

House of Representatives
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 9196



**Representatives MANUEL ANTONIO F. ZUBIRI, ANTHONY M. BRAVO and
CESAR V. SARMIENTO**

EXPLANATORY NOTE

The invaluable services rendered by paralegals to lawyers cannot be under estimated. Their work in assisting with the legal research, speeding up the discovery process, to better serve the client and increase in the profitability of lawyers will redound to speedy disposition of cases. In other countries such as Canada and the United States of America, paralegal is a recognized profession and is widely practiced.

Thus, it is the intent of this bill to give Filipinos who have been practicing the paralegal work, the necessary recognition and government assistance to develop the said profession.

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

REP. MANUEL ANTONIO F. ZUBIRI

REP. ANTHONY M. BRAVO

REP. CESAR V. SARMIENTO

REP. ANICETO D. BERTIZ III

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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HOUSE BILL NO. 9196

Introduced by

Representatives **MANUEL ANTONIO F. ZUBIRI, ANTHONY M. BRAVO, and
CESAR V. SARMIENTO**

**AN ACT
PROFESSIONALIZING THE PRACTICE OF THE PARALEGAL PROFESSION IN
THE PHILIPPINES, AND APPROPRIATING FUNDS THEREFOR**

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

ARTICLE 1

TITLE, STATEMENT OF POLICY, AND DEFINITION OF TERMS

SECTION 1. Short Title. - This Act shall be known as the "Paralegal Act of the Philippines"

SEC. 2. Statement of Policy.- The State recognizes the importance of professional paralegals in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional paralegals whose standards of practice and service shall be excellent, world class and globally competitive through honest, effective, relevant and credible licensure examinations and through regulatory programs, measures and activities that foster their professional growth, social responsibility and development.

SEC. 3. Definition of Terms - As used in this Act:

a. *Paralegal profession or profession* refers to the government-sanctioned performance of specifically delegated substantive legal work for which a lawyer is responsible, including but not limited to legal research, drafting of simple legal documents, liaising with judicial and quasi-judicial bodies, interview of clients, etc. and for which a license to practice law is not required under prevailing rules and regulations.

b. *Paralegal* refers to any a person qualified to practice the paralegal profession as provided in this Act and who is a holder of a valid certificate of registration and a valid professional license issued by the Professional Regulation Commission (PRC).

c. *Roster of Paralegals* refers to the list of paralegals who have undergone a minimum of ninety four (94) hours of training from any accredited training institutions and has been admitted to the Roster of Paralegals.

ARTICLE II

THE PROFESSIONAL REGULATORY BOARD OF PARALEGALS

SEC. 4. Creation of the Professional Regulatory Board of Paralegals - There is hereby created a Professional Regulatory Board of Paralegals, hereinafter called the Board, under the administrative supervision of the Professional Regulation Commission (PRC). The Board shall be composed of a Chairperson and two (2) Members who shall be appointed by the President of the Republic of the Philippines from a list submitted by the PRC of three (3) nominees for each position from a list of five (5) nominees for each position, chosen and ranked by the integrated and accredited professional organization (APO) of paralegals. The Board shall be organized not later than six (6) months after the effectivity of this Act.

SEC. 5. Powers and Functions of the Board — The Board shall exercise the following powers and functions:

- a. Promulgate, administer, and enforce rules and regulations necessary for carrying out the provisions of this Act;
- b. Supervise and regulate the registration, licensure, and practice of the profession in the Philippines;
- c. Adopt a program for the full computerization of the licensure examination;
- d. Issue special permits to persons admitted to the practice of the profession for a specific duration of time, and certificates of recognition for advanced studies, researches and accomplishments that contribute to the enrichment of the profession;
- e. Issue, reinstate, suspend or revoke the Certificate of Registration and/or professional license or cancel special permits for the practice of food technology;
- f. Ensure, in coordination with the Commission on Higher Education (CHED), that all

educational institutions offering paralegal education comply with the policies, standards, and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities;

- g. Prepare, adopt, and issue the syllabi of the subjects for examinations by determining and preparing the questions which shall strictly be within the scope of the syllabus of the subject for examination;
- h. Prescribe guidelines and criteria in the Continuing Professional Development (CPD) program for paralegals;
- i. Monitor the conditions affecting the practice of the profession and adopt such measures as may be deemed proper for the enhancement of the profession and the maintenance of high professional, ethical and technical standards;
- j. Prescribe and adopt, a Code of Ethics and a Code of Technical Standards for the practice of the profession;
- k. Hear and investigate cases on violations of this Act, its implementing rules and regulations (IRR), the Code of Ethics, the Code of Good Governance, the Code of Technical Standards for the practice of the profession and for this purpose, to issue summons, *subpoena ad testificandum* and *subpoena duces tecum* to alleged violators and witnesses to compel their attendance in hearings or investigations: *Provided*, That the decision of the Board shall, unless appealed to the PRC, become final and executory after fifteen (15) days from receipt thereof;
- l. Grant registration without examination subject to approval by the PRC;
- m. Administer oaths in connection with the administration of this Act;
- n. Maintain an updated roster of paralegals in good standing indicating therein the basic information about the registered professionals;
- o. Adopt an official seal of the Board; and
- p. Discharge such other powers and functions as the Board may deem necessary for the practice of the profession and the upgrading, enhancement, development, and growth of the practice in the Philippines.

The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval of the PRC.

SEC. 6. Qualifications of the Members of the Board - At the time of their respective appointments, the members of the Board, including the Chairperson, must be:

- a. a citizen and resident of the Philippines for the last five (5) years;
- b. a degree holder of a Bachelor of Laws as conferred by a school, college or university in the Philippines or abroad where Bachelor of Laws program is recognized by CHED;

- c. a duly registered paralegal under this Act, with a valid certificate of registration and professional license and has been in the active practice of the profession in the Philippines for at least three (3) years prior to the appointment of the member;
- d. a member in good standing of the integrated APO of paralegals; and
- e. a person with no any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree necessary for admission to the practice of the profession and/or offering and conducting review classes in preparation for the licensure examination; nor a member of the faculty or of the administration thereof at the time of the appointment of the member to the Board; and
- f. a person who has not been convicted by any competent court of an offense involving moral turpitude.

Provided, That the members of the first Board appointed under this Act, including the Chairperson, and those appointed to serve the unexpired portion of the term of a vacating member thereof, shall be exempted from qualifications (c) and (d) of this Section.

SEC. 7. Term of Office of the Members of the Board - The Chairperson and members of the Board shall hold office for a term of three (3) years from the date of appointment or until their successors shall have been qualified and appointed. They may be reappointed in the same office for another term of three (3) years immediately after the expiry of their term: *Provided,* That no member of the Board shall hold office for not more than two (2) terms or not more than six (6) years: *Provided, further,* That the first Board appointed under this Act shall hold these terms of office: the Chairperson for three (3) years, the first member for two (2) years, and the second member for one (1) year: *Provided, finally,* That an appointee to a vacancy shall serve only the unexpired portion of the term of office. The Chairperson and the members shall duly take their oaths of office before a duly authorized officer.

SEC. 8. Compensation and Allowance of the Board — The Chairperson and members of the Board shall receive compensation and allowances comparable to that being received by the chairpersons and members of existing regulatory boards under the PRC as provided for in the General Appropriations Act.

SEC. 9. Removal or Suspension of Members of the Board — The Chairperson or any member of the Board may, upon the recommendation of the PRC may be suspended or removed by the President of the Philippines upon due notice and hearing, for neglect of duties; incompetence; malpractice; commission or tolerance of irregularities in any examination given

by the Board, manipulation or rigging of the said examination, tampering of questions prior to the conduct of the said examinations, or tampering of grades; unprofessional or unethical conduct, or any other grounds analogous thereto. The rights of the accused or respondent to be heard, to defend oneself, and to be assisted by counsel shall be respected in the proper administrative investigation to be conducted for the purpose.

Any vacancy in the Board shall be filled for the unexpired portion of the term only.

SEC. 10. Supervision of the Board, Custodian of its Records, Secretariat, and Support Services - The Board shall be under the administrative supervision of the PRC. All records of the Board, including applications for examination papers and results, minutes of deliberation, administrative cases, and other investigations involving paralegals shall be kept by the PRC.

The PRC shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 11. Annual Report - The Board shall, at the close of each calendar year, submit an annual report to the PRC, giving a detailed account of its proceedings, accomplishments during the year, and recommending measures to be adopted, with the end in view of upgrading and improving the conditions affecting the practice of the profession in the Philippines.

ARTICLE III

EXAMINATION AND REGISTRATION

SEC. 12. Licensure Examination Requirement - Except as otherwise specifically allowed under this Act, applicants for registration for the practice of the profession shall be required to pass a licensure examination as provided for in this Act in such places and dates as the PRC may designate in the Resolution thereof on the Master Schedules for all licensure examinations in accordance with Sec. 7 (d) of R.A. No. 8981, PRC Modernization Act of 2000, as amended.

SEC. 13. Qualifications of an Applicant for the Licensure Examinations - An applicant for the licensure examination for paralegals shall meet the following qualifications:

- a. Possesses Philippine citizenship or, in the case of a foreign nationals,

- citizenship of a country or state that has a reciprocity agreement with the Philippines on the practice of paralegals;
- b. of good moral character
 - c. Holds a Bachelor's degree, conferred by a school, college, or university recognized and duly accredited by the CHED;
 - d. Has completed a total of 94 hours of paralegal training program from training institutions duly accredited by CHED and
 - e. Has not been convicted of an offense involving moral turpitude by a court of competent jurisdiction.

SEC. 14. Ratings in the Examination. – To pass the licensure examination, a candidate for paralegal must obtain a passing rating of seventy five percent (75%) in each subject given during the examination: *Provided, however,* That an examinee who obtains a passing rating in the majority of the subjects but obtains a rating in the other subjects below seventy five percent (75%) but not lower than sixty percent (60%), shall be allowed to take one removal examination on the subjects where the passing rating was not obtained: *Provided, finally,* That should the examinee fail to obtain a passing rating in the removal examination, the examinee shall be considered as having failed the entire licensure examination.

SEC. 16. Report of Rating — The Board and the PRC shall correct and rate the licensure examination papers and shall release the examination results within ten (10) days after the date of the examination.

SEC. 17. Issuance of the Certificate of Registration and Professional License - A certificate of registration shall be issued to examinees who pass the licensure examination for paralegals subject to payment of fees prescribed by the PRC. The certificate of registration shall bear the signature of the Chairperson of the PRC and the members of the Board, stamped with the official seal, indicating that the person named therein is entitled to practice the profession with all the privileges appurtenant thereto. This certificate shall remain in full force and effect until revoked or suspended in accordance with this Act.

A professional license bearing the registration number, date of issuance, expiry date, duly signed by the Chairperson of the PRC, shall likewise be issued to a registrant who has paid the required registration fees. This license will serve as evidence that the licensee can lawfully practice the profession until the expiration of its validity.

SEC. 18. Refusal to Register — The Board shall not register any successful examinee who has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral or dishonorable conduct after due notice and hearing upon a complaint for disqualification filed with the Board or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

SEC. 19. Registration Without Examination - The PRC shall issue a certificate of registration and professional license to the Chairperson and members of the first Board of Paralegals and to a person who, on the date of the effectivity of this Act, has passed the examination for paralegals given by the Board. The same privilege shall be granted to a qualified applicant who shall apply for registration without taking the prescribed licensure examination and who is a holder of a Bachelor's Degree and who has been actively practicing the profession for a period of at least three (3) years immediately preceding the effectivity of this Act, as certified in writing by at least one (1) member in good standing of the Philippine Bar who has personal knowledge of the same.

A qualified applicant shall file the application in the form prescribed for the purpose not later than two (2) years from the date of the effectivity of this Act.

SEC. 20. Revocation or Suspension of the Certificate of Registration and Cancellation of Special Permit - The Board may, after giving proper notice of hearing to the party concerned, revoke a practitioner's certificate of registration, suspend the practice of the profession, or cancel a special permit for any unprofessional, unethical, immoral, or dishonorable conduct, malpractice, a standing conviction by a court of competent jurisdiction for any criminal offense involving moral turpitude, or violation of any of the provisions of this Act, its rules and regulations, the Code of Ethics, and the Code of Technical Standards for Paralegals.

SEC. 21. Reinstatement, Reissuance or Replacement of Certificate of Registration and Professional License - Excepting cases where such revocation is by reason of a standing conviction by a court of competent jurisdiction for any criminal offense involving moral turpitude, the Board may, upon application and for reasons deemed proper and sufficient and not less than two (2) years after the date of revocation, reinstate any revoked certificate of registration and reissue a professional license, and in so doing, may, in its discretion, exempt

the applicant from taking another certification examination.

A new certificate of registration or professional license or special permit, to replace lost, destroyed or mutilated ones may be issued subject to the rules as implemented by the Board.

SEC. 22. Roster of Paralegals - The Board shall prepare, update, and maintain a roster of paralegals in good standing which shall contain the name of each registered paralegal, the residence and office addresses, the date of registration and issuance of certificates, and other data which the Board may deem pertinent. The roster shall be open to the public, a copy of which shall be furnished to each person listed therein.

SEC. 23. Issuance of Temporary or Special Permits — Without prejudice to the requirements of existing laws and regulations on the practice of professions by foreigners in the Philippines, foreigners may be issued temporary or special permits to practice paralegal in the Philippines: *Provided*, That these shall be limited to the particular work for which they are commissioned: *Provided, further*, That the said temporary or special permits shall be renewed every year. The permits may be issued to:

- a. Foreign paralegals called to the Philippines to provide consultancy services;
- b. Foreign paralegals employed as exchange professors or instructors in recognized local schools, universities, colleges, or instructors to teach paralegal subjects; and
- c. Foreign paralegals attached to international agencies or organizations assigned to perform certain work in the Philippines relative to the practice of paralegal.

ARTICLE IV

PRACTICE OF PARALEGAL

SEC. 24. Prohibition on the Practice of Paralegal - No person shall practice or offer to practice paralegal in the Philippines or offer oneself as a paralegal, or use the title, word, letter, figure, or any sign tending to convey the impression that one is a paralegal or advertise or indicate in any manner whatsoever as qualified to perform the work of a paralegal unless the person satisfactorily passed the licensure examination given by the Board, except as otherwise

provided in this Act, is a holder of a valid certificate of registration and a valid professional license or a valid temporary special permit duly issued by the Board and the PRC, and is a paralegal in good standing under pertinent rules and regulations.

SEC. 25. Other Prohibited Acts - No person shall:

- a. Represent oneself as a paralegal during the time that the professional license is not valid, or that the certificate of registration has been suspended or revoked, or that the temporary special permit is cancelled;
- b. Allow another person to use one's certificate of registration and/or professional license or temporary special permit as a paralegal to enable the person to engage in the practice of the profession;
- c. Use the certificate of registration and/or professional license or special temporary permit of another paralegal.

SEC. 26. Oath - All successful examinees or those allowed to register without licensure examination given by the Board and the PRC shall be required to take their oath before the Board or any member thereof and any official of the PRC or any person authorized by law prior to the practice of the profession.

SEC. 27. Continuing Professional Development (CPD) Program — The CPD guidelines shall be prescribed and promulgated by the PRC upon consultation with the Board, which shall consult the integrated APO of paralegals, affiliated association of paralegals, and other concerned sectors. The Board shall create a CPD Council that shall be composed of a Chairperson coming from the Board, a member from the APO of paralegals and a member from the academe.

SEC. 28. Integration of Paralegals — All paralegals shall be integrated into one (1) national organization, which shall be recognized by the Board and by the PRC as the one and only integrated APO of paralegals. A paralegal duly registered with the Board shall automatically become a member of the integrated APO of paralegals, and shall receive the benefits and privileges thereto, upon payment of the required fees and dues. Membership in the integrated APO shall not be a bar to membership in other associations of paralegals.

SEC. 29. Foreign Reciprocity — No foreign paralegal shall be admitted to the licensure examination, or be given a certificate of registration and a professional license, or be

entitled to any of the privileges under this Act, unless the country of which is a subject or citizen specifically permits Filipino paralegals to practice within its territorial limits under the same conditions and on equal basis as its own subjects or citizens.

SEC. 30. Indication of License and Privilege Tax Receipt - A paralegal shall be required to indicate the registration/professional number and date of issuance, the duration of validity, including the privilege tax receipt number on the documents one signs, or issues in connection with the practice of the profession.

ARTICLE V

FINAL PROVISIONS

SEC. 31. Funding Provision - The Chairperson of the PRC shall include in the PRC's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 32. Penal Provisions - Any person who shall violate any of the provisions of this Act or any of its implementing rules and regulations as promulgated by the Board subject to the approval of the PRC shall, upon conviction, be punished by a fine of not less than Fifty thousand pesos (Php 50,000.00) but not more than One hundred fifty thousand pesos (Php 150,000.00) or by imprisonment of not less than (6) months but not more than four (4) years, or both, at the discretion of the court.

SEC. 33. Implementing Rules and Regulations - To implement the provisions of this Act the Board shall, subject to the approval of the PRC, promulgate the rules and regulations and the Code of Ethics for paralegals within thirty (30) days after the effectivity of this Act.

SEC. 34. Separability Clause - If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SEC. 35. Repealing Clause — All laws, decrees, orders, issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 36. Effectivity - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,