

AUTHORIZING THE DESIGNATION OF MUNICIPAL JUDGES AND LAWYERS IN ANY BRANCH OF THE GOVERNMENT SERVICE TO ACT AS COUNSEL DE OFICIO FOR THE ACCUSED WHO ARE INDIGENT IN PLACES WHERE ...

PRESIDENTIAL DECREE NO. 543, August 20, 1974

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WHEREAS, under existing law, municipal judges and other lawyers in the government service are prohibited from practicing law;

WHEREAS, there are some places where there are no available legal practitioners, as a result of which the trial of cases in court is delayed to the prejudice particularly of detention prisoners;

WHEREAS, for the protection of the rights of the accused who cannot afford to hire lawyers from other places and to prevent miscarriage of justice, it is necessary that they be provided with counsel;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree as follows:

SEC. 1. Designation of Municipal Judges and lawyers in any branch of the government service, as counsel de officio. — In places where there are no available practicing lawyers, the District Judge or Circuit Criminal Court Judge shall designate a municipal judge or a lawyer employed in any branch, subdivision or instrumentality of the government within the province, as counsel de officio for an indigent person who is facing a criminal charge before his court, and the services of such counsel de officio shall be duly compensated by the Government in accordance with Section thirty-two, Rule One Hundred Thirty Eight of the Rules of Court.

If the criminal case wherein the services of a counsel de officio are needed is pending before a city or municipal court, the city or municipal judge concerned shall immediately recommend to the nearest District Judge the appointment of a counsel de officio, and the District Judge shall forthwith appoint one in accordance with the preceding paragraph.

For purposes of this Decree an indigent person is 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 is insufficient for the subsistence of his family, which fact shall be determined by the Judge in whose court the case is pending, taking into account the number of the members of his family dependent upon him for subsistence.

SEC. 2. Repealing clause. — All laws and decrees inconsistent with this Decree are hereby repealed.

SEC. 3. Effectivity. — This Decree shall take effect immediately.

Done in the City of Manila, this 21st day of August, in the year of Our Lord, nineteen hundred and seventy-four.

(Sgd.)

FERDINAND E. MARCOS

President of the Philippines

By the President:

(Sgd.)

ALEJANDRO MELCHOR

Executive Secretary

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