



HOUSE OF REPRESENTATIVES

H. No. 5523

BY REPRESENTATIVES VIOLAGO, DEFENSOR (M.), SOLIS, ARNAIZ, DUMARPA,
BALINDONG, AGGABAO, GARCIA (P.), RODRIGUEZ, MATUGAS, JOSON,
GONZALES (N.), DE GUZMAN, AGBAYANI, VELARDE AND ROMULO, PER
COMMITTEE REPORT NO. 1513

AN ACT EXEMPTING POOR LITIGANTS FROM POSTING BAIL WHEN CHARGED WITH NON-CAPITAL OFFENSES FOR THE FIRST TIME AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known and cited as the
2 “Poor Litigants Equalization Act of 2008”.

3 SEC. 2. *Declaration of Policy.* – It shall be the declared policy of the
4 State to exempt poor litigants who are Filipino citizens from posting bail when
5 charged for the first time with a felony or a crime in which the law attaches an
6 imprisonment of not more than six (6) years and be released on recognizance.

7 SEC. 3. *Definition.* – As used in this Act, the term “poor litigants”
8 shall refer to persons whose income fall below the poverty threshold as defined
9 by the National Economic and Development Authority (NEDA) and/or those
10 who cannot afford in a sustained manner to provide their minimum basic needs
11 of food, health, education, clothing, housing and other essential necessities.

1 SEC. 4. *Duty of the Courts.* – For purposes of stability and uniformity,
2 the courts shall automatically consider an accused as a poor litigant when
3 his/her daily wage rate is lower than the prevailing wage rate that is observed
4 at the National Capital Region.

5 Other factors and conditions demonstrating the financial incapacity of
6 the accused at the time that he/she is facing charges in court may also be
7 considered by the courts for the purpose of covering as many individuals
8 belonging to the marginalized and poor sectors of society.

9 SEC. 5. *Exemption from Bail.* – Any poor litigant who is a citizen of
10 the Philippines shall be exempt from posting bail when charged for the first
11 time with a felony or a crime in which the law attaches an imprisonment of not
12 more than six (6) years in any court in the Philippines and be released on
13 recognizance of any of the following:

14 (a) A duly registered nongovernmental organization, i.e. duly licensed
15 and accredited by the Department of Social Welfare and Development
16 (DSWD);

17 (b) A faith-based organization;

18 (c) A barangay official;

19 (d) A member of the Barangay Council for the Protection of Children
20 (BCPC);

21 (e) A local social welfare development officer (LSWDO); or

22 (f) The DSWD when and where appropriate.

23 SEC. 6. *Conditions of Temporary Liberty on Recognizance.* – Any poor
24 litigant released on recognizance by virtue of Section 5 of this Act shall appear
25 and present himself/herself before the proper court whenever required.

26 In case of failure to do so even on the first instance, without any valid or
27 reasonable ground, the court shall immediately order his/her arrest and he/she

1 shall *ipso facto* lose his/her right to be released on recognizance. Thereafter,
2 he/she shall be required to post bail for his/her temporary liberty.

3 If the accused cannot be arrested by reason of flight or when he/she
4 cannot be located at his/her last known address, the same shall be deemed a
5 waiver of his/her right to be present during the trial. In such case, the trial may
6 proceed *in absentia*.

7 SEC. 7. *Transitory Provisions.* – Poor litigants who are detained
8 pending trial at the time of the effectivity of this Act and who are charged for
9 the first time with an offense or a crime punishable by imprisonment of not
10 more than six (6) years shall be accorded with the benefits of this Act.

11 SEC. 8. *Separability Clause.* – If, for any reason whatsoever, any
12 provision of this Act is declared unconstitutional, the same shall not affect the
13 validity of the other provisions not declared as such.

14 SEC. 9. *Repealing Clause.* – All laws, presidential decrees, executive
15 issuances, rules and regulations, or parts thereof, which are inconsistent with
16 this Act are hereby expressly repealed or modified accordingly.

17 SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days
18 following its publication in at least two (2) newspapers of general circulation.

Approved,

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