



Republika ng Pilipinas
Kagawaran ng Katarungan
Tanggapan ng Manananggol Pambayan
PUBLIC ATTORNEY'S OFFICE
DOJ Agencies Building, NIA Road corner East Avenue
1104 Diliman, Quezon City

15 December 2016

CHRISTIAN RAY ZAMBARRANO

Tracking No.: #PAO-459154807380

Mr. Zambarrano:

This is in relation to your email seeking legal advice regarding the additional documents that are being required by the National Home Mortgage Finance Corporation (NHMFC) of Cavite City in relation to an insurance refund claim from its deceased borrower.

According to you, your relative is a deceased borrower from the NHMFC. Your family is seeking an insurance refund claim in his behalf, but the NHMFC is requiring additional documents, such as the marriage certificate of the parents of the deceased borrower, in order to process the said claim. It is difficult for you to provide the additional documents because these were lost during the war in the 1940's. You now ask legal assistance regarding your predicament.

Considering the complexity of your concerns and due to the fact that it involves documents that need to be studied, we advise you to immediately and personally consult with a private lawyer so that your situation can be discussed in more detail.

If, however, you are unable to afford a private lawyer, our Office may help you provided you qualify for our free legal services.

The qualifications before an applicant may be accepted as a client of the PAO are the *Indigency* and *Merit Tests* as provided for by *Republic Act No. 9406*, or the *PAO Law*, in relation to the *PAO Operations Manual*, as amended by Office Order No. 124, Series of 2011

Under the *Indigency Test*, the applicant must show that his/her individual net income does not exceed the following:

If you are qualified for our free legal services in accordance with the abovementioned requirements, you may visit our district office nearest to your residence, which is usually located in the Hall of Justice of every city or municipality. You should bring with you the documents pertinent to your problem and proof of your indigency.

Thank you for your continued support.

For and By the Authority of
The Chief Public Attorney:

ATTY. CARMELA A. ABLAZA
OIC, Legal Research Service

Copy furnished:
DR. PERSIDA V. RUEDA-ACOSTA
Chief Public Attorney

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SPN/DAA/FPT

1. ₱14,000.00 a month if he/she is residing in Metro Manila;
2. ₱13,000.00 a month if residing in other cities; and
3. ₱12,000.00 a month if he/she is residing in other places.

The term "**net income**" as herein employed shall be understood to refer to the income of the litigant less statutory deductions.

"Statutory deductions" shall refer to withholding taxes, GSIS, SSS, Pag-Ibig, Health Insurance and Philhealth premiums as well as mandatory deductions.

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 Enaje vs. Victorio Ramos, et al.* (31 SCRA 141, 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.¹

Furthermore, the applicant shall be required to execute an Affidavit of Indigency and to submit any of the following documents:

1. Latest Income Tax Return or pay slip or other proofs of income; or
2. Certificate of Indigency from the Department of Social Welfare and Development, its local District Office, or the Municipal Social Welfare and Development Office of the place where you are residing; or
3. Certificate of Indigency from the Barangay Chairman having jurisdiction over your place of residence.²

Under the *Merit Test*,³ "*a case shall be considered meritorious if an assessment of the law and evidence on hand discloses that the legal services of the PAO 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.*"

¹ Section 3, PAO Operations Manual.

² *Ibid.*

³ Section 2, *Ibid.*