

**Agreement between the Legal Aid Foundation, R.O.C. (Taiwan),
and the Public Attorney's Office, Department of Justice,
the Philippines on Mutual Legal Assistance for Citizens of both Countries**

In order to safeguard the basic right of citizens to receive legal assistance and to facilitate sharing and exchange among legal aid organizations, the Legal Aid Foundation, R.O.C. (Taiwan), and the Public Attorney's Office, Department of Justice, the Philippines have, after a negotiation process, entered into the following agreement regarding mutual legal assistance for citizens of both countries and liaison mechanisms between the two parties.

1. Cooperation Items

With regards to the provision of legal aid services, the two parties agree to provide the following assistance to each other:

- (1) On receiving notice from the other party, provision of immediate and free legal advice by a lawyer to the citizen(s) specified by the other party.
- (2) On receiving notice from the other party, provision of immediate and free personal consultation services by a lawyer in any prison or detention center where a citizen(s) specified by the other party is being held. When necessary, the party may directly accept an application from such a citizen for further legal aid assistance. In a scenario where a citizen has received legal aid and has subsequently left the country, the other party shall continue to maintain communication to ensure provision of further assistance during any appeal process.
- (3) Both parties shall provide legal aid to citizens of the other party's country in the same manner as they offer their own citizens.¹
- (4) When necessary, during provision of the aforementioned services to citizens of the other party's country, each party shall provide appropriate translation/interpretation services.
- (5) Each party shall establish a list of lawyers available to provide legal assistance, which may be used as a reference by citizens of the other party when engaging a lawyer.
- (6) In addition to law-related resources, the two parties shall endeavor to refer other social resources (for example, emergency assistance) to citizens of the other party.

2. Practical Exchanges

Both parties agree to collectively arrange conferences, visits and training programs for relevant managers and personnel; as well as sharing of information on policies, systems, case studies and other related information.

3. Contact Person

The two parties shall appoint a contact person from their respective executive departments to coordinate and implement matters agreed on in the Agreement.

4. Request for Legal Assistance

The two parties agree to submit requests for legal assistance by means of facsimile, e-mail or other written documents. In case of emergency, however, the request may be submitted orally, subject to agreement by the other party and confirmed in writing within 10 days.

¹ It is understood that the Public Attorney's Office of the Philippines applies in regular legal services its merit and indigency tests subject to its existing laws, rules and regulations or upon orders and directives of government authorities pursuant to Republic Act No. 9406 which was approved on March 23, 2007. Likewise, the Legal Aid Foundation, R.O.C. (Taiwan) applies in regular legal services its merit and indigency tests subject to the Legal Aid Act which was announced on Jan. 7, 2004 and rules and regulations ordered by the Board of Directors and reviewed and approved by the Judicial Yuan.

The requesting document should include the following information: the party requested to provide assistance, purpose of the request, explanation of relevant issues, case summary, as well as other information required for executing the request.

If it is impossible to execute the request due to insufficient information in the relevant document, the party receiving the request may contact the other party to request provision of additional information.

5. Executing the Request

Both parties agree that they shall execute the request of the other party based on the Agreement and their own policies. They shall, in a timely manner, keep the other party updated of progress in execution of such requests.

If the requested party is unable to fulfill the request, a reason should be given to the other party and relevant documents returned.

6. Confidentiality Obligation

Both parties agree to keep confidential all information relating to the assistance requested and the process in executing such request. The confidentiality obligation, however, shall not apply to cases including but not limited to those where the information is used to execute the request.

7. Limited Usage of Information

Both parties agree that they shall use the information provided by the other party only for the purposes stipulated in the requesting documents. This shall not apply, however, if the usage of such information has been otherwise agreed on by both parties.

8. Mutual Exemption of Certification of Documents

Both parties agree that they shall not request for certification in any form of the evidence, judiciary documents or other information requested or provided under the Agreement.

9. Expenses for Providing the Assistance

Both parties agree that expenses incurred in the provision of assistance shall be waived reciprocally. This, however, shall not apply to cases where both parties have otherwise agreed on the expenses to be paid.

10. Agreement Performance and Amendment Procedures

Both parties shall observe the terms and conditions of the Agreement.

Any amendment to the Agreement shall be negotiated and agreed by both parties and confirmed in writing.

11. Dispute Settlement

If there is any dispute arising from the Agreement, both parties shall discuss and settle the matter in as timely a manner as possible.

12. Matters Not Covered in the Agreement

For matters not covered in the Agreement, both parties shall, separately, discuss and settle the matter in an appropriate manner.

13. Validity of the Agreement

The Agreement shall become effective on the date when it is signed by the two parties.

In witness whereof, the legal representatives of the two parties hereby execute this Agreement in Taipei, on October 27, 2014, in English. Each party shall hold one original of the English version.

Public Attorney's Office, Department of Justice,
the Philippines



Persida V. Rueda-Acosta
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Legal Aid Foundation, R.O.C. (Taiwan)



Lin Chun-Jung, Chairperson