

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 9333



Introduced by Representative PABLO JOHN F. GARCIA

AN ACT
UPGRADING AND CREATING ADDITIONAL POSITIONS IN THE OFFICE OF THE
GOVERNMENT CORPORATE COUNSEL, AMENDING FOR THE PURPOSE EXECUTIVE
ORDER NO. 878 DATED 4 MARCH 1983, AS AMENDED BY EXECUTIVE ORDER NO.
299 DATED 26 JULY 1987

EXPLANATORY NOTE

The Office of the Government Corporate Counsel (OGCC) is mandated to safeguard the legal interest of all government-owned and controlled corporations, their subsidiaries, other corporate offsprings, and government-acquired asset corporations. It exercises control and supervision over all legal departments or divisions around 732 government corporations that has contributed approximately PhP 375 billion in the economy in 2022. The OGCC's long-standing support for these entities is based on its institutional knowledge and specialization developed over nearly a century of public service since 1935. However, the growing number of government corporations and their increasingly complex requirements necessitates reforms. This bill seeks to strengthen OGCC through the enhancement of its organizational structure, expansion of its legal staff, and improvement of its services.

Acknowledging that a version of this bill that was passed during the 18th Congress was vetoed, this new iteration addresses the President's reservations. This bill proposes to create new positions in the OGCC to augment its present complement with an additional thirty-six (36) lawyer positions and to upgrade the rank, salary grades, privileges, and benefits of the OGCC lawyers to keep them at par with the ranks, salary grades, privileges, and benefits of counterpart positions in the Department of Justice and its attached agencies. This will enhance OGCC's efficiency and morale, resulting in significant government savings and reducing the need for external legal counsel for

client corporations especially since the OGCC is expected to supervise legal departments, assist client corporations without legal departments, handle corporate tasks, and manage more cases, previously necessitating external legal representation due to inadequate personnel.

In view of the foregoing, the immediate passage of this bill is earnestly requested.

A stylized, handwritten signature in black ink, appearing to read 'P. Garcia'.

PABLO JOHN F. GARCIA
3rd District, Cebu Province

Republic of the Philippines
House of Representatives
Constitution Hills, Quezon City

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Introduced **Representative PABLO JOHN F. GARCIA**

AN ACT
UPGRADING AND CREATING ADDITIONAL POSITIONS IN THE OFFICE OF THE
GOVERNMENT CORPORATE COUNSEL, AMENDING FOR THE PURPOSE
EXECUTIVE ORDER NO. 878 DATED 4 MARCH 1983, AS AMENDED BY
EXECUTIVE ORDER NO. 299 DATED 26 JULY 1987

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

Section 1. Section 1 of Executive Order (EO) No. 878, as amended by EO No.
299, is hereby further amended, as follows:

SECTION 1. The Office of the Government Corporate Counsel (OGCC) shall be headed by the Government Corporate Counsel whose rank, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, emoluments and privileges, shall be the same as those of the Presiding Justice of the Court of Appeals. He shall be assisted by a Deputy Government Corporate Counsel whose rank, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, emoluments, and privileges shall be the same as those of an Associate Justice of the Court of Appeals, and TWELVE (12) Assistant Government Corporate Counsels WITH THE rank, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, emoluments, and privileges of AN ASSOCIATE JUSTICE OF THE COURT OF APPEALS. THE SALARY GRADE CORRESPONDING TO THE POSITION OF THE DEPUTY GOVERNMENT CORPORATE COUNSEL SHALL BE FOUR (4) STEPS ABOVE THE SALARY GRADE CORRESPONDING TO THE POSITION OF AN ASSISTANT GOVERNMENT CORPORATE COUNSEL.

NO PERSON SHALL BE APPOINTED GOVERNMENT CORPORATE COUNSEL, DEPUTY GOVERNMENT CORPORATE COUNSEL, OR ASSISTANT GOVERNMENT CORPORATE COUNSEL UNLESS HE OR SHE IS A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN

ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST FIFTEEN (15) YEARS.

The incumbent Government Corporate Counsel, Deputy Government Corporate Counsel, and Assistant Government Corporate Counsels shall be entitled to the RANK, SALARY, RETIREMENT AND PENSION BENEFITS, rights, emoluments and privileges vested upon them BY THIS ACT as of the time of their appointments, AND without need of further appointments.

Sec. 2. Section 4 of EO No. 878, as amended by EO No. 299, is hereby further amended, as follows:

Section 4. The number, rank, qualifications for appointment, emoluments and privileges of the other members of the legal staff of OGCC shall be as follows:

A. TWELVE (12) GOVERNMENT CORPORATE ATTORNEY IV (GCA IV) POSITIONS. A GCA IV SHALL HAVE THE RANK, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, EMOLUMENTS, AND PRIVILEGES OF A JUDGE OF A REGIONAL TRIAL COURT. NO PERSON SHALL BE APPOINTED AS GCA IV UNLESS HE OR SHE IS A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST TEN (10) YEARS;

B. FOURTEEN (14) GOVERNMENT CORPORATE ATTORNEY III (GCA III) POSITIONS. A GCA III SHALL HAVE THE RANK, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, EMOLUMENTS, AND PRIVILEGES OF A JUDGE OF A METROPOLITAN TRIAL COURT. NO PERSON SHALL BE APPOINTED GCA III UNLESS HE OR SHE IS A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST FIVE (5) YEARS;

C. SEVENTEEN (17) GOVERNMENT CORPORATE ATTORNEY II (GCA II) POSITIONS. A GCA II SHALL BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST FOUR (4) YEARS;

D. TWELVE (12) GOVERNMENT CORPORATE ATTORNEY I (GCA I) POSITIONS. A GCA I SHALL BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST THREE (3) YEARS;

E. TWELVE (12) ASSOCIATE GOVERNMENT CORPORATE ATTORNEY II (AGCA II) POSITIONS. AN AGCA II SHALL BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND HAS BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST TWO (2) YEARS; AND

F. TWELVE (12) ASSOCIATE GOVERNMENT CORPORATE ATTORNEY I (AGCA I) POSITIONS. AN AGCA I SHALL BE NATURAL-BORN CITIZEN OF THE PHILIPPINES AND A MEMBER OF THE PHILIPPINE BAR.

THE INCUMBENT MEMBERS OF THE LEGAL STAFF SHALL BE ENTITLED TO THE RIGHTS, SALARY, BENEFITS AND PRIVILEGES VESTED UPON THEM BY THIS ACT AS OF THE TIME OF THEIR APPOINTMENT WITHOUT NEED OF FURTHER APPOINTMENT.

Sec. 3. Section 5 of EO No. 878, as amended by EO No. 299, is hereby 34 further amended, as follows:

SECTION 5. ORGANIZATIONAL STRUCTURE. –THE GOVERNMENT CORPORATE COUNSEL HAS THE AUTHORITY TO DISCHARGE THE DUTIES AND FUNCTIONS OF THE OGCC, AND SHALL HAVE CONTROL AND SUPERVISION OVER THE OGCC AND ITS CONSTITUENT UNITS. THE GOVERNMENT CORPORATE COUNSEL SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT. UNLESS OTHERWISE DETERMINED BY THE GOVERNMENT CORPORATE COUNSEL, THE LEGAL STAFF SHALL BE DIVIDED INTO TEAMS, EACH TO BE HEADED BY AN AGCC.

THE OGCC SHALL BE SUPPORTED BY SUCH NUMBER OF NON-LEGAL PERSONNEL NECESSARY AND COMMENSURATE TO THE OGCC'S WORK REQUIREMENTS, AS RECOMMENDED BY THE OGCC AND APPROVED BY THE DEPARTMENT OF BUDGET AND MANAGEMENT. NON-LEGAL PERSONNEL SHALL HAVE THE SAME SALARIES AND

BENEFITS AS THOSE OF THEIR COUNTERPARTS IN THE OFFICE OF THE SOLICITOR GENERAL.

THE ADMINISTRATIVE STRUCTURE OF THE OGCC SHALL BE COMPOSED OF ITS SECRETARIAL AND LEGAL SUPPORT SERVICE; TRAINING, RESEARCH, AND PUBLICATION SERVICE; FINANCE AND ACCOUNTING SERVICE; HUMAN RESOURCE AND MANAGEMENT SERVICE; CASE AND RECORDS MANAGEMENT SERVICE; LIBRARY MANAGEMENT AND INFORMATION TECHNOLOGY SERVICE; CORPORATE PLANNING SERVICE; AND PROPERTY AND SUPPLY SERVICE. THE LEGAL AND NON-LEGAL PERSONNEL OF THE OGCC OCCUPYING THE POSITIONS AFFECTED BY THE CHANGES EMBODIED IN THIS ACT AT THE TIME OF ITS APPROVAL SHALL THEREAFTER OCCUPY AND DISCHARGE THE DUTIES AND FUNCTIONS OF THE UPGRADED POSITIONS AND RECEIVE THE CORRESPONDING SALARY, BENEFITS, EMOLUMENTS, AND PRIVILEGES WITHOUT NECESSITY OF NEW APPOINTMENTS.

Sec. 4. Section 7 of EO No. 878, as amended by EO No. 299, is hereby 29 further amended as follows:

SECTION 7. APPROPRIATIONS. - THE AMOUNT NEEDED TO IMPLEMENT THE UPGRADING OF POSITIONS AND SALARIES, OFFICE RIGHT-SIZING, PHYSICAL EXPANSION, AND PAYMENT OF RETIREMENT BENEFITS, PENSION, PRIVILEGES, AND OTHER EMOLUMENTS PROVIDED IN THIS ACT SHALL BE TAKEN FROM THE FUNDS AND BUDGET OF THE OGCC UNDER THE ANNUAL GENERAL APPROPRIATIONS ACT.

Sec. 5. REPEALING CLAUSE. - ALL LAWS, PRESIDENTIAL DECREES, EXECUTIVE ORDERS, PRESIDENTIAL PROCLAMATIONS, ISSUANCES, RULES AND REGULATIONS, OR PARTS THEREOF THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT ARE HEREBY REPEALED AND/OR MODIFIED ACCORDINGLY.

Sec. 6. EFFECTIVITY. - THIS ACT SHALL TAKE EFFECT AFTER FIFTEEN (15) DAYS FOLLOWING ITS COMPLETE PUBLICATION IN THE OFFICIAL GAZETTE OR IN A NEWSPAPER OF GENERAL CIRCULATION.

APPROVED,