of the Stars* from Visayas and Mindanao before RTC-Cebu, Branch 16 are now submitted for Decision. Unfortunately, the Presiding Judge of the said Branch has retired for personal reasons before deciding the said cases.

The cancellation of the franchise of the Sulpicio Lines, Inc. by the Maritime Industry Authority insofar as carrying of passengers has been affirmed by the Court of Appeals in a resolution dated June 6, 2018 dismissing the Petition for Review filed by the Sulpicio Lines, Inc., now Philippine Span Asia Carrier Corporation.

Nowadays, the PAO Forensic Team has also been conducting forensic examinations with ardor to the remains of those who have been vaccinated with *Dengvaxia* and have died.

The families of eighty-four (**84**) persons (as of September 7, 2018) who have all been inoculated with *Dengvaxia* vaccine and have died sought the assistance of our Office for forensic examinations and legal assistance. The families of two thousand one hundred seven (**2,107**) surviving *Dengvaxia* vaccinees (as of September 7, 2018) have also sought our legal assistance. Our *pro bono* legal services to them are authorized by Department Order No. 792, dated December 12, 2017, the directive issued by the DOJ to the PAO through yours truly (in my capacity as Chief Public Attorney) “to extend free

legal assistance in civil, criminal and administrative cases to all possible victims of Dengvaxia related injuries, illnesses and deaths.” We have filed the appropriate civil and criminal cases on behalf of the families whose children have died allegedly after receiving shots of *Dengvaxia*. The preliminary investigation in some of the criminal cases is now being conducted, and the hearing for some of the civil cases are ongoing.

As a legal aid innovation, the PAO Forensic Laboratory has grown by leaps and bounds, especially in the rendition of its services. Please refer to Table 14 for the pertinent figures relative to the forensic services rendered by the PAO Forensic Laboratory for the past four (4) years (the reckoning period that is given to us by our host).

Year	No. of forensic services rendered
2014	24
2015	144
2016	329
2017	589

Table 14

From twenty-four (24), a modest figure, the number of our forensic services rendered leaped to five hundred eighty-nine (589) in a span of four (4) years. (Please note that this number does not include yet the number of human remains that were retrieved and exhumed by the PAO Forensic Team, with the help of the Philippine Coast Guard and Royal Jessan Petromin Resources, Inc., in connection with the case of the *M/V Princess of the Stars*, that I shared earlier. To recall, a total of one hundred thirty-three (**133**) human remains in 2010, and fifteen (**15**) in May and July 2011.) Such increase speaks about how our Forensic Laboratory has made Forensic Science an accessible tool in seeking justice for the poor.

The abovementioned positive developments at the Public Attorney's Office (*i.e.*, increase in its budget, salaries and number of *plantilla* positions of public attorneys and support personnel, and introduction of legal aid innovations), could be attributed to the approval of *Republic Act No. 9406* or the PAO Law, and the support of the past and present administrations to the PAO, but most especially now under the dispensation of President Rodrigo Roa Duterte.

II. QUESTION: In the past decade, have there been any surveys done in your country on legal needs and legal assistance seeking behaviors of the general public or any specific underprivileged groups? Or have there been any research studies of your service data? If yes, please kindly provide the files or URLs of the research results.

ANSWER: *2003 Assessment of the Public Attorney's Office* (Its Final Draft can be retrieved from <http://www.ombudsman.gov.ph/UNDP4/wp-content/uploads/2012/12/2003-Assessment-of-PAO.pdf>). The said study became a part of the worthy endeavors that contributed greatly to the approval of *Republic Act 9406* or the *PAO Law* on March 23, 2007.

III. QUESTION: What has been the major development strategy of your organization for the past five years? What was the reason for adopting this strategy?

ANSWER: The major development strategy of our organization for the past five (5) years has been the capacity building measure of our Office for our lawyers and support personnel, in the form of training programs and continuing legal education activities like the Mandatory Continuing Legal Education for all of our lawyers nationwide.

The Public Attorney's Office has been a Mandatory Continuing Legal Education provider since 2002. It conducted *free* Mandatory Continuing Legal Education activities approved by the Philippine Supreme Court for

public attorneys nationwide in the following conventions that were all held at the Manila Hotel, thus:

- 2nd National Convention of PAO Lawyers on August 18-23, 2003;
- Grand Workshop of the Lawyers and Staff of the Public Attorney's Office on November 6-10, 2006;
- 3rd MCLE Accredited National Convention of Public Attorneys on September 28-October 2, 2009;
- 4th MCLE Accredited National Convention of Public Attorneys on December 12-16, 2011;
- 5th MCLE Accredited National Convention of Public Attorneys on October 12-17, 2014; and,
- 6th MCLE Accredited National Convention of Public Attorneys, September 18 to 22, 2017.

In each of the said conventions, we provided our public attorneys with the required **36** hours (minimum every three years) of continuing legal education pursuant to the Mandatory Continuing Legal Education Program of the Supreme Court. The Mandatory Continuing Legal Education activities were conducted without cost to our public attorneys as an incentive and motivation to work harder and serve their respective clients with utmost zeal.

For the support staff, seminars on Civil Service Commission and Commission on Audit rules and regulations, among others, were held for them in 2004, 2006, and 2012. Aside from these, our Office has other capacity building activities for its personnel, like the seminars it conducts with its partner institutions, which are also its training sponsors, such as the United Nations Children's Fund, United Nations Development Programme, Office of the United Nations High Commissioner for Refugees, United States Agency for International Development, and the American Bar Association - Rule of Law Initiative.

I would like to add to these reputable institutions, our beloved host, the Legal Aid Foundation as our training partner, too. Our Memorandum of Understanding with the Legal Aid Foundation, which I have mentioned earlier, has indeed opened a door of friendship that has not just benefitted our concerned clients but our Office and lawyers, as well. Moreover, I know you will agree with me that the Legal Aid Foundation is both competent and generous in imparting knowledge to us. We are all very fortunate to have the Legal Aid Foundation as our reliable partner institution. It has benevolently gathered all of us here all these years, and has given us a venue for sharing information, experiences, and inspiration. All of these have been helpful in making legal aid a shared advocacy that is worth pursuing in spite of all the challenges that we are all facing.

We give weight to capacity building for our lawyers and support staff because we recognize that the most valuable asset of our Office is our human resource, our very own people. Once equipped with knowledge and skills, and enhanced values that are vital to their functions, we expect them to deliver even better services to our clientele.

IV. QUESTION: How does your organization make legal aid resources known to the potential clients in need and improve their legal awareness so they may seek timely assistance? Do you use any different approaches to reach people in remote areas or groups with special legal needs?

ANSWER: To enhance our reach to our potential clients, especially in remote areas, we conduct our *Barangay* outreach programs to inform them of our free legal services, conduct our *pro bono* assistance during our visit, and give lectures on their rights, and mediation and conciliation. In the *barangay* outreach activities conducted by our Office from January to December 2017, we were able to assist a total of one hundred ninety-nine thousand and five hundred (**199,500**) clients. To reach out and serve a

greater number of potential clients, especially those in the communities, we also utilize the broadcast and print media.

Through *Public Atorni*, a reality-mediation show, hosted then by this humble public servant, legal advices were given to warring parties. It also promoted out-of-court settlement of their disputes. The said show provided an avenue for alternative dispute resolution. *Public Atorni* was produced at no cost to PAO. Its producer then was the Associated Broadcasting Company (ABC)/TV5, one of the biggest television networks in the Philippines. It was previously shown on TV5 and Aksyon TV in 2010 and lasted for more than two (2) years on air.

Public Atorni's efficacy in mediating and administering justice to warring parties on air earned accolades for both the show and the host (yours truly) from the Filipino Academy of Movie Arts and Sciences, the Philippine Movie Press Club, and the Catholic Mass Media Awards.

The Filipino Academy of Movie Arts and Sciences gave yours truly the *Exemplary Achievement Award* on Sept. 25, 2012 and *Achievement in Public Service Award* on Dec. 10, 2011. From the Philippine Movie Press Club, this humble public servant received the *Best Public Service Program Host Awards* on Nov. 18, 2012 and on Nov. 22, 2011; and from the Catholic Mass Media Awards, the *Special Citation for Best Public Service Program* on Oct. 19, 2011. An organization of renowned members of the academe, called *Gawad Tanglaw* also granted yours truly and "*Public Atorni*", the 2012 *Best Public Affairs Program Award* and the 2013 *Best Public Affairs Program Award*.

The lawyers of the Public Attorney's Office also accommodate invitations to serve as resource persons in radio programs and television shows to give legal advice on air, and inform the public of the legal services of the Office, as well as give updates on cases being handled by the Office

that are of national/global interest. It also maintains a website: <http://www.pao.gov.ph/>.

The Public Attorney's Office, through this humble public servant, likewise maintains regular columns with several newspaper publications where queries from readers concerning the law are answered, and updates on the cases of national/global interest that are currently handled by the Office are shared to the public. As of now, we have three (3) *pro bono* columns in leading newspapers in the Philippines. These are: *Dear PAO* published daily by *The Manila Times*; *Magtanong kay Attorney* (Ask Attorney) published daily by *Bulgar*; and *Daing Mula sa Hukay...Hustisya* (Groan From the Grave...Justice) published every Friday also by *Bulgar*. This public servant has also a published book on legal aid entitled, *Legal Eagle's Counsel: Solutions to Everyday Legal Problems*.

V. QUESTION: How does your organization educate, train or recruit and screen legal aid attorneys who are suitable for serving underprivileged groups as well as passing the spirit of legal aid onto lawyers of younger generations?

ANSWER: We pass on the spirit of legal aid to lawyers of younger generations during the two-day *Orientation Seminar* that we conduct for our newly-appointed public attorneys. It is where the *PAO Law (Republic Act No. 9406)*, *2016 Revised PAO Operations Manual* and *Code of Conduct* are discussed at length. In addition to these important guidelines, other pertinent laws relative to their duties and responsibilities as public attorneys and public servants are discussed.

As their Chief, I also conduct regular meetings with them where I share the knowledge that I have acquired through the years both in law and in life, including my experiences as a young public attorney then who never had any inkling of my future role at the Public Attorney's Office. With me in

this sharing, are officials and senior lawyers who also impart valuable information and learnings which can only be acquired in the day-to-day life in the Office, in the court, and in the field as a public attorney. Public attorneys who topped the BAR examinations and those with inspiring stories to share and motivate young lawyers are likewise encouraged to speak during the said gathering.

I also highly encourage and practice mentoring and coaching especially for new lawyers who are not yet familiar with handling actual cases. Aside from the instituted review system where pleadings prepared by a public attorney are reviewed by a more senior public attorney and the district or service head before they are filed in court, the culture in the Office fosters peer discussions and dialogue with superiors. In this regard, I also advise new lawyers or even seasoned ones but unfamiliar with a specific type of case to seek help from colleagues and superiors.

VI. QUESTION: Does your organization collaborate with other non-legal organizations/professionals in conducting legal aid work (including aspects such as promotion of legal aid, legal education, advice and representation service, social advocacy and law reform?) How does the collaboration work? Please elaborate with some examples.

ANSWER: Yes. We have collaborations with non-legal organizations/professionals in conducting legal aid work, and this has been with international organizations, among others, the United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees, the United States Agency for International Development, and the United Nations Office on Drugs and Crime. Aside from these, we have productive collaboration also with various Philippine government institutions (e.g. Bureau of Corrections, the Bureau of Jail Management and Penology, and the Department of Social Welfare and Development), and media

organizations (e.g. *The Manila Times*, *Bulgar*, Associated Broadcasting Corporation, ABS-CBN, GMA-7, the People's Television Network, etc.).

I will elaborate on our collaborative endeavors with the said institutions in my presentation on "*Working Together with Non-Legal Organizations*", Topic 3 on Panel Discussion.

VII. QUESTION: Has your organization developed any services targeting any specific underprivileged communities or legal issues? This forum is especially interested in community groups such as women, children, the elderly, indigenous peoples, migrant workers, refugees and stateless persons, social welfare/benefits issues, persons with disabilities, and the homeless, etc.

ANSWER: Once they qualify under the Public Attorney's Office Indigency and Merit Tests, senior citizens, persons with disabilities, and indigenous peoples could avail of the free legal assistance of the PAO.

For other vulnerable sectors being served by the PAO, the following are the provisions of law and gist of agreements that are applied in extending free legal assistance of the Public Attorney's Office to Children in Conflict with the Law, women who are victims of violence and their children, indigent workers, and refugees, stateless persons and those seeking recognition as refugees and/or stateless persons:

1. At the Public Attorney's Office, the special provision that guides the Office in rendering legal aid to children is provided by Chapter IV of the *2016 Revised PAO Operations Manual*. This particular provision is entitled, "*Legal Assistance to Children in Conflict With the Law (CICL)*." Its Article 1, quoted below, states the scope of legal assistance being given by the Office to Children in Conflict with the Law:

"ARTICLE 1. *Scope of Legal Assistance.* – Legal assistance that the Public Attorneys shall provide to qualified CICLs includes the following:

- a) Appearing as counsel for the CICL on initial contact or during custodial investigation, and before the courts, prosecutor's office, and other quasi-judicial bodies;
- b) Preparing pleadings, affidavits, sworn statements, and the like, necessary in the defense of the CICL;
- c) Coordinating with the Department of Social Welfare and Development, the Local Social Welfare Officers in the Local Government Units, and other concerned government agencies to procure the immediate release of the CICL under detention, or who is otherwise deprived of liberty, to demand the prompt submission of discernment report and intervention or rehabilitation programs for the CICL, and to prevent any delay in the diversion case before the barangay level; and
- d) Such other action/s relative to the foregoing."

2. The Public Attorney's Office is guided by Chapter V of the said manual in rendering legal aid to women, including women who are victims of violence. The legal basis thereto is cited in its Article 1, which states that:

"Article 1. *Legal Basis.* - The Public Attorney's Office shall extend legal assistance to victims of violence against women and their children regardless of the indigency requirement.

Pursuant to the provisions of Sections 13 and 35 of Republic Act No. 9262, the woman or victim may avail of the services of PAO in the filing of an application/petition for protection order and/or civil action for damages. Where the applicant is already represented by a counsel de parte, PAO may represent the other party."

3. The Public Attorney's Office has an existing Memorandum of Agreement dated October 23, 1998, with the National Labor Relations Commission (NLRC) which provides, among others, the establishment of a PAO satellite office at the NLRC-Main Office where indigent laborers may seek free legal services through consultation, documentation and representation.

4. Chapter II, Article 5 of the *2016 Revised PAO Operations Manual* also cites the vulnerable sectors and other persons who are qualified for the PAO's free legal assistance:

“ARTICLE 5. *Persons/Entities Qualified for Legal Assistance Pursuant to Memoranda of Agreement/Understanding, Department of Justice Directives and special laws, as follows:*

1. Department of Agrarian Reform lawyers against whom criminal and/or administrative complaints have been filed for acts committed in connection with the performance of their official duties (Direction of the Minister of Justice);
2. Farmer-beneficiaries of the Agrarian Reform Law, in:
 - a. agrarian-related civil or criminal cases pending before the courts; and,
 - b. cases against farmer-beneficiaries pending before the courts or the Department of Agrarian Reform Adjudication Board (DARAB), where one of the parties is already represented by a lawyer from the Department of Agrarian Reform (Memorandum of Agreement dated May 8, 1991, between DAR and DOJ).
3. Indigent laborers in meritorious labor cases (Memorandum Order of the Secretary of Justice dated May 19, 1988);
4. Indigent aliens (2nd Indorsement of the Undersecretary of Justice dated March 25, 1974);
5. Qualified Overseas Contract Workers in all cases within the original and exclusive jurisdiction of the Philippine Overseas Employment Administration (Memorandum of

Agreement between PAO and DOLE, POEA, NLRC, OWWA and some NGOs, dated April 2, 1993);

6. Barangay Health Workers (Section 16, Rule II and Part 5, Rule VII of the Implementing Rules and Regulations of Republic Act No. 7883 – Barangay Health Workers' Benefits and Incentives Act of 1995);
7. Department of Social Welfare and Development in the filing of petitions for involuntary commitment of minors, as well as petitions for the declaration that a child is abandoned or neglected (Directive of Minister of Justice Neptali Gonzales dated February 10, 1987);
8. Members of the Association of Local Social Welfare and Development Officers of the Philippines, Incorporated (ALSWDOPI), in criminal and administrative complaints/cases related to, or in connection with the exercise of their profession or performance of duties, unless there is a conflict of interest, or when a member does not qualify under the PAO's Indigency Test, in which case, provisional assistance shall be afforded to him/her (Memorandum of Agreement between the ALSWDOPI and PAO dated August 27, 2009);
9. Qualified Print and Broadcast Media Practitioners, as well as their staff and crew, who, by reason of, or in connection with the performance of their profession, are harassed with suits and complaints intended to hamper the freedom of the press and suppress their individual liberties (Memorandum Circular No. 01, S. 2009, dated January 5, 2009 in relation to Memorandum of Agreement

- between the National Press Club [NPC] and PAO dated May 29, 2009);
10. Dangerous Drugs Board (DDB), its authorized representatives and drug offenders in the filing of Petitions for voluntary confinement, except when there is conflict of interest (Memorandum of Agreement between DDB and PAO dated July 15, 2008, as reinforced by MOA dated August 22, 2016);
 11. Complaints of Filipinos against foreigners for violation of immigration, alien registration and other local laws; respondent foreigners in deportation cases; Bureau of Immigration (BI) clients in connection with the Notarization of applications; and such other legal services that may be assigned by the Commissioner (Memorandum of Agreement between the BI and PAO dated February 4, 2009);
 12. Members of the Press Photographers of the Philippines (PPP) under investigation for a complaint, or on trial, including inquest proceedings, relating to, or in connection with, the exercise of profession or performance of duties; and the families of PPP members who are victims of media killings (Memorandum of Agreement between the PPP and PAO dated May 25, 2009);
 13. Officials of the Philippine National Police (PNP) holding the ranks of Police Officer I (PO1) to Senior Police Officer IV (SPO4), when sued in the performance of their duties (DOJ Department Order No. 106 dated February 25, 2009, and PAO Memorandum dated March 19, 2009);

- and DOJ Department Circular No. 78 dated October 26, 2009, and PAO Memorandum dated November 9, 2009)²²;
14. Torture victims pursuant to the Anti-Torture Act²³ of 2009 (R.A. 9745) [Note: the Public Attorney's Office has the authority to conduct an independent investigation in cases involving torture per R.A. 9745];
 15. Philippine Statistics Authority Census Personnel with respect to Notarization of their Contracts of Service²⁴;
 16. Qualified Taiwanese Nationals upon Notice by the Legal Aid Foundation, Taiwan (Memorandum of Agreement between PAO and the Legal Aid Foundation, Taiwan, dated October 27, 2014);
 17. Qualified constituents of member municipalities of the League of Municipalities of the Philippines (Memorandum of Agreement dated June 30, 2011 between the League of Municipalities of the Philippines and the PAO);
 18. The Office for Competition (OFC) and/or its members and the sector regulators and/or its officials in cases proscribed by the mandate of the Office of the Solicitor General (OSG) through the specially constituted PAO Task Force²⁵;
 19. Qualified refugees and displaced peoples within the Philippines (Memorandum of Understanding between the

²² DOJ Department Order No. 106 dated February 25, 2009, and DOJ Department Circular No. 78 dated October 26, 2009 were issued by the late Secretary of Justice Raul M. Gonzalez and the former Secretary of Justice Agnes VST Devanadera, respectively. PAO Memoranda dated March 19, 2009 and November 9, 2009, which transmitted the said DOJ issuances, were both issued by Chief Public Attorney Persida V. Rueda-Acosta.

²³ Section 1, Republic Act No. 9745

²⁴ Memorandum Circular No. 003 Series of 2015 dated June 8, 2015

²⁵ Guidelines On Legal Representation for the Office for Competition (OFC) and Sector Regulators, clause 1.5 Exemption to the Authority for Legal Representation by the OSG and clauses 2.2 and 2.3 Scope of Representation; the PAO through the PAO Task force shall assist the OFC and or its members and sector regulators and/or its officials in relation to the exercise of their official duties in handling competition-related matters in criminal and administrative cases.

- PAO and the UNHCR, dated January 8, 2013);
20. Asylum seekers, refugees and stateless persons in the Autonomous Region of Muslim Mindanao (ARMM) (Memorandum of Understanding between the PAO, the Regional Human Rights Commission [RHRC], and the United Nations High Commission for Refugees [UNHCR], dated June 21, 2013);
 21. Public school teachers who are appointed as Board of Election Inspectors (BEI) and are being sued in relation to the said function (Memorandum of Agreement between the PAO, the Department of Education [DepEd], and the Commission on Election [COMELEC], dated April 29, 2016);
 22. Individuals or Presidential Commission for the Urban Poor (PCUP)-accredited Urban Poor Organization indorsed by the PCUP, subject to PAO rules and regulations (Memorandum of Agreement between the PAO and PCUP dated December 23, 2011);
 23. Newly committed inmates and other qualified inmates of the Bureau of Jail Management and Penology (BJMP) facilities (Memorandum of Agreement between PAO and BJMP dated May 31, 2016);
 24. Members of the Philippine Movie Press Club (PMPC), Inc. under investigation for a complaint, or on trial for a case, related to or in connection with the exercise of their profession or performance of their duties, and the families of the PMPC members who are victims of media killings (Memorandum of Agreement between the PAO

and PMPC, dated April 23, 2012).”

VIII. QUESTION: To what extent have the UN Principles and Guidelines on Access to Justice and UN human rights conventions regarding access to justice for specific disadvantaged groups been implemented in your country and complied by your organization? Have you met any challenges during implementation?

ANSWER: The Philippine Constitution expressly declares that the country adopts the generally accepted principles of international law as part of the law of the land.²⁶ The Philippines adheres to the doctrine of incorporation where rules of international law form part of the law of the land and no further legislative action is needed to make such rules applicable in the domestic sphere.²⁷ As such, rules of international law may be directly used as a source of rights. Even so, domestic law, rules and practices would show that the United Nations legal aid principles and guidelines are espoused by the Philippine legal system.

The Philippine Constitution 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.²⁸ To fulfil this provision, the Public Attorney’s Office was created to provide free legal assistance to indigent persons and other qualified persons in criminal, civil, labor, administrative and other quasi-judicial cases. To effectively carry out its role, the office was established as an independent and autonomous office attached to the Department of Justice for purposes of policy and program coordination.²⁹

To protect the rights of an accused, the Constitution likewise guarantees the right to counsel from the start of the criminal investigation

²⁶ Section 2, Article II, Constitution.

²⁷ *Secretary of Justice vs. Lantion*, G.R. No. 139465, January 18, 2000, Ponente: Supreme Court Associate Justice Jose Armando R. Melo.

²⁸ Section 11, Article III, Constitution.

²⁹ Section 2, Republic Act No. 9406

until the finality of judgment. The Constitution provides that any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.³⁰ Hence, government officials, particularly law enforcement officers, investigating a person for commission of a crime are mandated to inform him or her of the right to counsel, and if the latter does not have the capacity to secure one, then the investigating authority must provide an independent and competent counsel to the person under investigation.

This Constitutional mandate is reinforced by Republic Act No. 7438 by making such violation criminal in nature. The said law imposes a penalty of imprisonment or fine, or both on any arresting public officer or employee, or any investigating officer, who fails to inform any person arrested, detained or under custodial investigation of his right to remain silent and to have a competent and independent counsel preferably of his own choice. Thus, erring government officials may be subject to criminal sanctions in addition to administrative penalties.

For its end, the Public Attorney's Office has adopted an inquest duty system where inquest lawyers and assistants are assigned to be on duty for the purpose of responding to requests for legal assistance at police stations/precincts and jails particularly during custodial investigation, inquest investigation proceedings and jail visitation activity even beyond office hours, and during holidays, Saturdays and Sundays.³¹ Regional public attorneys and district public attorneys are also mandated to ensure the

³⁰ Section 12, Article III, Constitution.

³¹ Memorandum Circular No. 002, Series of 2008, PAO, April 8, 2008.

availability of office telephone lines during office hours and mobile phones at all times even beyond office hours and during holidays, Saturdays and Sundays to station commanders to facilitate efficient coordination and orderly referral of requests for inquest and custodial investigation assistance.³²

Upon reaching the court, the Constitution grants the accused the right to be presumed innocent until the contrary is proved and to be heard by himself and counsel during the prosecution of his or her criminal case among other rights.³³

To assist the court and to provide prompt legal aid service to persons, the Public Attorney's Office is allowed to accept cases, albeit provisionally, pending verification of the applicant's indigency and evaluation of the merit of his/her case, in the following instances:

“1. When a warrant of arrest has been issued, and assistance is needed in filing a Motion to Post Bail Bond or Reduction thereof for his/her provisional liberty;

2. When a person is arrested and/or detained, and appropriate immediate legal action is necessary to protect his/her rights;

3. When a pleading has to be filed immediately or an appeal has to be perfected to avoid adverse effects to the applicant;

4. When the Public Attorney is appointed by the court as *counsel de officio* to represent the defendant during the trial of the case, provided, however, that if a subsequent investigation discloses that the client is not indigent, the lawyer should request the court to relieve him/her by filing a Motion for Withdrawal of Appearance from the case;

5. Where the Public Attorney is designated on the spot as *counsel de officio* for the purpose only of arraignment, pre-trial or promulgation of decision;

³² *Supra.* Note 31.

³³ Section 14, Article III, Constitution.

6. In cases involving violence against women and their children under Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004), where immediate preparation and filing of pleading/s is necessary to avoid adverse effects to the victims, except, where there is conflict of interest. Non-indigent women and their children may seek PAO's assistance;

7. In cases involving Children in Conflict with the Law (CICL), where there is an immediate need of counsel;

8. In cases involving credit card holder/s considered as "delinquent" by the credit card company, and immediate action is necessary; and,

9. Cases which require provisional assistance, pursuant to Section 3 of R.A. 9406 (Section 14-A Chapter 5, Title III, Book IV of Executive Order No. 292, otherwise known as the "Administrative Code of 1987") to wit:

Sec. 14-A. Powers and functions. – the PAO shall independently discharge its mandate to render, free of charge, legal representation, assistance and counseling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases. **In the exigency of the service, the PAO may be called upon by the proper government authorities to render such service to other persons, subject to existing laws, rules and regulations.**" (emphasis supplied)

10. Other similar urgent cases."³⁴

As to specific disadvantaged groups, let me discuss the difficulties of the Philippine correctional institutions in complying with the *Minimum Standard for the Treatment of Prisoners*. Inmates are in the roster of clients in our Office. I have mentioned earlier in my Report our legal outreach program for them which we carry out in alleviating their plight in prison.

³⁴ Chapter II, Article 4, 2016 Revised PAO Operations Manual

Both my professional and personal advocacy for inmates moved me to focus my Dissertation on them and their dire circumstances behind bars. In June 2015, I graduated with a Doctor of Social Development degree from the University of the Philippines, with a Thesis entitled **“Examining Deaths Behind Bars: Toward Penal System Policy Reforms in the Context of Human Rights”**. In my *Analysis of Findings*, it is stated, among others that:

“Death Rate Increases as Congestion Increases

Based on the statistical analysis of prison data 2011 to 2013, **deaths per 1000** inmates significantly increased together with the inmate population during the same period. In 2011, 7.06 deaths were recorded per 1000 inmates. This ratio increased to 8.07 deaths per 1000 inmates two years later. This ratio alone supports the conclusion that congestion **most likely causes deaths of inmates**” (Acosta, 2015, p. 133).

Among our specifically mandated clients who received the highest number of legal services were those involved with *Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002)*. Below are the figures relative to the services that we rendered to the said clients:

Year	No. of services rendered in connection with <i>Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002)</i>
2014	68,548
2015	85,133
2016	303,534
2017	397,089

Table 15

Based on the quoted finding in my Dissertation and the figures related to the *Comprehensive Dangerous Drugs Act of 2002* that we handle, our inmate-clients in drug-related cases are in danger of being sick or seriously

ill which could even lead to death. Both circumstances which are caused by prison congestion and other institutional problems, must not serve as some kind of accessory penalties, even to those who are proven guilty of the crime charged against them.

Recently, the Public Attorney's Office had a breakthrough in one of the drug-related cases that we handle. We had an opportunity to contribute in the enrichment of Philippine jurisprudence through the case, *Salvador Estipona, Jr. vs. Hon. Frank E. Lobrigo and People of the Philippines*.³⁵ The Public Attorney's Office represented petitioner Estipona, Jr. in the said case wherein the Supreme Court declared Section 23 of the *Comprehensive Dangerous Drugs Act*, which prohibits plea bargaining for all drug offenses as unconstitutional for being contrary to the Supreme Court's rule making authority as stated in Section 5(5), Article VIII of the *1987 Constitution* of the Philippines.

Salvador A. Estipona, Jr. was the accused in Criminal Case No. 13586 for violation of Section 11, Article II of the *Comprehensive Dangerous Drugs Act of 2002*, pending before Judge Frank E. Lobrigo of the Regional Trial Court (RTC), Branch 3, Legazpi City, Albay.

On June 15, 2016, Estipona, Jr. with the assistance of the PAO-Legazpi City District Office, filed a Motion to Allow the Accused to Enter into a Plea Bargaining Agreement, praying to withdraw his not guilty plea and, instead, to enter a plea of guilty for violation of Section 12, Article II of the *Comprehensive Dangerous Drugs Act of 2002* (Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs). On behalf of Estipona, Jr., PAO-Legazpi City District Office argued that Section 23 of the said law, which states "Xxx Any person charged under any provision of this Act regardless of the imposable penalty shall not be allowed

³⁵ G.R. No. 226679, August 15, 2017, Ponente: Supreme Court Associate Justice Diosdado M. Peralta.

to avail of the provision on plea-bargaining” violates: (1) the intent of the law expressed in paragraph 3, Section 2 thereof; (2) the rule-making authority of the Supreme Court under Section 5(5), Article VIII of the 1987 Constitution; and (3) the principle of separation of powers among the three equal branches of the government. After the prosecution filed its Comment or Opposition thereto, the regional trial court issued an Order denying Estipona's motion. Estipona, through PAO-Legazpi City District Office filed a Motion for Reconsideration but the same was denied by the said court.

Thus, yours truly and my team of senior lawyers, representing Estipona, elevated the case to the Supreme Court via a Petition for Certiorari and Prohibition and challenged the constitutionality of Section 23 of *Comprehensive Dangerous Drugs Act of 2002* for being violative of the constitutional right to equal protection of the law and the rule-making authority of the Supreme Court under Section 5(5), Article VIII of the *1987 Constitution*, among others.

In its Decision dated August 15, 2017, the Supreme Court deemed it proper to declare as unconstitutional the prohibition against plea bargaining in drug cases, for being contrary to the rulemaking authority of the Supreme Court under Section 5(5), Article VIII of the 1987 Constitution.

Why did we file a Plea Bargaining Petition for Estipona, Jr. and also for the rest of our clients with similar cases? In our country, prior to our victory in the Supreme Court, kidnapping or murder suspects were allowed to make plea bargains, but this right was denied to drug suspects – even if they are what we call “small-time” drug suspects. They are called as such, because of the small quantity (0.01 or 0.02 grams) of illegal drugs that were caught in their possession. And for this, many of them have already been jailed for ten (10) or twenty (20) years. Their predicament moves us to sort

of see through a window the violation of the equal protection of the law. Their situation also contributes to the serious problem of prison congestion.

To clarify and highlight, the Public Attorney's Office supports the relentless anti-drug campaign of President Rodrigo Roa Duterte. We are one with him in the observance of the rule of law in dealing with this menace to the society, which includes the rehabilitation of drug dependents. Our clients who are involved in drug-related cases are indigents who are embracing rehabilitation.

Through the case, *Salvador Estipona, Jr. vs. Hon. Frank E. Lobrigo and People of the Philippines*,³⁶ the Public Attorney's Office has not only contributed in the enrichment of Philippine jurisprudence, but also in giving opportunities to the largest number of inmates that inundate the Philippine prisons, by sheer statistics, to better themselves and renew their lives.

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³⁶ *Supra*, Note 35.