

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

NINETEENTH CONGRESS
2nd Regular Session

House Bill No. 9330



Introduced by Representative PAOLO Z. DUTERTE

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 mandatory for the provincial and city governments while optional for the municipal governments. As the official Chief Legal Counsel of a local government unit, a Legal Officer has certain powers and duties provided under the same provision of law, 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 following 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 being exercised by a Legal Officer, the position's appointment as optional becomes contradicting to the intent of the *Local Government Code* to streamline the bureaucracy in the LGUs. In addition, the powers and duties of a Municipal Legal Officer are not extremely different, if not

entirely different at all, from those of the City and Provincial Legal Officers. To add to that is the municipality's increasing cases that need a legal representation and only the Legal Officers, as the official Chief Legal Counsels of the LGU, could exercise the said function.

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 mandator – similar to the Legal Officers in the city and province.

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



HON. PAOLO Z. DUTERTE

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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:

SEC. 1. Section 481 (a) of Republic Act No. 7160 as amended, otherwise known as the "Local Government Code of 1991" is hereby further amended as follows:

"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. 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,