



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

OCA CIRCULAR NO. 34-2015

TO : ALL JUDGES OF THE FIRST AND SECOND LEVEL COURTS

SUBJECT : Application of Republic Act Nos. 6033, 6034, 6035, and 6036

The Philippine Bar Association, through its President Atty. Beda G. Fajardo, has invited the attention of the Court regarding the significance of the so-called *Laurel Laws*, namely: Republic Act No. 6033 (An Act requiring courts to give preference to criminal cases where the party or parties involve indigents), Republic Act No. 6034 (An Act providing transportation and other allowances for indigent litigants), Republic Act No. 6035 (An Act requiring stenographers to give free transcript of notes to indigents and low income litigants and providing a penalty for the violation thereof), and Republic Act No. 6036 (An Act providing that bail shall not, with certain exceptions, be required in cases of violations of municipal or city ordinances and in criminal offenses when the prescribed penalty for such offenses is not higher than *arresto mayor* and/or a fine of two thousand pesos or both). Republic Act Nos. 6033, 6034, 6035, and 6036 are herein incorporated and appended as Annexes "A," "B," "C," and "D," respectively.

Another benefit granted to indigent litigants is the exemption from payment of legal fees. Section 19, Rule 141¹, provides:

Section 19. Indigent litigants exempt from payment of legal fees.
- Indigent litigants (a) whose gross income and that of their immediate family do not exceed an amount double the monthly minimum wage of an employee and (b) who do not own real property with A FAIR MARKET VALUE AS STATED IN THE CURRENT TAX DECLARATION of more than THREE hundred thousand (P300,000.00) pesos shall be exempt from the payment of legal fees.

The legal fees shall be a lien on any judgment rendered in the case favorable to the indigent litigant unless the court otherwise provides.

To be entitled to the exemption herein provided, the litigant shall execute an affidavit that he and his immediate family do not earn a gross income abovementioned, nor they own any real property with the fair

¹ A.M. No. 04-2-04-SC (Revision of Rule 141, Revised Rules of Court), 20 July 2004, Sec. 19.

value aforementioned, supported by an affidavit of a disinterested person attesting to the truth of the litigant's affidavit. The current tax declaration, if any, shall be attached to the litigant's affidavit.

Any falsity in the affidavit of litigant or disinterested person shall be sufficient cause to dismiss the complaint or action or to strike out the pleading of that party, without prejudice to whatever criminal liability may have been incurred.

In view of the foregoing, all concerned are hereby **REMINDED** to **COMPLY** with the above quoted laws and rule, for the purpose of ensuring that the indigent and low income litigants will be able to avail of the full benefits of the laws.

Strict compliance is hereby enjoined.

18 February 2015

JOSE MIDAS P. MARQUEZ
Court Administrator

REPUBLIC ACT No. 6033

**AN ACT REQUIRING COURTS TO GIVE PREFERENCE TO CRIMINAL CASES
WHERE THE PARTY OR PARTIES INVOLVE ARE INDIGENTS.**

Section 1. Any provision of existing law to be contrary notwithstanding and with the exception of habeas corpus and election cases and cases involving detention prisoners, and persons covered by Republic Act Numbered Four thousand nine hundred eight, all courts shall give preference to the hearing and/or disposition of criminal cases where an indigent is involved either as the offended party or accused. The trial in these cases shall commence within three days from date of arraignment and no postponement of the hearings shall be granted except on the ground of illness of the accused or other similar justifiable grounds. City and provincial fiscals and courts shall forthwith conduct the preliminary investigation of a criminal case involving an indigent within three days after its filing and shall terminate the same within two weeks.

Section 2. As used in this Act, the term "indigent" shall refer to a person who has no visible means of income or whose income is insufficient for the subsistence of his family, to be determined by the fiscal or judge, taking into account the members of his family dependent upon him for subsistence.

Section 3. An indigent who is the offended party, respondent or an accused in a criminal case and who desires to avail of the preference granted under this Act shall file a sworn statement of the fact of his being indigent and the said sworn statement shall be sufficient basis for the court or fiscal to give preference to the trial and disposition of such criminal case.

Section 4. Any willful or malicious refusal on the part of any fiscal or judge to carry out the provisions of this Act shall constitute sufficient ground for disciplinary action which may include suspension or removal.

Section 5. This Act shall take effect upon its approval.

Approved: August 4, 1969.

REPUBLIC ACT No. 6034

**AN ACT PROVIDING TRANSPORTATION AND OTHER ALLOWANCES FOR
INDIGENT LITIGANTS.**

Section 1. Any provision of existing law to the contrary notwithstanding, any indigent litigant may, upon motion, ask the Court for adequate travel allowance to enable him and his indigent witnesses to attend the hearing of a criminal case commenced by his complaint or filed against him. The allowance shall cover actual transportation expenses by the cheapest means from his place of residence to the court and back. When the hearing of the case requires the presence of the indigent litigant and/or his indigent witnesses in court the whole day or for two or more consecutive days, allowances may, in the discretion of the Court, also cover reasonable expenses for meal and lodging.

For the purpose of this Act, indigent litigants shall include anyone who has no visible means of income or whose income is insufficient for his family as determined by the Court under Section 2, hereof.

Section 2. If the court determines that the petition for transportation allowance is meritorious, said court shall immediately issue an order directing the provincial, city or municipal treasurer to pay the indigent litigant the travel allowance out of any funds in his possession and proceed without delay to the trial of the case. The provincial, city or municipal treasurer shall hold any such payments as cash items until reimbursed by the national government.

Section 3. All payments of travel allowances made by provincial, city and municipal treasurer under this Act as of October 31 each year, shall be transmitted to the Commissioner of the Budget not later than November 30 each year for inclusion in the annual General Appropriations Act. The necessary sum is hereby authorized to be appropriated out of the funds in the National Treasury not otherwise appropriated.

Section 4. This Act shall take effect upon its approval.

Approved: August 4, 1969.

REPUBLIC ACT No. 6035

AN ACT REQUIRING STENOGRAPHERS TO GIVE FREE TRANSCRIPT OF NOTES TO INDIGENT AND LOW INCOME LITIGANTS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

Section 1. A stenographer who has attended a hearing before an investigating fiscal or trial judge or hearing commissioner of any quasi-judicial body or administrative tribunal and has officially taken notes of the proceeding thereof shall, upon written request of an indigent or low income litigant, his counsel or duly authorized representative in the case concerned, give within a reasonable period to be determined by the fiscal, judge, commissioner or tribunal hearing the case, a free certified transcript of notes take by him on the case.

Section 2. A litigant who desires to avail himself of the privilege granted under Section one hereof shall, at the investigation, hearing, or trial, establish his status as an indigent or low income litigant and the investigating fiscal or judge or commissioner or tribunal hearing the case shall resolve the same in the same proceeding.

For the purpose of this Act, an "indigent or low income litigant" shall include anyone who has no visible means of support or whose income does not exceed P300 per month or whose income even in excess of P300 per month is insufficient for the subsistence of his family, which fact shall be determined by the investigating fiscal or trial judge or commissioner or tribunal hearing the case taking into account the number of the members of his family dependent upon him for subsistence.

Section 3. Any stenographer who, after due hearing in accordance with the pertinent provisions of Republic Act No. 2260, as amended, has been found to have violated the provisions of Section one of this Act or has unreasonable delayed the giving of a free certified transcript of notes to an indigent or low income litigant shall be subject to the following disciplinary actions:

- (a) suspension from office for a period not exceeding thirty (30) days upon finding of guilt for the first time;
- (b) suspension from office for not less than thirty (30) days and not more than sixty (60) days upon finding of guilt for the second time; and
- (c) removal from office upon finding of guilt for the third time.

Section 4. This Act shall apply to all indigent or low income litigants who, at the time of its approval, have pending cases in any fiscal office, court, or quasi-judicial body or administrative tribunal.

Section 5. The Department of Justice shall prescribe such rules and regulations as may be necessary to carry out the purposes of this Act, and the Department Head concerned shall provide the necessary supplies and authorize the use of government equipment by the stenographers concerned.

Section 6. This Act shall take effect upon its approval.

Approved: August 4, 1969.

REPUBLIC ACT No. 6036

AN ACT PROVIDING THAT BAIL SHALL NOT, WITH CERTAIN EXCEPTIONS, BE REQUIRED IN CASES OF VIOLATIONS OF MUNICIPAL OR CITY ORDINANCES AND IN CRIMINAL OFFENSES WHEN THE PRESCRIBED PENALTY FOR SUCH OFFENSES IS NOT HIGHER THAN ARRESTO MAYOR AND/OR A FINE OF TWO THOUSAND PESOS OR BOTH.

Section 1. Any provision of existing law to the contrary notwithstanding, bail shall not be required of a person charged with violation of a municipal or city ordinance, a light felony and/or a criminal offense the prescribed penalty for which is not higher than six months imprisonment and/or a fine of two thousand pesos, or both, where said person has established to the satisfaction of the court or any other appropriate authority hearing his case that he is unable to post the required cash or bail bond, except in the following cases:

- (a) When he is caught committing the offense in flagranti;
- (b) When he confesses to the commission of the offense unless the confession is later repudiated by him in a sworn statement or in open court as having been extracted through force or intimidation;
- (c) When he is found to have previously escaped from legal confinement, evaded sentence, or jumped bail;
- (d) When he is found to have previously violated the provisions of Section 2 hereof;
- (e) When he is found to be a recidivist or a habitual delinquent or has been previously convicted for an offense to which the law or ordinance attaches an equal or greater penalty or for two or more offenses to which it attaches a lighter penalty;
- (f) When he commits the offense while on parole or under conditional pardon; and
- (g) When the accused has previously been pardoned by the municipal or city mayor for violation of municipal or city ordinance for at least two times.

Section 2. Instead of bail, the person charged with any offense contemplated by Section 1 hereof shall be required to sign in the presence of two witnesses of good standing in the community a sworn statement binding himself, pending final decision of his case, to report to the Clerk of the Court hearing his case periodically every two weeks. The Court may, in its discretion and with the consent of the person charged, require further that he be placed under the custody and subject to the authority of a responsible citizen in the community who may be willing to accept the responsibility. In such a case the affidavit herein mentioned shall include a statement of the person charged that he binds himself to accept the authority of the citizen so appointed by the Court. The Clerk of Court shall immediately report the presence of the accused person to the Court. Except when his failure to report is for justifiable reasons including circumstances beyond his control to be determined by the Court, any violation of this sworn statement shall justify the Court to order his immediate arrest unless he files bail in the amount forthwith fixed by the Court.

Section 3. This Act shall apply to all person who, at the time of its approval, are under temporary detention for inability to post bail for charges contemplated by Section 1 above.

Section 4. This Act shall take effect upon its approval.

Approved: August 4, 1969