

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

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. 9276



**Introduced by Representatives EDVIC G. YAP, JOCELYN P. TULFO,
ERWIN T. TULFO and RALPH TULFO**

EXPLANATORY NOTE

Section 481 of Republic Act No. 7160 or the *Local Government Code of 1991* states that the appointment of a Legal Officer is only mandatory for the provincial and city governments while optional for the municipal governments. Being an official Chief Legal Counsel of a local government unit (LGU), a Legal Officer has powers and duties, which include but are not limited to: (1) formulating measures for the consideration of the *Sanggunian*, (2) providing legal assistance and support to the governor or mayor, (3) representing the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, (4) drafting ordinances, contracts, bonds, leases and other instruments, involving any interest of the local government unit, (5) investigating or causing 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*, among others. The aforementioned acts fall under the constituent function of the State which is defined by jurisprudence as the very bonds of society and compulsory in nature – the government is required to exercise such functions to promote its objectives expressed in the Constitution and as an attribute of sovereignty.

Considering the compulsory nature of the functions exercised by a Legal Officer, not requiring the appointment of such officer in a municipal government contradicts the intent of the *Local Government Code* to streamline the bureaucracy in the LGUs.

Moreover, making the appointment of a Legal Officer in municipal local governments mandatory will allow municipalities to have legal representation in their increasing number of cases without solely relying on the services of Provincial Legal Officers or Provincial Prosecutors.

It is in this regard that this proposed measure seeks to amend the *Local Government Code of 1991*, making the appointment of a Legal Officer in every municipality mandatory – similar to the appointment of Legal Officers in cities and provinces.

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



HON. EDVIC G. YAP



HON. JOCELYN P. TULFO



HON. ERWIN T. TULFO



HON. RALPH TULFO

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AN ACT
**MAKING THE APPOINTMENT OF A LEGAL OFFICER MANDATORY IN
MUNICIPAL GOVERNMENTS, AMENDING FOR THE PURPOSE AND 481 (A)
OF REPUBLIC ACT NO. 7160, AS AMENDED, OTHERWISE KNOWN AS THE
LOCAL GOVERNMENT CODE OF 1991**

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

SECTION 1. Sections 443 (b) and 481 (a) of Republic Act No. 7160 as amended,
otherwise known as the "Local Government Code of 1991" are hereby further
amended as follows:

"Sec 443. Officials of the Municipal Government. - (a) x x x

(b) In addition thereto, the mayor may appoint a municipal administrator, [a
municipal legal officer,] a municipal agriculturist, a municipal environment
and natural resources officer, a municipal social welfare and development
officer, a municipal architect, and a municipal information officer.

x x x

Sec 481. Qualifications, Powers and Duties. - (a) x x x

The appointment of legal officer shall be mandatory for the provincial, [and]
city, [and optional for the], **AND MUNICIPAL** governments.

SEC. 2. Section 31 of Republic Act No. 7160 as amended, otherwise known as
the "Local Government Code of 1991" is hereby repealed.

SEC. 3. This Act shall take effect after fifteen (15) days following the completion of its publication either in the Official Gazette or in newspaper of general circulation in the Philippines.

Approved,