

MEMORANDUM CIRCULAR No. 18

Series of 2002

SUBJECT: AMENDED STANDARD OFFICE PROCEDURES IN EXTENDING LEGAL ASSISTANCE

This hereby amends Memorandum Circular No. 5, Series of 1997, dated August 21, 1997, issued by then Chief Public Attorney, Atty. Reynold S. Fajardo.

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ARTICLE I PURPOSE

Section 1. Purpose. – This circular is issued for the purpose of setting forth, defining and consolidating the policies and rules to be observed by PAO lawyers in the handling, recording and reporting of cases and in rendering other forms of legal services to indigent persons.

ARTICLE II CLIENTELE

Section 1. Persons Qualified for Legal Assistance. – Pursuant to Book IV, Title III, Section 14 of the Administrative Code of 1987 in relation to Presidential Decree No. 1 and Republic Act 6035, the Public Attorney’s Office is mandated to represent, free of charge, indigent persons or the immediate members of their family, in all civil, administrative and criminal cases where, after due investigation, it is determined that the interest of justice will be served thereby.

In line with the foregoing, PAO lawyers should extend legal assistance to an applicant who is indigent and whose case is meritorious.

Sec. 2. Merit Test. – A case shall be considered meritorious if an assessment of the law and evidence on hand discloses that the legal services of the office will assist, or be in aid of or in the furtherance of justice, taking into consideration the interests of the party and those of society. In such cases, the PAO lawyer should agree to represent the party concerned. *A contrario*, a case is deemed unmeritorious if it appears that it has no chance of success, or is intended merely to harass or injure the opposite party or to work oppression or wrong. In such situation the PAO lawyer must decline the case.

A PAO lawyer may represent an indigent client even if his cause of action is adverse to a public officer, government office, agency or instrumentality provided the case is meritorious. Caution should, however, be exercised that the office be not exposed to charges of harassment, unfairness or haste in the filing of suits.

In criminal cases, the accused enjoys the constitutional presumption of innocence until the contrary is proven, hence cases of defendants in criminal actions are considered meritorious.

Sec. 3. Indigency Test. – Taking into consideration recent surveys on the amount needed by an average Filipino family to (a) buy its “food consumption basket” and (b) pay for its household and personal expenses, the following shall be considered indigent persons:

1. Those residing in Metro manila whose family income does not exceed P14,000.00 a month;

2. Those residing in other cities whose family income does not exceed P13,000.00 a month; and
3. Those residing in all other places whose family income does not exceed P12,000.00 a month (*As amended by MC No. 2, Series of 1998 dated August 25, 1998*)

The term “**family income**” as herein employed shall be understood to refer to the gross income of the litigant and that of his or her spouse, but shall not include the income of the other members of the family.

For purposes of this Section, ownership of land shall not per se constitute a ground for disqualification of an applicant for free legal assistance in view of the ruling in *Juan Enage vs. Victorio Ramos, et. al.* (G.R. No. L-22109, January 30, 1970) that the determinative factor for indigency is the income of the litigant and not his ownership of real property.

PAO lawyers and personnel shall exercise extra care in ascertaining the financial condition of applicants in order to ensure that only those qualified shall be extended free legal assistance by requiring the applicant to submit any of the following proofs of indigency:

1. Latest Income Tax Return;
2. Certificate of Indigency form the DSWD having jurisdiction over the residence of the applicant; or
3. Certificate of Indigency form the Barangay Cahirman having jurisdiction over the residence of the applicant (*As amended by M.C. No. 12, series of 2001, dated April 23, 2001*)

Sec. 4. Cases Which May be Provisionally Accepted. – In the following instances, PAO lawyers may accept or handle cases provisionally pending verification of the applicant’s indigency and an evaluation of the merit of his case.

1. Where a warrant for the arrest of the applicant has been issued;
2. Where a pleading has to be filed immediately to avoid adverse effects to the applicant
3. Where an appeal or petition for certiorari or prohibition has to be perfected or filed immediately;
4. Where the PAO lawyer is appointed by the court as counsel de officio to represent the defendant during the trial of the case, provided, however, that if

a subsequent investigation discloses that the client is indigent, the lawyer should respectfully request the court to relieve him;

5. Where the PAO lawyer is designated on the spot as counsel de oficio for the purpose only of arraignment, pre-trial or the promulgation of the decision; and
6. Other similar urgent cases

Sec. 5. Persons Qualified for Assistance Pursuant to MOAs and DOJ Directives.

– The following are qualified for legal assistance by virtue of agreements entered into with other government offices, directives from the Department of Justice, and special laws:

1. Department of Agrarian Reform lawyers against whom criminal and administrative complaints have been filed for acts committed in connection with the performance of their official duties (Directive of the Minister of Justice);
2. Farmer-beneficiaries of the Agrarian Reform Law, (a) in agrarian-related civil or criminal cases pending before the courts, and (b) in cases against fellow beneficiaries pending before the courts or the Department of Agrarian Reform Adjudication Board (DARAB) where one of the parties is already represented by a lawyer from the Department of Agrarian Reform (Memorandum of Agreement, dated May 8, 1991, between DAR and DOJ);
3. Indigent laborers in meritorious cases (Memorandum Order, dated May 19, 1988, of the Secretary of Justice);
4. Indigent aliens (2nd Endorsement, dated March 25, 1974, of the Undersecretary of Justice, the pertinent portion of which is hereunder quoted:

“x x x the undersigned finds well-taken the conclusion, and the reasons therefore, reached by the Legal Research and Statistics Division of that office to the effect that the services of that Office may be extended to indigent aliens. Nonetheless, considering its limited facilities and personnel, that office is directed to adopt the policy of giving preference to deserving citizens in extending legal services;”
5. Qualified overseas contract workers in all cases within the original and exclusive jurisdiction of the Philippine Overseas Employment Administration (Memorandum of Agreement between PAO, DOLE, POEA, OWWA and some NGOs, dated April 2, 1993);
6. Barangay Health Workers (Section 16, Rule II and Part 5, Rule VII of the Implementing Rules and Regulations of republic Act No. 7883); and

7. The Department of Social Welfare and Development in the filing of petitions for the involuntary commitment of minors, as well as in the filing of petitions for the declaration that a child is abandoned or neglected (Directive of Minister of Justice Neptali Gonzales, dated February 10, 1987)

Sec. 5-A. Other Persons Qualified for Assistance. – Immediate members of the family and relatives within the 4th civil degree of consanguinity or affinity of PAO lawyers may avail of his services regardless of qualification under the indigency test, with the approval of the Regional Director, if the case is within the his region or the Chief Public Attorney, if the case is outside of his region and provided further that the lawyer files a leave of absence on the day of the hearing. (**Memorandum Circular No. 1, series of 1998, dated February 20, 1998**)

Sec. 6. Persons Not Qualified for Legal Assistance. - PAO lawyers are prohibited from assisting the following parties:

1. Juridical persons; except those juridical entities which are non-stock, non-profit organizations whose individual members will pass the indigency test of the office, provided their cases involve land disputes and that they are not the lessor thereof. (*Amended by Memorandum Circular No. 06, Series of 2002, dated January 24, 2002*);
2. Parties who do not pass the Merit and Indigency Tests, unless appointed as counsel de officio in criminal cases only under existing laws, rules and regulations; (a)
3. Parties represented by de parte counsel; and
4. Landlords of residential lands and buildings with respect to the filing of collection or unlawful detainer suits against their tenants.

Sec. 7. Cases Not To Be Handled. - PAO lawyers shall not handle cases where they would thereby be representing conflicting interests. Neither shall they handle the prosecution of criminal cases in court. As a matter of office policy, PAO lawyers should, likewise refrain from undertaking the defense of persons accused of violating BP 22, unless they are appointed by the court as counsel de officio under existing laws, rules and regulations. (a)

ARTICLE III JUDICIAL AND QUASI-JUDICIAL CASES

Section 1. Procedure in Accepting Cases. – The following procedure shall be observed in the acceptance of judicial and quasi-judicial cases:

1. *Interview.* – Persons seeking legal assistance shall be interviewed by a lawyer or personnel assigned to interview clients to ascertain if he is qualified for

legal assistance. In addition to the data called for in the Interview Sheet, the applicant shall be required to submit or exhibit a copy of his latest income tax returns, if available, and execute the Affidavit of Indigency printed at the back of the Interview Sheet.

2. *Control Number.* – If the applicant is found to be qualified for legal assistance, the case shall be assigned a control number. The numbering shall be consecutive starting from January to December of every year. The control number shall indicate the Regional Office and District Office handling the case. In the Central Office the numbering shall be undertaken by the Division concerned, i.e. FSSD or SAC Division.

Example:

PAO Form No. 3 - Interview Sheet

Region : Dist. Office : Year : Month : Number
NCR : Pasay : 1997 : 08 : 898

3. *Assignment of Case.* - After a case is given a control number, the same shall be assigned to a lawyer by the Regional Public Attorney or District Public Attorney or Division Chief as the case may be.

Sec. 2. Court Assignments. - PAO lawyers shall be given specific court assignments by the Regional Public Attorney or District Public Attorney. They are not allowed to handle cases or appear in other courts without the approval of the District Public Attorney, if within the district, or by the Regional Public Attorney, if the case is outside the district but within the region.

Sec. 3. Handling of Cases. - The following policies shall be observed in the handling of cases:

1. *First Come-First Served.* - Where both the complainant and respondent apply for legal assistance and both are qualified, the first to seek assistance shall be given preference.
2. *Conflict of Interests.* - Where the PAO is precluded from accepting the case under the conflict of interests rule, the applicant shall be duly informed and advised to seek the services of a private counsel or legal aid organization.
3. *Travel of Lawyers and Personnel.* - PAO lawyers and personnel who leave the office during office hours to attend to cases must secure permission therefore, as follows:

- a) Lawyers and personnel in the Central Office shall secure prior written permission from their Chief of Division for travel within Metro Manila, and from the Chief Public Attorney for travels outside Metro Manila.
 - b) Field lawyers and personnel shall secure prior written permission from their District public Attorney for travels outside the district, from their Regional Director for travels outside the district but within the region, and from the Chief Public Attorney for travels outside the region.
 - c) A District Public Attorney shall secure prior written permission from his Regional Director for travels outside the territory of his district, but within the region, and from the Chief Public Attorney for travels outside the region.
 - d) Chiefs of Division and Regional Directors shall secure the prior written permission of the Chief Public Attorney for their travels outside Metro Manila and their regions, respectively.
4. *Signature of Pleadings.* - All complaints, petitions, answers, replies and other important pleadings to be filed in lower courts, quasi-judicial bodies and other offices, must be signed by the lawyer handling the case and co-signed:
- a. In the District Offices – by the District Public Attorney
 - b. In the Regional Offices – by the Regional Director or any senior lawyer in the Regional Office designated by him; and,
 - c. In the Central Office – by the Division Chief or the senior lawyer designated by him
5. *Transfer of Cases.* - Transfer of cases from one PAO lawyer to another shall be effected only upon approval of the unit head.

Sec. 4. Withdrawal of Representation. - A PAO lawyer may, in justifiable instances, withdraw representation of a client's cause upon approval of his superior and through a proper motion filed in Court.

Withdrawal may be warranted in the following situations:

- 1. In cases provisionally handled, where it is subsequently ascertained that the client is not qualified for PAO services;
- 2. Where the client's income or resources improve and he no longer qualifies for continued assistance;

3. When adequate proof is subsequently submitted showing that the client's allegation of indigency is false or incorrect;
4. When the client subsequently engages a de parte counsel or is provided with a de officio counsel;
5. When, despite proper advice from PAO lawyer, the client cannot be retrained from doing things which the lawyer himself ought not do, particularly with reference to their conduct towards courts, judicial officers, witnesses, and litigants (Canons of Professional Ethics), or the client insists in having control of the trial, theory of the case, or strategy in procedure, which would tend to result in incalculable harm to the interests of the client; and
6. When it becomes apparent that the representation of the client's cause will result in a representation of conflicting interests, as where the adverse party had previously engaged in the services of the PAO, and the subject matter of the litigation is directly related to the services previously rendered to the adverse party.

ARTICLE IV APPEALS

Section 1. Decision to Appeal. - All appeals must be made upon the request of the client himself and only meritorious cases shall be appealed.

If the lawyer handling the case and his District Head find that there is no merit to the appeal, the client should be immediately informed thereof in writing and the record of the case turned over to him, under proper receipt. However, if the client insists on appealing the case, the lawyer handling the case should perfect the appeal before turning over the records of the case to him.

If the appeal is meritorious and the remedy is ordinary appeal, the Notice of Appeal should be forthwith prepared and co-signed by the lawyer handling the case and his District Head. Where the District office concerned is housed in the same building as the Regional Office, the Notice of Appeal should also be co-signed y the Regional Public Attorney.

Sec. 2. Appeals to be Handled by the SAC Division. - The SAC Division shall handle all appeals to the Office of the President. It shall, likewise, handle all appeals to the Court of Appeals and the Supreme Court from rulings of lower courts and administrative agencies or tribunals.

The lawyer who handled the case in the lower court shall be responsible in perfecting the appeal. In special proceedings and other cases where multiple appeals are allowed, he shall also file the Record on Appeal.

Sec. 3. Appeals to be Handled by Field Lawyers. - Petitions addressed to the Secretary of Justice for the review of the resolution of a Prosecutor or his order denying a motion for reconsideration, shall be prepared by the field lawyer on the case. The appeal must be in strict conformity with **Department Circular No. 70 dated July 3, 2000.**

Appeals from decisions, resolutions and final orders of Regional Offices, Bureaus or other offices to their Departments shall also be undertaken by the field lawyer handling the case.

Sec. 4. Records to be Transmitted. - The complete record of the case elevated to the Appellate Court should be sent to the SAC Division. The papers should be chronologically arranged. Documents written in local dialects should be translated into English and the translation must be attached to the record.

In civil cases where no Record on Appeal is required, the record shall be forwarded upon receipt of any of the following:

1. Order giving due course to the Notice of Appeal;
2. Order directing the Clerk of Court to transmit the record of the case to the Appellate Court;
3. Notice from the Clerk of Court that the original record of the case been transmitted to the Appellate Court

In cases where a Record on Appeal is required, the same shall be transmitted upon receipt of the order approving the Record on Appeal.

In criminal cases, the record shall be forwarded to the SAC Division upon receipt of any of the following:

1. Order giving due course to the Notice of Appeal;
2. Order directing the Clerk of Court to transmit the record of the case to the Appellate Court;
3. Notice from the Clerk of Court that the original record of the case has been transmitted to the Appellate Court

The record to be forwarded to the SAC Division shall include the Complaint or Information, Motion to Quash, if any, Order issued upon arraignment, Pre-Trial Order, Transcript of Stenographic Notes, Documentary Exhibits, if available, certified true copy of Decision and other pertinent and material pleadings. Material dates to show timeliness of the remedy should be included in the memorandum transmitting the case to the SAC Division.

Sec. 5 Immediate Transmittal of Records. - The records shall be immediately transmitted to the SAC Division in the following cases:

1. Petitions for Review with the Court of Appeals of decisions of Regional Trial Courts in the exercise of its appellate jurisdiction;
2. Appeals in Special Civil Actions like petitions for certiorari, prohibition, or mandamus;
3. Petitions for Review on Certiorari of decisions of the Sandiganbayan.

Sec. 6 Habeas Corpus Cases. - Petitions for the issuance of a Writ of Habeas Corpus shall be filed by the PAO lawyer on the case in the lower court. Where there extraordinary and very important reasons for filing it with the Court of Appeals or the Supreme Court, the case shall be endorsed to the SAC Division (Emilia D. Orpano vs. William dela Cruz, et. al., G.R. No. 91992, February 21, 1990).

Where an appeal is to be interposed, it must be perfected within forty-eight (48) hours from notice of the judgment. The records of the case must be transmitted to the SAC Division immediately upon filing of the notice of appeal.

Sec. 7. Docket and Other Fees. -If the client did not litigate or appeal as a pauper in the lower court and he wants to appeal as a pauper in the Court of Appeals or the Supreme Court, a petition to be allowed to appeal as a pauper should be filed in the lower court. Once the petition is granted the same must be transmitted to the SAC division together with the office record of the case. If the client does not appeal as a pauper litigant, the corresponding docketing and other legal fees in the form of money order payable to the Clerk of Court of the Court of Appeals or Supreme Court must be forwarded together with the office record of the case.

Docketing fees for cases falling under the Rules on Summary procedure (BP No. 129) must be remitted together with the case record as no extension of time may be granted by the court, unless the same had been paid at the time the motion is filed.

Docketing fees in ordinary appeals to the Court of Appeals shall be paid to the Clerk of Court of the regional trial Court of origin.

Sec. 8 Appeals by the Adverse Party. - Where the adverse party appeals, the record of the case shall be forwarded to the SAC Division immediately upon knowledge of the perfection of the appeal or filing of the petition or appeal memorandum by the adverse party.

Sec. 9. SAC Division Responsibilities. - While the initial evaluation of the merit and propriety of an appeal are made at the District Office level, it is the SAC Division

which shall finally decide if the appeal is justified and whether the theory adopted, issues raised and mode of appeal availed of by the trial lawyer are proper.

If the SAC Division finds no merit to the appeal, or believes the course of action is not proper and can no longer be remedied, the corresponding recommendation to consider the case as terminated shall be submitted to the Chief Public Attorney for his approval.

The SAC Division shall enter its appearance once it receives the complete records of the case. Such appearance in substitution of the trial lawyer will relieve the latter of responsibilities attendant to the case.

It is the duty of the SAC Division to furnish the field lawyer or his District Head with a copy of the decision the moment it receives the same from the Appellate Court.

Sec. 10. Monitoring of Compliance with Guidelines. - The SAC Division shall closely monitor compliance by field lawyers with this Article (Article 4). Whenever necessary their attention shall be called regarding requirements that have not been met, or of any violations that may have been committed. It shall apprise the Regional Public Attorney and the Chief Public Attorney of such violations or shortcomings.

Sec. 11. Miscellaneous Provisions. - PAO lawyers must not file a Notice of Appeal for an accused who jumped bail, escaped or who is a fugitive from justice, unless he surrendered or posted bail pending appeal. Proof of such surrender or posting bail shall be attached to the record transmitted to the SAC Division. (Sec 6, Rule 120 and Sec. 8, Rule 124, 1985 Rules on procedure, as amended. People vs. Maria Luna Gonzales. CA-G.R. CR No. 08821, September 6, 1990 citing People vs. Patajo, 57718, November 20, 1988, en Banc. Minute Resolution).

If a walk-in client requests a PAO lawyer to appeal a case, the latter may advise him to go directly to the SAC Division, if practicable. Otherwise, he shall evaluate the case and if he finds it meritorious, he shall qualify the client by accomplishing the Interview Sheet. Thereafter he shall properly indorse the case to the SAC Division.

In ordinary appeals, the indorsing lawyer must inform the SAC Division of the date when the original record of the case was transmitted by the trial court, if the data is available.

In criminal cases, the indorsing lawyer must likewise indicate whether the accused is out on bail or detained at the local city jail or the National Penitentiary.

No motion for extension of time for more than fifteen (15) days within which to file pleadings shall be filed by lawyers, unless absolutely necessary. **(a)**

ARTICLE V NON-JUDICIAL SERVICES

Section 1. Coverage. -The following are classified as Non-Judicial Services:

1. Instant Services:
 - a. Legal counseling and documentation
 - b. Mediation and conciliation of disputes
 - c. Notarial services
2. Outreach Activities:
 - a. assistance to persons undergoing police interrogation or inquest investigation and persons under detention
 - b. Jail visitations

Sec. 2. Counseling. - Requests for legal advice or counseling made by phone or in person by indigent individuals should be acted upon immediately, unless the problem presented is complicated and requires study and research, in which case the person should be advised to call back or return within 3 days by which time the lawyer on the case should be ready with his service or opinion. Requests for advice or opinion shall not be subjected to the merit test, but care should be taken that affluent persons do not avail of our services.

Sec. 3. Documentation. - Requests for the preparation of affidavits, notices, and other documents must be attended to immediately.

Included in this service is the administration of oaths and acknowledgment of documents by lawyers duly commissioned by the Court as notaries public.

Requests for documentation services shall not be subjected to the merit test and neither shall it be necessary to accomplish interview Sheet. Again, care should be taken that our documentation services are availed of only by the indigent citizenry. Hence, requests for the preparation of deeds of sale over real properties and other highly commercial documents shall not be entertained.

Sec. 4. Mediation and Conciliation. - Requests for legal assistance in justiciable civil matters shall first be evaluated by the District public Attorney for the purpose of determining whether the matter could possibly be resolved through mediation or conciliation. In the affirmative case, the case shall be assigned to a lawyer of the District who shall immediately schedule the same for mediation conference notifying both parties thereof. Conferences shall be limited to 3 settings and shall be terminated within 3 months from acceptance of the case.

Public Attorneys conducting mediation or conciliation conferences shall maintain strict neutrality at all times. They shall encourage the parties to come to an agreement.

If a settlement is reached, the lawyer shall prepare a compromise agreement for the signature of the parties. If no agreement is arrived at, the lawyer shall determine whether or not a case should be filed in behalf of the applicant and submit his recommendation to his District Head who shall decide the matter. If a decision to file a case is reached, the matter shall be transferred to the Judicial Cases record of the District.

Request for assistance under this category are subject to the merit and means tests, hence, the Interview Sheet must be accomplished.

Sec. 5. Notarial Services. - At least one PAO lawyer in each district Office may be authorized to secure a commission as notary public.

Notarial services of PAO lawyers shall be confined to the administration of oaths and verification of pleadings in aid of the basic function of this office which is the rendition of free legal assistance to deserving and indigent persons. Hence, in no case shall notarial fees be demanded or accepted from clients.

Sec. 6. Outreach Activities. - The main thrust of the legal aid delivery program of the PAO is to enable the impecunious sector of society to have access to counsel at the moment of need. In carrying out this mission PAO lawyers shall reach out beyond the confines of their offices and make access to counsel visible to those who truly need our legal service. Regional and District Heads, therefore, should institutionalize in their respective Regions and Districts, a dynamic inquest program plus a periodic visitation of jails as a regular activity.

1. *Custodial Interrogation and Inquest Investigation.* - District Heads shall ensure that a PAO lawyer is available for assistance to arrested persons during custodial interrogations and inquest investigations. For this purpose they shall coordinate with Precinct Commanders, other police authorities and Prosecutors in their respective Districts.

PAO lawyers shall see to it that the persons assisted are informed of their constitutional rights before the start of the custodial interrogation and shall be present at all stages thereof. Should the client agree to execute a statement, he shall be apprised of the consequences thereof and informed that he is under no compulsion to sign the same.

The inquest lawyer shall see to it that due process is accorded the arrested person during an inquest investigation. Where proper, he shall assist the client in effecting a compromise with the complainant to prevent the case from reaching the courts. He shall move for the dropping of the case, if warranted by evidence on hand, or the submission of the case to the Prosecutor's Office for preliminary investigation.

2. *Jail Visitation Activities.* - Every District head shall see to it that jails within his District are visited at least once a month for the purpose of determining:
 - a. who among those detained are without legal counsel;
 - b. who among them have been in custody beyond the period equal to or more than the maximum imposable penalty for the offense charged; and
 - c. who have been in custody for a period equal to or more than the minimum imposable principal penalty for the offense charged.

Those who have no counsel shall be informed that the services of the PAO could be availed of at no cost.

Those who have been detained for a period equal to or more than the maximum imposable penalty for the offense charged or for a period equal to or more than the minimum of the imposable principal penalty should be informed that through a proper motion they could be released pending trial or appeal, or that they could be released on a reduced bail, or on their own recognizance, as the case may be. The discovery of such situation should be relayed to the counsel de parte of the detention prisoner if he is so represented; otherwise, the PAO resident lawyer should be informed of this fact for immediate action to effect the release of the detained prisoner.

ARTICLE VI RECORDING AND REPORTING OF CASES AND SERVICES

Section 1. Recording. - All request for legal assistance, except limited services, counseling, documentation and outreach activities, shall have to be recorded, as follows:

1. The Interview Sheet (PAO Form No. 2) shall be filed up by the Interviewer and signed by the client. The accomplished Interview Sheet shall be attached to the case folder;
2. The control number assigned to the case shall appear in all the forms. Assignment of numbers shall be in the sequence of receipt cases, regardless of classification, thus, there should be no separate control numbers for judicial and non-judicial cases.
3. Accepted applications shall be recorded in a logbook to be maintained at the District office or Division. The logbook shall contain columns for the following date: name of client, date the application was received, PAO Control Number, name of lawyer to whom the case was assigned, nature of case or cause of action, cause of termination, and date of termination.

4. Transfer of cases duly approved by the District public Attorney or Head of Unit shall be recorded in PAO Form No. 3. This contingency arises when there are charges of court assignments of lawyers or cases are re-raffled to other branches of the court, or other similar situations. The original shall be submitted to the District head for office file, the duplicate to the transferor and the third copy to the transferee.
5. PAO Form No. 4 (Case History) shall be attached to the case folder for recording of every development of the case such as dates of hearings, the witnesses presented for direct or cross-examination, and documents marked as exhibits.
6. Custodial Interrogation and Inquest Investigation Services shall be entered in APO Form No. 5, which shall reflect the date, name of person assisted, offense charged, and place where the services were rendered.
7. Jail Visitation activities shall be recorded in PAO Form No. 6, which shall contain the following: the person visited, detainees interviewed and action taken on their problem, if any;
8. Documentation services shall be recorded in PAO Form No. 7 which shall contain the date, the name and address of the client and the kind of document prepared. Exempted from the use of this form are the lawyers who are Notaries Public with regard to Oaths Administered by them and which are to be registered in their notarial register.

Sec. 2. Reporting. - All lawyers are required to submit the following reports:

1. *Monthly Reports.* - Lawyers shall submit monthly, in triplicate, to the District or Division Head within the first three (3) days of the succeeding month, a statistical report of their judicial, quasi-judicial and non-judicial services, on Monitoring Form No. 01. The Unit Head shall immediately transmit the original of the reports, including his own, to the FSSD, furnishing the Regional Head with a copy thereof. One copy shall be retained for the District office file.
2. *Year-end Reports.* - A year-end inventory of pending judicial cases shall be submitted to the District or Division Head within the first ten (10) days of the succeeding year on PAO Form No. 8. The District or Division Head shall immediately submit the original of the reports, including his own, to the FSSD, furnishing the Regional Head a copy thereof. One copy shall be retained for the District Office file.

ARTICLE VII SANCTIONS

Section 1. Disciplinary Measures. - Disciplinary action in accordance with the Civil Service Law shall be taken against lawyers who violate this Memorandum Circular particularly those who –

1. Handle cases of persons who are not qualified for legal services under the indigency test, or those who are not entitled to services specifically mentioned in Article II of this Memorandum Circular;
2. Handle cases outside of their court residency assignment without appropriate written authorization;
3. Fail to submit monthly and year-end reports on time;
4. Fail to transmit records of cases to the SAC Division within the time-frame prescribed herein;
5. Handle appealed cases in the Appellate Courts, if they are field lawyers;
6. Fail to perfect an appeal on time to the prejudice of the interest of the client; and
7. Any other violations in accordance with the Civil service rules and regulations
(n)

ARTICLE VIII RULE OF CONDUCT

Section 1. Rule of Conduct for PAO Lawyers. - PAO lawyers should primarily play the role of peacemakers. They must be guided by a high sense of fairness, integrity, absolute good faith and justice in the performance of their functions. Cases must be so evaluated that only the meritorious ones are entertained and only deserving persons are extended free legal assistance. The interest of justice is what the PAO seeks to serve.

In rendering legal services to the needy, the PAO lawyers must give the fullest measure of assistance within their capability and be truly interested in the problem of the clients.

PAO lawyers must be always courteous in their language and demeanor towards clients and the general public. Our avowed policy should be “**prompt service with a smile.**”

No PAO lawyer shall take custody of cash or valuable of a client. If there are any fees to be paid, the client should be asked to be the one to pay for them. In amicable settlements, the PAO lawyer should also refrain from taking custody of any money or valuable which is the object or subject of settlement. The parties should be encouraged to entrust their valuables to competent authority such as the courts or their proper custodians.

Acceptance of “**pasalubong**” or gifts from clients is punishable under RA 9713 and should, therefore, be strictly avoided.

**ARTICLE IX
FINAL PROVISIONS**

Section 1. Repealing Clause. - All circulars, issuances and memoranda or any portion thereof inconsistent herewith are hereby repealed or modified accordingly.

Section II. Effectivity. - This Memorandum Circular shall take effect immediately.

Quezon City
May 9, 2002

PERSIDA V. RUEDA-ACOSTA
Chief Public Attorney