

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2678

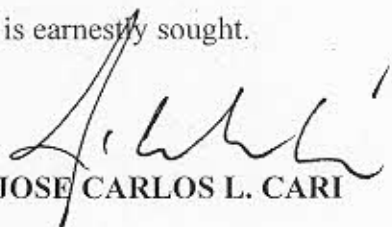
Introduced by Honorable Jose Carlos L. Cari

EXPLANATORY NOTE

This bill seeks to authorize local government units and public officials to engage the services of special or private counsels to represent them before courts of law in criminal, civil, and special proceeding cases. Under Section 481 of Republic Act No. 7160, otherwise known as the Local Government Code, it is only the Legal Officer who shall represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party. It has been observed, however, that the legal officer, due to the volume of work involved in other duties, could not attend the cases or would give small attention to its prosecution or defense. Moreover, local government units and its officers, who want to avail of the services of competent counsel, could not do so due to the prohibitions under the law.

With the enactment of this bill, local government units and public officials can avail the services of competent and available counsel of their choice. The interests of the local government is likewise protected considering that the legal officer would still represent the local government or the official in collaboration with the chosen private counsel, and the compensation of the latter shall not be taken from public funds but is for the account of the concerned public official. Thus, the local government unit and the concerned public officer are assured of adequate legal protection and representation in courts of law.

In view of the foregoing, approval of this bill is earnestly sought.


JOSE CARLOS L. CARI

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By Honorable Jose Carlos L. Cari

AN ACT

AUTHORIZING LOCAL GOVERNMENT UNITS AND PUBLIC OFFICERS TO SECURE THE SERVICES OF SPECIAL OR PRIVATE COUNSELS IN CRIMINAL, CIVIL AND SPECIAL PROCEEDINGS CASES, AMENDING FOR THIS PURPOSE SECTION 481 OF REPUBLIC ACT NO. 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 481 of Republic Act No. 7160, otherwise known as the Local Government Code is hereby amended to read as follows:

" SEC. 481. *Qualifications, Term, Powers and Duties.* –

*** *** ***

(3) In addition to the foregoing duties and functions, the legal officer shall:

(i) Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party: Provided, Further, That, a private counsel may be allowed to represent the local government unit or any official thereof in all criminal, civil, and special proceedings when authorized to do so by the governor, mayor, or sanggunian concerned; In such case, the legal officer shall appear in collaboration with the special or private counsel; The compensation of the special or private counsel shall be for the account of the governor, mayor, or public officer concerned and shall not be taken from public funds: Moreover, the source and manner of compensation for the special or private counsel shall be clearly provided in the authorization issued by the governor, mayor, or sanggunian concerned;

(ii) When required by the governor, mayor or sanggunian, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the local government unit; and provide comments and recommendations on any instruments already drawn;

(iii) Render his opinion in writing on any question of law when requested to do so by the governor, mayor, or sanggunian;

(iv) Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the governor, mayor or sanggunian, as the case may be;

(v) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommending appropriate action to the governor, mayor or sanggunian, as the case may be;

(vi) When directed by the governor, mayor, or sanggunian, initiate and prosecute in the interest of the local government unit concerned any civil action on any bond, lease or other contract upon any breach or violation thereof without prejudice to the right of the governor, mayor, or sanggunian to representation by a special or private counsel under item (b) (3) (i) of this section; and

(vii) Review and submit recommendations on ordinances approved and executive orders issued by component units;

(3) Recommend measures to the sanggunian and advise the governor or mayor as the case may be on all other matters related to upholding the rule of law ;

(4) Be in the frontline of protecting human rights and prosecuting any violations thereof, particularly those which occur during and in the aftermath of man-made or natural disasters or calamities; and

(5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance."

SECTION 2. *Repealing Clause.* All laws, executive orders, rules and regulations or parts thereof which may be inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SECTION 3. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,