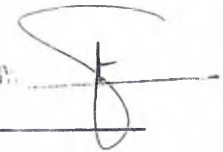


**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

Office of the Secretary

'22 JUL 12 A11 :01

SENATE
S.B. No. 347

RECEIVED BY: 

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT PROVIDING FOR INCENTIVES TO MEMBERS OF THE LEGAL
PROFESSION ENGAGED IN THE DEFENSE OF THE RIGHTS OF
INDIGENT INDIGENOUS PEOPLES**

EXPLANATORY NOTE

Republic Act 8371 or the Indigenous Peoples Rights of Act of 1997 ("IPRA") has been hailed as a landmark and even sometimes, a "revolutionary legislation" after this law clarified the rights of our brethren who are part of the indigenous peoples ("IPs") or indigenous cultural communities ("ICCs").

To ensure its effective implementation, the law provided for the creation of a highly specialized agency called the National Commission on Indigenous Peoples ("NCIP"). It has come to our attention however that the lack of lawyers advising ICCs/IPs on their rights and privileges under the IPRA has continuously exposed said ICCs/IPs to the dangers, which the IPRA sought to prevent.

Considering the inherent limitations on NCIP's resources and ability to properly advise ICCs/IPs, there is a need for corrective legislation to address this deficit in the law.

In view of the foregoing, the passage of this bill is earnestly sought.

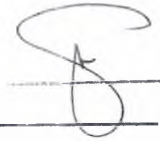

MARIA LOURDES NANCY S. BINAY

NINETEENTH CONGRESS OF THE)
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AN ACT PROVIDING FOR INCENTIVES TO MEMBERS OF THE LEGAL PROFESSION ENGAGED IN THE DEFENSE OF THE RIGHTS OF INDIGENT INDIGENOUS PEOPLES

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

SECTION 1. Section 78-A is hereby inserted into Republic Act No. 8371 or The Indigenous Peoples' Rights Act of 1997:

"SECTION 17-A. PRO BONO LEGAL SERVICES FOR INDIGENT ICCS/IPS. - THE NCIP IS HEREBY EMPOWERED TO APPOINT COUNSELS DE OFICIO FOR INDIGENT ICCS/IPS WITH PENDING CASES BEFORE IT. APPOINTED COUNSELS DE OFICIO SHALL BE ENTITLED TO TAX FREE HONORARIA OR PER DIEMS AS THE NCIP MAY PROVIDE UNDER ITS RULES.

ANY MEMBER OF THE PHILIPPINE BAR WHO HAS RENDERED FREE LEGAL SERVICES TO INDIGENT ICCS OF AT LEAST ONE HUNDRED (100) HOURS WITHIN ONE YEAR SHALL BE ENTITLED TO DIRECT DEDUCTION FROM HIS INCOME TAX DUE IN THE AMOUNT OF ONE HUNDRED THOUSAND PESOS (P100,000.00). FOR THE AVOIDANCE OF DOUBT, THIS PROVISION SHALL APPLY TO LAWYERS RENDERING DIRECT LEGAL SERVICES TO THE ICCS/IPS OR LEGAL SERVICES RENDERED OUTSIDE OF THE NCIP SUCH AS BUT NOT LIMITED TO LEGAL ADVICE ON CONTRACTS, OR PROVIDING LEGAL ADVICE.

THE BUREAU OF INTERNAL REVENUE IN CONSULTATION WITH THE INTEGRATED BAR OF THE PHILIPPINES SHALL FORMULATE THE APPROPRIATE RULES AND REGULATIONS TO ENSURE THAT THE OBJECTIVE UNDER PARAGRAPH 2 OF THIS SECTION IS FULLY IMPLEMENTED. THE NCIP SHALL FORMULATE THE DEFINITION OF "INDIGENT ICCS/IPS," AND IS HEREBY AUTHORIZED TO

1 **ADJUST IT FROM TIME TO TIME BASED ON REASONABLE**
2 **STANDARDS."**

3
4 SEC. 2. *Repealing Clause.* - All laws, presidential decrees, executive orders,
5 rules and regulations or parts thereof inconsistent with provisions of this Act are
6 hereby repealed, amended or modified accordingly.

7
8 SEC. 3. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,