

## GUIDELINES ON LEGAL AID

### GUIDELINES GOVERNING THE ESTABLISHMENT AND OPERATION OF LEGAL AID OFFICES IN ALL CHAPTERS OF THE INTEGRATED BAR OF THE PHILIPPINES

#### ARTICLE I (Section 1 to 5)

##### PUBLIC RESPONSIBILITY

SECTION. 1. **Public service.** – Legal Aid is not a matter of charity. It is a means for the correction of social imbalances that may and often do lead to injustice, for which reason it is a public responsibility of the Bar. The spirit of public service should, therefore, underlie all legal aid offices. The same should be so administered as to give maximum possible assistance to indigent and deserving members of the community in all cases, matters and situations in which legal aid may be necessary to forestall an injustice.

SEC. 2. **Chapter legal aid offices.** – To attain this objective legal aid offices should be as close as possible to those who are in need thereof—the masses. Hence, every Chapter of the Integrated Bar must establish and operate an adequate legal aid office.

SEC. 3. **Notice of location.** – The specific address or location of said office should be announced in a notice, which shall be published as extensively as may be possible.

SEC. 4. **Officials to be notified.** – The following officials shall also be furnished copies of said notice, with the request that the same be given the widest possible publicity, namely:

- a. The Judges of all courts of justice, including such other judicial or quasi-judicial organs, if any, as may be performing their functions within the Province, City or area thereof to which the jurisdiction of the IBP extends;
- b. The Clerks of Court of said courts, the Deputy Clerks of Court of the Branches thereof, and the officers performing equivalent duties in said courts or organs, or in the division or branches thereof;
- c. The Provincial Governor and the chief executives of the cities, municipalities and other political subdivisions within the province or within said cities and/or municipalities;
- d. The Provincial Commander of the Constabulary, the Provincial Warden, the Chiefs of the City and/or Municipal Police Forces, as well as the heads of such other police, army and similar law-enforcing agencies, if any, as may be stationed in said province, cities, municipalities and/or other political subdivisions; and
- e. Schools, churches and such other institutions, organizations or persons as the Board of Officers of the Chapter or the Executive Director of its Legal Aid Office may deem fit.

SEC. 5. **Posting of notice.** – The aforementioned officers discharging the duties of Clerks of Court and/or Deputy Clerks of Court, or performing similar equivalent functions, shall, moreover, be requested to post said notice in their respective offices.

#### ARTICLE II (Section 6)

##### AUTONOMY AND UNIFORMITY

SEC. 6. **Autonomy and Uniformity.** – In the discharge of their responsibilities, all Chapters shall enjoy maximum local autonomy with the framework of uniform guidelines, under the direction and supervision of the National Committee on Legal Aid and subject to the authority of the Board of Governors.

**ARTICLE III**  
**(Section 7)**

**COORDINATION AND COOPERATION**

SEC. 7. **Coordination and Cooperation.** – Maximum levels of coordination and cooperation shall be maintained at all times among all Chapter Legal Aid Offices, as well as with other organizations having similar objectives or performing analogous or allied functions - such as, *inter alia*, the Department of Social Welfare (DSW), the Citizens Legal Assistance Office (CLAO), the Department of Agrarian Reforms (DAR), the Women Lawyers Association of the Philippines (WLAP), and the U.P. Women Lawyers Circle (WILOCI) and particularly with courts of justice, provincial fiscals, city fiscal and/or city attorneys, and other offices discharging similar duties.

**ARTICLE IV**  
**(Section 8)**

**NATIONAL COMMITTEE ON LEGAL AID**

SEC. 8. **Functions.** – The National Committee on Legal Aid shall promote the establishment and efficient maintenance of Chapter Legal Aid Offices suited to provide free legal services to those unable to pay for such services; direct and supervise all Chapter Legal Aid Offices; maintain maximum levels of coordination and cooperation with other organizations having similar objectives; receive and solicit aid and assistance from any available and suitable source or sources, provided that the independent character of the Legal Aid is not impaired; and in general, but subject to the authority of the Board of Governors, do or cause to be done all things necessary and proper for the promotion of Legal Aid activities, projects and objectives.

**ARTICLE V**  
**(Sections 9 and 10)**

**CHAPTER LEGAL AID COMMITTEES**

SEC. 9. **Chapter Legal Aid Committees.** – The Legal Aid Office of each Chapter shall be administered by a Legal Aid Committee under the direction and control of the Chapter Board of Officers.

SEC. 10. **Composition, appointment and term.** – Said Committee shall have, at least, a Chairman and two (2) other Members, who shall be appointed by the President of the Chapter, with the consent of a majority of the members of the Board of Officers, upon the election and assumption of office of the Chapter Officers, and shall serve for a term of one (1) year and until the appointment and qualification of their successors.

**ARTICLE VI**  
**(Sections 11 and 12)**

**POWERS AND DUTIES OF CHAPTER LEGAL AID COMMITTEES**

SEC. 11. **Main powers and duties.** – Every Chapter Legal Aid Committee shall:

(a) Appoint an Executive Director of Legal Aid whenever necessary or expedient by reason of the volume of work to be performed or for some other cause, with such compensation as may be fixed by the Chapter Board of Officers; provided, however, that where no such necessity exists or said appointment is not demanded by considerations of expediency, or in the event of absence, illness or incapacity of the Executive Director or of vacancy in said office, its function shall be discharged, without compensation, by the Chairman of the Chapter Legal Aid Committee or the Committee Member designated there for by said Chairman;

(b) Appoint additional Legal Aid personnel with such compensation as may be fixed by the chapter Board of Officers, whenever the needs for such additional personnel arises and the funds available to the Chapter Legal Aid Committee permit it, provided, however, that the Chapter Legal Aid Committee shall make use, to the fullest possible extent, of the services of the headquarters staff and such office space, equipment and supplies of the Chapter as may be available, or of such office space and other facilities, if any, as may be made available to the Committee by a local court or a branch of any other court or a branch or office of the Department of Social Welfare, the Red Cross, the Citizens Legal Assistance Office, the Election Registrar, or any other similar organization or by a law school or educational institution;

(c) Authorize law students to work in the Chapter Legal Aid Office, with the previous approval of the Board of Officers and under such conditions as it may prescribe;

(d) Adopt its own budget, with the approval of the Chapter Board of Officers;

(e) Solicit and receive aid and assistance from any legitimate source or sources, provided that the independent character of the Legal Aid Office is not impaired; that, in the case of conditional donations, the conditions are approved by the Board of Officers; and that such aid and assistance are duly receipted for by the Executive Director or the person designated by him there for, with the approval of said Board of Officers;

(f) Establish and administer a Chapter Legal Aid Fund;

(g) Make appropriations and disbursements;

(h) Keep proper books of account and submit, properly audited, annual financial statements, to the Chapter Board of Officers and the President of the Integrated Bar of the Philippines;

(i) Classify the Chapter members, preferably after consulting them, on the basis of the field of law in which they have specialized or they are more inclined to render free legal aid;

(j) Prepare a list of Chapter members who volunteer to work in the Chapter Legal Aid Office or to render free legal aid;

(k) With the approval of the Board of Officers, assign or designate members of the Chapter to render services in the office of the Committee, on a fair and equitable rotation system, for counseling and consultation, as often and for such periods as may be necessary or expedient;

(l) With the approval of the Board of Officers, assign specific legal aid cases or matters to carefully selected members of the Chapter, provided that these assignments shall be made in such a way that the burden of the work is spread out as fairly and equitably as possible among the members of the Chapter;

(m) Pass upon every request for legal aid, as provided for in Articles VII and VIII of these Guidelines;

(n) When the interest of justice and expediency demands it and the main part of the work involved in a given case or matter is to be done within the territorial jurisdiction of another Chapter, endorse and refer thereto said case or matter;

(o) Keep itself informed on significant incidents and developments in every case of legal aid, and take such steps as may be necessary and proper to expedite the final disposition thereof; and

(p) Submit to the Board of Officers and National Committee on Legal Aid an annual report of its operations, stating its composition an administrative set-up, the number of cases handled and of consultations attended to as well as the nature and extent of the services rendered, the outcome and status of the cases handled, the expenses required and those incurred in each case, all income derived, if any, in connection with said cases, the problems and difficulties encountered, special projects undertaken or to be undertaken, and particulars regarding the financial condition of the Committee, with such recommendations or suggestions as may be deemed fit and proper.

SEC.12. **Other powers and duties.** – Every Chapter Legal Aid Committee shall have, also, such other powers and duties as are or may be necessary or proper for the attainment of objectives, subject to such limitations or conditions as may, from time to time, be imposed by the Chapter Board of Officers by the President and/or the Board of Governors of the Integrated Bar of the Philippines.

## **ARTICLE VII (Sections 13 to 18)**

### **PROCEDURE**

SEC. 13. **Requests, where filed.** – All requests for legal aid shall be filed with the Chapter Legal Aid Committee *or with the National Committee on Legal Aid.*

*The National Committee on Legal Aid shall, as much as possible, concentrate on cases of paramount importance or national impact.*

SEC. 14. **Referral to Chapter Committee.** – Requests received by the National Office of the Integrated Bar shall be referred by the National Committee on Legal Aid to the corresponding Chapter Legal Aid Committee *of the locality where the cases have to be filed or where the cases are pending.* Moreover, the Chapter President *and the Chairman of the Chapter's Committee on Legal Aid* shall be advised of such referral.

SEC. 15. **Action on request.** – The Chapter Legal Aid Committee shall pass upon every request for legal aid, subject to review by the Chapter Board of Officers; provided, however, that, in urgent matters, requiring prompt or immediate action, the Executive Director or whoever performs his functions, may provisionally act on the request, subject to review by the Legal Aid Committee and, thereafter, by the Board of Officers.

SEC. 16. **Written Application.** – The Executive Director or whosoever discharges his duties shall see to it that every request for legal aid is set forth in an application –which shall adhere substantially to the forms enclosed herewith as part hereof and marked Annex “A” – at least in duplicate, which shall be subscribed by the party requesting legal aid or his duly authorized representative.

SEC. 17. **Copy for national committee.** – Upon completion or conclusion, for any cause, of the services requested or upon denial of the application for legal aid, a carbon copy of said application shall be forwarded to the National Committee on Legal Aid.

SEC. 18. **Amendments to application form.** – Chapter Board of Officers may, on its own initiative or upon that of its Legal Aid Committee suggest or recommend, at any time, to the National Legal Aid Committee such amendments of said form Annex “A” as it may deem fit and proper.

## **ARTICLE VIII (Sections 19 to 24)**

### **TESTS**

SEC. 19. **Combined tests.** – The Chapter Legal Committee *or the National Committee on Legal Aid, as the case may be,* shall pass upon requests for legal aid by the combined application of the means tests and merit tests, and the consideration of other factors adverted to in the following sections.

SEC. 20. **Means Test.** – The means test aims at determining whether the applicant has no visible means of support or his income is otherwise insufficient to provide the financial resources necessary to engage competent private counsel owing to the demands for subsistence of his family, considering the number of his dependents and the conditions prevailing in the locality.

*The means test shall not be applicable to applicants who fall under the Developmental Legal Aid Program such as Overseas Filipino Workers, fishermen, farmers, women and children and other disadvantaged groups.*

SEC. 21. **Merit test.** – The merit test seeks to ascertain whether or not the applicant's cause of action or his defense is valid and chances of establishing the same appear reasonable.

SEC. 22. **Other factors.** – The effect of the Legal Aid Service or of the failure to render the same upon the Rule of Law, the proper administration of justice, the public interest involved in given cases and the practice of law in the locality shall, likewise, be considered.

SEC. 23. **Private practice.** – Care shall be taken that the Legal Aid is not availed of to the detriment of the private practice of law, or taken advantage of by anyone for personal ends.

SEC. 24. **Denial.** – Legal aid may be denied to an applicant already receiving adequate legal assistance from any source other than the Integrated Bar.

## ARTICLE IX (Sections 25 to 27)

### CONTRIBUTIONS OF SUCCESSFUL LITIGANTS

SEC. 25. **Attorney's Fees to the Chapter or to the NCLA.** – In the event of successful litigation, whatever attorney's fees may have been awarded to the recipient of legal aid shall belong to the National Committee on Legal Aid or the Chapter that rendered such legal aid, as the case may be.

SEC. 26. **Contributions to the Legal Aid Fund.** – Regardless of whether or not attorney's fees have been awarded, the National Committee on Legal Aid or the Chapter Legal Aid Committee, as the case may be, shall have discretion to require the recipient of legal aid, in whose favor decision has been rendered, to turn over a nominal or reasonable portion of his actual recovery, not exceeding ten (10) per centum thereof, to the National Director for Legal Aid, as contribution to the Legal Aid Fund thereof, for the operation and maintenance of said Bureau. *A portion of the said amount may be given to the lawyer who handled the case.*

*In cases falling under the Developmental Legal Aid Program, the handling lawyer shall receive ten percent (10%) of the actual recovery by the client-applicant. The client shall also contribute fifteen percent (15%) of the said award to the Legal Aid fund of the Chapter or to the NCLA, as the case may be.*

SEC. 27. **Services Honorary.** – No lawyer or member of the staff of the Chapter Legal Aid Office shall directly or indirectly demand or receive from the recipient of legal aid any compensation, gift or present for services rendered in connection therewith.

## ARTICLE X (Section 28)

### LOCAL RULES AND REGULATIONS

SEC. 28. **Rules and Regulations.** – The Chapter Board of Officers may adopt rules and regulations, not inconsistent with these guidelines and such directive as may be issued by the President or the Board of Governors of the Integrated Bar of the Philippines, to govern the establishment and operation of the Chapter Legal Aid Office.

## ARTICLE XI (Section 29)

### AMENDMENTS

SEC. 29. **Amendments.** – These Guidelines may be amended, modified or repealed by the Board of Governors of the Integrated Bar of the Philippines *motu proprio* or upon the recommendation of the National Committee on Legal aid or any Chapter Board of Officers.

**ARTICLE XII**  
**(Section 30)**

**EFFECTIVITY**

SEC. 30. **Effectivity.** – These Guidelines shall take effect immediately.

Approved : May 31,1974