

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Nineteenth Congress
First Regular Session

House Bill No. 6365



Introduced by: Representative LORDAN G. SUAN

AN ACT ESTABLISHING A LEGAL SCHOLARSHIP AND RETURN SERVICE PROGRAM FOR QUALIFIED AND DESERVING STUDENTS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

In the World Justice Project's Rule of Law Index published in 2021 which scores and ranks countries in the areas of Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice, the Philippines ranks 102nd among the 139 countries surveyed. Of the 15 countries in East Asia and the Pacific, we rank 3rd from the last spot. It shows that we are one of the weakest countries in terms of adherence to the rule of law. The same report shows that in the area of Civil Justice which covers accessibility, affordability, delay, discrimination, corruption and effective enforcement of justice, our country is at 101st place.

In 2018, under the auspices of the United Nations, the World Justice Project conducted a survey and reported that only 20% of Filipinos were able to access legal help, and of that percentage, 72% sought legal help from friends and families, 15% from lawyers and 13% from institutions. The survey showed that 80% of our fellow Filipinos were left without legal assistance. The main reasons for their inability to access legal services were affordability, distance, time spent in pursuing legal remedies and accessibility to lawyers. The most affected sectors were the Overseas Filipino Workers (OFWs), Persons with Disabilities (PWDs), Small and Medium Enterprises (SMEs) and indigents. The problem of inaccessibility was partly contributed by our inadequate number of lawyers. According to the 2018 survey, for every 2,500 Filipinos, there was one Filipino lawyer to service for them. Under the Magee Rule Curve, the optimum number of lawyer required is one for every 250 citizens.

The Public Attorney's Office which is mandated by law to render free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases has only 2,500 lawyers nationwide, servicing millions of indigent clients.

This is the situation we are in, at the moment. This is not a matter of perception. This is a fact supported by hard data. Beyond these numbers are people whose rights are violated, whose lives are in danger, whose properties are at stake and whose freedom are denied. They are powerless, penniless and vulnerable. These are fellow Filipinos who suffer in silence. They do not ask for more. They only ask, what is due them. It's what we call, justice.

In the light of the facts stated herein and of our Constitutional duty to aid the voiceless and the powerless, the passage of this Bill is urgently, sought.


HON. LORDAN G. SUAN
1st District
Cagayan de Oro City

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

SECTION 1. *Short Title.* – This Act shall be known as the “Abogado Para sa Bayan
Act.”

SECTION 2. *Declaration Policy.* – It is the policy of the State to:

- a.) Give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development. (Const. Art. II, Sec. 17)
- b.) Protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all. (Const. Art. IV, Sec. 1)
- c.) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the under-privileged. (Const. Art. XIV, Sec. 2 Par. 3)
- d.) Ensure that no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (Const. Art. III, Sec. 1)

- e.) Guarantee that all persons have free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied them by reason of poverty. (Const. Art. III, Sect. 11)
- f.) Secure 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. (Const. Art. III, Sec. 12, Par. 1)
- g.) Make sure that no person shall be held to answer for a criminal offense without due process of law. (Const. Art. III, Sect. 14, Par. 1)
- h.) Guarantee that all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies. (Const. Art. III, Sec. 16)

SECTION 3. *Establishment of the Legal Scholarship and Return Service Program.* – A Legal Scholarship and Return Service Program (LSRS) shall be established in state colleges and universities (SUCs) or in partner private higher educational institutions (PHEIs) offering Juris Doctor degree, for qualified and deserving students. The Commission on Higher Education shall identify at least one (1) partner higher educational institution (HEI) in every region, upon consultation with the Department of Justice (DOJ) and the Legal Education Board (LEB). Provided, that priority in the selection of recipients for the LSRS Program shall be given to:

- a.) Members of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs);
- b.) Those who belong to the marginalized sectors; and
- c.) Applicants who come from cities/municipalities with limited number of practicing public interest lawyers.

SECTION 4. *Coverage.* - The LSRS Program established under this Act shall be awarded to qualified and deserving Filipino students who want to pursue a degree in Juris Doctor (JD). The scholarship award shall include the following:

- a.) Full Tuition and miscellaneous fees;
- b.) Allowance for books and reading materials;
- c.) Allowance for board and lodging;
- d.) Allowance for transportation; and
- e.) Bar review fees;

SECTION 5. *Qualification Requirements.* – An applicant for the LSRS must be:

- a.) A graduate of a bachelor’s degree recognized as a prerequisite for a JD. Provided, That qualified and deserving higher year levels of the JD program shall be covered under this Act; and
- b.) Eligible to enroll in the SUC or PHEI by passing its entrance exam and has complied with all the requirements for admission.

- c.) A Filipino citizen residing in the Philippines;
- d.) Of good moral character;
- e.) From middle-middle to low-income household;

SECTION 6. *Conditions of Scholarship* . – Accepted students are subject to the following terms and conditions:

- a.) Must sign the LSRS Agreement form containing the terms and conditions of the scholarship;
- b.) Must carry a full load every semester;
- c.) Must finish the degree within the prescribed time frame of the SUC or PHEI. Provided, That leave of absence (LOA) may be allowed for valid and justifiable reasons but must still be subject to the retention policy of the SUC or PHEI.
- d.) Must take the bar examination within a year after graduation; and
- e.) Must render the return of service as provided under Section 8 of this Act.

SECTION 7. *Disqualification*. - The scholarship grant shall be terminated, and the scholar shall repay the full cost of scholarship in case of the following circumstances:

- a.) If the scholar accepts another scholarship from other government or private agency or organization;
- b.) If the scholar fails to meet the academic requirements or to complete the course within the prescribed period set by the SUC or PHEI;
- c.) If the scholar is convicted of a crime or any offence involving moral turpitude; and
- d.) If the scholar commits gross misconduct to the detriment of the community and the reputation of the school.

SECTION 8. *Mandatory Return Service*. – Upon passing the bar examination and signing the roll of attorneys, the scholar shall render a continuous service of five (5) years as a public attorney at the Public Attorney's Office (PAO) in a city or municipality within the region where the scholarship grant was obtained, or as a public interest lawyer at a legal aid organization approved by the Department of Justice and in the region where the scholarship grant was obtained. The area of assignment for the Mandatory Return Service shall be determined by the PAO Regional Office. Provided, That a scholar may opt to start the mandatory service immediately after graduation or awaiting the result of the bar examination.

SECTION 9. *Sanctions*. - A lawyer or a graduate who has availed the LSRS Program but fails or refuses to comply with the mandatory return service provided under this Act shall be required to pay two (2) times the full cost of scholarship.

SECTION 10. *Funding*. – The fund necessary for the implementation of this Act shall be included in the annual budget of the SUC, the Commission on Higher Education (CHED) and the Department of Justice (DOJ).

SECTION 11. *Implementing Rules and Regulations.*- The Commission of Higher Education (CHED), the Department of Justice (DOJ) and the Legal Education Board (LEB), in consultation with the Integrated Bar of the Philippines and reputable law schools, shall formulate the necessary Implementing Rules and Regulations (IRR) within sixty (60) days from the effectivity of this Act.

SECTION 12. *Separability Clause.* - In the event that any provision of this Act or any part hereof is declared invalid or unconstitutional, the provisions not hereby affected shall remain in full force and effect.

SECTION 10. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof, inconsistent with or contrary to the provisions of this Act are repealed, amended or modified, accordingly.

SECTION 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,