



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
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MEMORANDUM

TO : All Regional Directors

SUBJECT : POLICY ON LAW STUDENT APPEARING AS COUNSEL FOR
DETAINEEES

DATE : 15 March 2010

1. References: a.) **Letter** from Mr. Vincent Patrick Cruz, law student, Ateneo de Manila Law School dated 05 January 2010.
b.) Rule 138-A, Rules of Court
c.) RA No. 7438

2. Jail overcrowding or congestion has been the most pressing problem of the Jail Bureau. Our jail population would have been continuously increasing if not because of the efforts of our paralegal officers and volunteers in the field with the cooperation and support of various law schools and students.

3. On 13 January 2010, however, we received a letter from Vincent Patrick Cruz, a 4th year law student of Ateneo de Manila Law School informing us of an incident which occurred on November 30, 2009 at Quezon City Female Dormitory of which they were denied entry to the jail premises to conduct interview with the inmates-client on the ground that they failed to secure a clearance from the main office.

4. Untoward incident like this could have been avoided if we have a policy. Hence, to formalize this endeavor it is high time for us to come up with the policy that will allow law students to visit our jails to conduct interview with our inmates.

POLICY ON LAW STUDENT APPEARING AS COUNSEL FOR THE DETAINEEES

A. PURPOSES:

1. To have a uniform policy in the implementation of Rule 138-A, Rules of Court or the Law Students Practice Rule;

2. To provide **guidelines** to be followed by **jail authorities** before, during and after the **conduct** of interviews by **law students** with their **client/detainees**;
3. To clarify the **protocols** and **procedures** regarding **bona fide** law students who appear on behalf of any law school's **legal aid program**.

B. OBJECTIVES:

This policy sets down the procedures to be observed by the following:

- a. **Law students**
- b. **Jail authorities**

C. PROCEDURES:

1. Law Students

- a. Must present a **school identification card** showing that he/she is currently enrolled at the law school.
- b. Must present a **certification** signed by the **Dean** of the law school or his duly authorized representative attesting that the law student(s) has: (1) successfully completed his 3rd year of the **regular four-year prescribed law curriculum**; (2) enrolled in a **law school's clinical legal education program** approved by the **Supreme Court**; and (3) indigent client(s) is accepted by the **legal clinic** of the law school.
- c. Submit themselves for **inspection** of their person and belongings prior to entry to the jail facility.

2. Jail Authorities

- a. After **verifying** all the abovementioned documents the **Jail authorities** **must confirm** with the **inmate** if he/she allowed the **law student** from the legal clinic to represent him/her as **counsel**.
- b. Thereafter the gate guard on duty shall **enter in the logbook** the name and school of the law students, name of the inmate to be **interviewed**, time and date of arrival/departure and his/her **signature** should be **affixed**.
- c. Law students must be issued **visitors tag** to be worn and displayed while inside the jail facility

d. Proper search prior to entry must be conducted. While at the jail premises the law students must be provided with security and courtesy similar to that extended to regular members of the Bar.


3. Schedule of Visit

Law students shall be treated as assisting counsel of the detainees and shall be allowed to visit the latter at any time of the day or, in urgent cases, at night pursuant to Section 2 (f) of RA 7438.

D. EFFECTIVITY:

This policy shall take effect immediately.

5. For strict compliance and widest dissemination.


ROSENDO M. DIAL, CESO III
Jail Director
Chief, BJMP
DSC