

Pro Bono Practices and Opportunities in the Philippines¹

I. Introduction

It is ingrained in the 1987 Philippine Constitution 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.”² As such, Republic Act No. 9406 or the Act Reorganizing and Strengthening the Public Attorney’s Office (PAO) provides that the PAO shall “render, free of charge, legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.”³

However, due to widespread poverty and frequent human rights violations, the Philippines present numerous opportunities for private lawyers to engage in pro bono work. The national bar association (Integrated Bar of the Philippines), non-governmental organizations, and university clinics are some of the of the active providers of such services.

While foreign lawyers remain unable to practice law in the Philippines, recent legislation requires all newly admitted lawyers in the Philippines to commit a certain number of hours to provision of pro bono services to those in need.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	1. Describe the laws/rules that regulate the provision of legal services?	The practice of law in the Philippines is primarily regulated by the Integrated Bar of the Philippines (“ IBP ”). The IBP is a mandatory Bar Association created by the Philippine Supreme Court in the 1970s. ⁴ All Philippine lawyers are required to join the IBP and cannot practice law in the Philippines without doing so. ⁵ All Philippine lawyers are also subject to the Code of Professional Responsibility for Lawyers (the “ Code ”).
	2. Describe any licensure requirements governing the provision of legal services.	All persons who wish to practice law in the Philippines must be admitted to the Bar. After successfully fulfilling the academic requirements, the candidate can file an application to take the Bar examinations, provided he or she is a citizen and resident of the Philippines, at least 21 years of age

¹ This chapter was drafted with the support of Ma. Elizabeth E. Peralta-Loriega and Ranulfo G.V. Payos, Jr., of PunoLaw

² Constitution of the Philippines, Article III (Bill of Rights), available at <https://lawphil.net/consti/cons1987.html> (last visited on May 1, 2019).

³ 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. Republic Act No. 9406, available at http://www.pao.gov.ph/UserFiles/Public_Atorney's_Office/file/PAO-Law.pdf (last visited on May 1, 2019).

⁴ Integrated Bar of the Philippines, IBP Brief History, available at <http://www.ibp.ph/about.html> (last visited on May 1, 2019).

⁵ Rules of Court, Rule 138, Section 1, available at http://www.lawphil.net/courts/rules/rc_138_bar.html (last visited on May 1, 2019).

		<p>and of good moral character.⁶ After passing the Bar examinations, the successful candidate is entitled to take the oath of office, receive his or her certificate of membership to the Philippine Bar and finally, sign the roll of attorneys at the Supreme Court. Only then does the candidate officially become a lawyer and can use the title of “Attorney”. Once admitted, the lawyer must remain in good standing by maintaining membership in the IBP and by complying with the requirements on Mandatory Continuing Legal Education (“MCLE”).⁷</p> <p>There is no distinction between solicitors and barristers as all candidates who wish to practice law must take the Bar examinations to be admitted. Paralegals are not recognized as legal professionals under Philippine law.</p>
<p>(b) Pro Bono Practice and Culture</p>		
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>The Constitution of the Philippines and the Code both reflect the principle that attorneys should provide legal representation to indigent individuals.⁸</p> <p>The Constitution states 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.”⁹ In a section of the Code entitled “A Lawyer Shall Not Refuse His Services to the Needy,” the Code requires that absent serious and sufficient cause to decline representation, lawyers must accept certain pro bono cases assigned to them.¹⁰</p> <p>In 2009, the Supreme Court introduced a requirement that all “practicing lawyers”¹¹ provide a minimum of 60 hours per year of free legal aid or pro bono legal services in all cases involving “marginalized and poor litigants” (the “Rule on</p>

⁶ Rules of Court, Rule 138, Section 2, available at http://www.lawphil.net/courts/rules/rc_138_bar.html (last visited on May 1, 2019).

⁷ Mandatory Continuing Legal Education, Rules 1 and 2, Bar Matter No. 850, available at <http://sc.judiciary.gov.ph/1611/> (last visited on May 1, 2019).

⁸ Code of Professional Responsibility, Canon 14, Rule 14.02.

⁹ Constitution of the Philippines, Article III (Bill of Rights), available at <https://lawphil.net/consti/cons1987.html> (last visited on May 1, 2019).

¹⁰ Code of Professional Responsibility, Canon 14.

¹¹ For exclusions to who qualifies as a “practicing lawyer”, see Rule on Mandatory Legal Aid Service, Bar Matter No. 2012 dated February 10, 2009 at Section 4, available at https://www.lawphil.net/courts/bm/bm_2012_2009.html (last visited on May 1, 2019).

		<p>Mandatory Legal Aid Service”).¹² Please note that effect of the Rule on Mandatory Legal Aid Service and its implementing rules were deferred to January 1, 2010, provided its implementing rules had been published. As of early 2019, the Rule on Mandatory Legal Aid Service had not come into effect.¹³</p> <p>In 2017, the Supreme Court introduced the Rule on Community Legal Aid Service (the “CLAS Rules”) and the IBP published the relevant implementing rules in 2018.¹⁴ The CLAS Rules apply to new lawyers who were admitted to the Bar in 2018 and onwards, with some exceptions (for example to those with prior pro bono experience). Organizations and groups, as well as individuals, may receive free legal assistance under the CLAS Rules.¹⁵</p> <p>The terms pro bono and free legal aid service are the same under the CLAS Rules.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Under the Rule on Mandatory Legal Aid Service, continuation of practice by an attorney depends on being issued a compliance certificate by the IBP attesting to the minimum of 60 pro bono hours.¹⁶</p> <p>The CLAS Rules require Covered Lawyers¹⁷ to whom the rules apply to provide 120 hours of pro bono legal services to qualified parties within the first 12 months of admission to the Bar.¹⁸</p> <p>The services under the CLAS Rules include representation of qualified parties in litigation, legal</p>

¹² Rule on Mandatory Legal Aid Service, Bar Matter No. 2012 dated February 10, 2009 at Section 5, available at https://www.lawphil.net/courts/bm/bm_2012_2009.html (last visited on May 1, 2019).

¹³ Supreme Court Notice dated September 18, 2012.

¹⁴ The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

¹⁵ Section 5(c), The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

¹⁶ Rule on Mandatory Legal Aid Service (n72) at Sections 5 and 7.

¹⁷ Rule on Community Legal Aid Service, Section 4(a). The term “Covered Lawyers” is defined as “those who have successfully passed the Annual Bar Examinations and have signed the Roll of Attorneys for that particular year; for purposes of this Rule, it shall include those who will pass the 2017 Bar Examination and are admitted to the Bar in 2018.”

¹⁸ Section 7(a), The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

	<p>counseling in negotiations, developmental legal assistance, certain judiciary or government services and services to marginalized sectors of society. Non-compliance with these rules may lead to the lawyer being disqualified from receiving a certificate of good standing from the IBP.</p>
<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>There is no requirement for aspiring lawyers to undertake pro bono work in order to become licensed lawyers. However, the CLAS Rules impose a requirement on newly qualified lawyers to complete a minimum number of hours of pro bono legal services within the first 12 months of qualification to the Bar. Aspiring lawyers who undertake certain pro bono work may receive exemption under the CLAS Rules for such work.¹⁹</p> <p>Law students who have completed a required amount of study and are supervised in a clinical legal education program may represent clients without compensation in civil, criminal or administrative cases.²⁰ Such work may count towards those students’ exemption of the requirements under the CLAS Rules.</p> <p>Philippine law schools, including the Ateneo de Manila Law School in Makati City and the University of Philippines College of Law, have set up clinical programs through which their students and alumni may provide free legal assistance.²¹</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The absence of effective access to justice by the poor and marginalized presents one of the most prominent opportunities for pro bono work in the Philippines. One such example is marginalized farmers.</p> <p>In the field of environmental law, urgent legal issues include large-scale mining, destruction of marine resources, and indiscriminate logging due to the increasing demand for land and natural resources. These practices frequently occur to the detriment of the poor and marginalized, causing</p>

¹⁹ Section 8, The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

²⁰ Rules of Court, Rule 138-A, Section 1, available at https://www.lawphil.net/courts/rules/rc_138-a_student.html (last visited on May 1, 2019).

²¹ Ateneo De Manila University School of Law (<http://ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center>) (last visited on May 1, 2019) and University of the Philippines College of Law (<http://law.upd.edu.ph/office-of-legal-aid/>) (last visited on May 1, 2019).

		<p>community displacement, increasing urban migration, usurpation of indigenous people’s ancestral rights, illegal land conversion, dwindling food production and depletion of freshwater resources, militarization and other human rights abuses, air and water pollution, and other environmental disasters.</p> <p>Gender equality issues also present pro bono opportunities. While the Philippine government has passed a number of laws addressing women’s development and gender equality issues, the recognition of certain rights - particularly in the realm of reproductive health - is still unresolved and is an area for potential advocacy.²²</p> <p>Additionally, extra-judicial executions have become an increasingly significant problem in the Philippines.²³ The surge of extra-judicial killings in the Philippines have prompted reports and campaigns extensive investigations by the United Nations, Amnesty International and Human Rights Watch.²⁴</p>
	<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>A number of NGOs committed to empowering the poor and marginalized have emerged to help meet the needs for pro bono in the Philippines.²⁵ For example, one project aims to help farmers obtain access to justice where they have been falsely and arbitrarily accused of crimes by wealthy landowners or elite land claimants.²⁶ The same project also seeks to provide paralegal training to local women so that they may monitor court cases, gather evidence, write affidavits, and help farmers navigate the legal system.²⁷</p> <p>At times sole lawyers have provided pro bono legal services. For example, in 2010, a pro bono</p>

²² International Labour Organization, Gender Equality in the Philippines (November 2014), available at http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_173283.pdf (last visited on May 1, 2019).

²³ Felipe Villamor, International Criminal Court Will Investigate Duterte Over Drug War, New York Times, February 8, 2006, available at <https://nyti.ms/2BhtGms> (last visited on May 1, 2019).

²⁴ Human Rights Watch, World Report 2017, Philippines (<https://www.hrw.org/world-report/2017/country-chapters/philippines>) (last visited on May 1, 2019).

²⁵ Aurora E. Bewicke, Asian Developments in Access to Counsel: A Comparative Study, 10 NW. U. J. INT’L HUM. RTS. 27 (2011), available at <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1124&context=njihr> (last visited on May 1, 2019). See, for example, the Humanitarian Legal Assistance Foundation (HLAF): <http://home.hlaf.org.ph/>.

²⁶ Ibid. (referencing Rosselynn Jae de la Cruz, Legal Consultant, AKBAYAN Citizens Action Party).

²⁷ Ibid.

		<p>environmental lawyer helped climate change activists take their fight against flooding to the Philippines Supreme Court.²⁸</p> <p>A number of law schools regularly provide pro bono legal services. The law schools include the Ateneo de Manila Law School in Makati City and the University of Philippines College of Law.²⁹</p>
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	Lawyers who are admitted to the Bar in the Philippines may provide pro bono legal services and do not require a separate license to do so.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers cannot offer pro bono legal services in the Philippines since non-Filipino lawyers are not permitted to offer advice as to Philippine law, and foreign law firms are not allowed to have offices in the Philippines.</p> <p>It may also be noted that very few domestic law firms have associations with large foreign firms or foreign lawyers. These restrictions have been criticized, and some have argued that the country should open itself to cross border practice, particularly in light of globalization.</p>
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Professional indemnity insurance is not required in the Philippines (including for providing pro bono legal services). It is uncommon for law firms to take out professional indemnity insurance.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	<p>As a general rule, a lawyer cannot advertise his services in the Philippines. There are exceptions to the prohibition against advertising, these are:</p> <ul style="list-style-type: none"> • Publication in reputable law lists; • Use of professional / business card; • Simple announcement of the opening of a law firm; and

²⁸ Purple S. Romero, Pro Bono Lawyer Leads Landmark Court Challenge in Philippines, TRUSTLAW, June 29, 2010, available at <http://news.trust.org/item/20100629094500-4631k> (last visited on May 1, 2019).

²⁹ Ateneo Legal Service Center: <http://www.ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center> (last visited on May 1, 2019). University of Philippines College of Law: <http://law.upd.edu.ph/office-of-legal-aid/> (last visited on May 1, 2019).

		<ul style="list-style-type: none"> • Telephone directory listing.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Newly qualified lawyers in the Philippines who are subject to the CLAS Rules may receive full MCLE credits for qualifying pro bono hours. ³⁰
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in the Philippines.	<p>There are a number of governmental programs offering legal assistance to indigent persons in the Philippines.</p> <p>The Public Attorney’s Office (the “PAO”), an agency under the Department of Justice, was established to provide free access to courts, due process and equal protection of the laws to individuals who either have no income or are below certain income thresholds in cases ranging from civil and criminal to administrative cases.³¹ To qualify for free legal representation, individuals must qualify under “the double M tests.” Such tests consider the “merits” of the case and the indigency (or “means”) of the individual.³²</p> <p>The PAO fulfills its mandate by providing legal advice, trial preparation, court representation, mediation, forensics, amongst other services.³³</p> <p>Other government-based agencies provide free legal assistance in specific areas of the law, such as agrarian reform.³⁴</p> <p>The Philippine courts may appoint lawyers to provide free representation to indigent defendants in criminal cases.</p>

³⁰ Section 17, The Implementing Rules and Regulations of A.M. No. 17-03-09-SC otherwise known as the “Rule on Community Legal Aid Service”, available at [http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20\(FINAL%2005-10-18\)%20with%20e-signature.pdf](http://www.ibp.ph/pdf/announcement/2018%20%20IRR%20of%20the%20CLAS%20Rules%20(FINAL%2005-10-18)%20with%20e-signature.pdf) (last visited on May 1, 2019).

³¹ Public Attorney’s Office, About PAO, available at <http://www.pao.gov.ph/page.php?id=10> (last visited on May 1, 2019); Republic Act No. 9406, Section 1, available at http://www.pao.gov.ph/UserFiles/Public_Atorney's_Office/file/PAO-Law.pdf (last visited on May 1, 2019).

³² Public Attorney’s Office, Persons Qualified for Legal Assistance, available at <http://www.pao.gov.ph/page.php?id=28> (last visited on May 1, 2019).

³³ Public Attorney’s Office, Services, available at <http://www.pao.gov.ph/page.php?id=13> (last visited on May 1, 2019).

³⁴ Department of Agrarian Reform, available at <http://www.dar.gov.ph/> (last visited on May 1, 2019).

<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in the Philippines.</p>	<p>The IBP provides legal assistance to indigent Filipinos.³⁵ The IBP’s National Committee on Legal Aid supervises the IBP’s legal aid program, which consists of numerous local chapter clinics throughout the Philippines.³⁶ The services include consultations and counselling to those who qualify.³⁷ Chapters often allow for walk-in consultation.³⁸</p> <p>Sentro Ng Alternatibong Lingap Panligal: Provides litigation support, legal literacy and alternative legal education, paralegal information, policy advocacy, research and publication, and internships for law students.³⁹</p> <p>Balay Mindanaw Group: Provides legal services to marginalized sectors and communities in Mindanao, conducts capacity building interventions on local legislation and dispute resolution, and advances legal issues of different marginalized sectors and communities.⁴⁰</p> <p>University of the Philippines College of Law: Provides free legal assistance to indigent litigants and is actively involved in public interest cases.⁴¹</p>
<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>Apart from the above listing of non-governmental organizations offering pro bono legal services, the following organizations also offer pro bono legal services:</p> <ul style="list-style-type: none"> • IBP Legal Aid Department (+63 2 631-3013) • National Union of People’s Lawyers⁴² • Ateneo Legal Service Center⁴³ • Humanitarian Legal Assistance Foundation⁴⁴

³⁵ Integrated Bar of the Philippines, Contact, available at <http://www.ibp.ph/contact.html> (last visited on May 1, 2019).

³⁶ Judge Eliza B. Yu, Integrated Bar of the Philippines (IBP) In A Nutshell, available at http://www.academia.edu/30925204/Integrated_Bar_of_the_Philippines_IBP_in_a_Nutshell (last visited on May 1, 2019).

³⁷ Integrated Bar of the Philippines Makati Chapter, Legal Aid Assistance Flowchart, available at <http://www.ibpmakati.com/legal-aid-services.do?id=16312> (last visited on May 1, 2019).

³⁸ For example the Integrated Bar of the Philippines Makati Chapter, available at <http://www.ibpmakati.com/legal-aid-services.do?id=16312> (last visited on May 1, 2019).

³⁹ See <http://www.saligan.org/> (last visited on May 1, 2019).

⁴⁰ See <http://balaymindanaw.org> (last visited on May 1, 2019).

⁴¹ See <http://law.upd.edu.ph/office-of-legal-aid/> (last visited on May 1, 2019).

⁴² See <https://nupl.net/> (last visited on May 1, 2019).

⁴³ See <http://www.ateneo.edu/aps/law/ateneo-law-center/ateneo-legal-services-center> (last visited on May 1, 2019)

⁴⁴ See <http://home.hlaf.org.ph/> (last visited on May 1, 2019).

May 2019
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