

A SEVENTY-YEAR-OLD man suddenly found himself being driven out of the land where he has spent most of his life. He claims that a "rich and influential person" had accused him of trespassing. Now, the only recourse is for him to leave the property or face prosecution.

"Hindi ko nainitindihan," the old man grumbled as he presented his plight before Attorney Pedro Dinglasan of the Citizens' Legal Aid Office (CLAO). "Ang alam ko akin ang lungang ayaw na namana ko ya sa akang magulang," he explained with tears streaming down his face.

He truly believes he has a right to the property but he said he could not fight it out: he could not afford to file a legal suit.

In another case, a 17-year old Cebuano claims he has been framed in a rape case and would be jailed if he cannot prove his innocence. How can he, he said, when he hardly can buy a single meal?

Both men represent the typical poor of the country, and are illiterates besides. "They do not know much of the law, much less their right to free access to the courts," says CLAO's Officer-in-charge, Oscar Ontimare.

CLAO observes its third anniversary on October 23, marked with solid accomplishments that in the words of Ontimare himself means "legal service that is not one of charity but is one where clients were made to know they are entitled to the services as a matter of constitutional right."

CLAO was organized by the Department of Justice in 1972 under the integrated reorganization plan of the government in its effort "to maximize its assistance to the poor and needy." In his message to CLAO on its first anniversary, President Marcos himself explained it was his principal motivation in signing Letter of Implementation no. 4 to give substance to the mandate that the "free access to the courts shall not be denied to any person for reason of poverty."

To avail of the services of CLAO lawyers, the prospective litigants must be legally declared an indigent through a certification of indigency by the social welfare office. Otherwise, he must show a valid income tax return from the revenue commission. His indigency is determined by Republic Act 6035 passed by the defunct Congress which stated: "Indigents are anyone who have no visible means of support, or whose income do not exceed P300 a month or even if in excess of P300 is insufficient to the subsistence of their family." The number of an indigent's dependents is also taken into account. According to Ontimare, CLAO lawyers handle all kinds of cases except labor and agrarian problems which go to the labor and agrarian reform departments.

Ontimare emphasized that CLAO lawyers handle their cases like any non-government lawyer, "with the same passion and involvement" even if they are not retained by the clients but paid by the government on a salary basis. CLAO lawyers do not get attorney's fees. "They do not get special considerations from the courts," he said. "I go with the presumption that a CLAO lawyer can do a better job than a counsel de officio."

"Perhaps CLAO lawyers do even more. We encourage them to be more emotionally involved with the cases to

the extent that the law allows," avers Dinglasan, who is the chief of CLAO's field services division. This division supervises personnel activities in CLAO's regional offices and 46 districts for the proper implementation of legal assistance. Elucidating, Dinglasan says that emotional involvement means "more patience than what ordinary lawyers would demonstrate if he were not with CLAO. CLAO lawyers generally have a soft spot in their hearts for the poor. They have a personality that must be service-oriented. CLAO cannot afford highly sophisticated lawyers. You know, those who are rich generally cannot understand the poor. That's how we get involved . . . in a very special way," he explained.

Dinglasan notes with satisfaction that his lawyers realize they are in the job out of a sense of duty "though they

may not be as highly paid as other lawyers." A CLAO lawyer's pay range is from P700 to P900 monthly, often without transportation and food allowances attendant to handling a case. "But championing the cause of the poor is enough gratification for them," he said.

The concept of free legal aid is not new. Some private groups initiated it long before CLAO did. But the government realizes there is a disparity in the concept of social justice in theory and practice. That is, counsel is not even exercise his right of counsel is not social justice, Ontimare said. "Our purpose is not so much to acquit or prosecute but to protect one of man's most important rights: the right to counsel." Bringing this concept down to the people inspired the creation of CLAO, according to Ontimare.

"It is a fact that while our courts are open to all in theory, they are, in reality, virtually closed to the people who do not have the money to pay for the services of a competent counsel and are often victimized by unscrupulous shysters," according to Ontimare.

"Consequently, many people, especially in the rural areas, believe that justice is only for the rich and was one to the poor man."

CLAO is the first official government body to venture into fulltime, free legal aid. There are other government units such as the Manila City hall, the assistance units of the Department of Public Information (Malacanan), and the military. CLAO has gone into arrangement with the Commission on Elections in which COMELEC lawyers, in areas where there are no CLAO citizen's attorneys, would handle cases referred by CLAO. A similar arrangement has been made with the Integrated Bar of the Philippines.

CLAO's 97 lawyers face an average of 1,200 cases monthly. Of these, only about 800 or 60 percent is terminated, causing a considerable backlog. Dinglasan noted that CLAO needs more lawyers. CLAO has regional offices in Manila: San Fernando, La Union; Tuguegarao, Cagayan; San Fernando, Pampanga; Pasig, Rizal; Legaspi, Iloilo, Cebu, Tacloban, Zamboanga, Cagayan de Oro and Davao cities, and district offices scattered all over the country. The best way to get in touch with CLAO lawyers is to write the regional offices listed as follows:

1. Central Office/Oscar Ontimare, Officer in Charge/Annex Bldg. Dept. of Justice, Padre Faura St., Manila
2. Regional Office I/Director Consegro Lagmay-Nalupita/Room 313 Marcos Building, San Fernando, La Union
3. Regional Office 2/Jose Halili, Acting Regional Director/Courts Compound, Tuguegarao, Cagayan
4. Regional Office 3/Luz Paguio, Regional Director/Diocese of San Fernando Bldg., Hizon St., San Fernando, Pampanga
5. Regional Office 4/Ramon Gabol, Acting Regional Director/Ground floor, E. Rodriguez Jr. Bldg., Provincial Capitol, Pasig, Rizal
6. Regional Office 5/Quirino Castelo, Acting Regional Director/Provincial Capitol, Legaspi City
7. Regional Office 6/Napoleon Pagtanac, Acting Regional Director/Aurora Apts., Aurora Subdivision, Gen. Luna St., Iloilo City
8. Regional Office 7/Isaac dela Victoria, Acting Regional Director/3rd Floor, J.B. Ibanez Bldg., Osmeña Blvd., Cebu City
9. Regional Office 8/Antonio Roque, Acting Regional Director/2nd Floor, DBP Bldg., Tacloban City
10. Regional Office 9/Juanito Fausto, Acting Regional Director/Fort Pilar, Zamboanga City
11. Regional Office 10/Amado Castano, Regional Director/Provincial Health Bldg., Cagayan de Oro City
12. Regional Office 11/Isaac A. Atagaban, Regional Director/Magalanes Bldg., F. Inigo St., Davao City

DPI continues to have the largest number of referrals to CLAO. Other government agencies referring problems to CLAO are the Supreme Court, the National Media Production Center, and the Departments of Defense and Social Welfare. —GLORIA JANE BATLON

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