Republic of the Philippines

House of Representatives

Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session



HOUSE BILL NO. **10456**

Introduced by Representative LORDAN G. SUAN

AN ACT
PROFESSIONALIZING PARALEGAL PRACTICE IN THE PHILIPPINES, CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD OF PARALEGALS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Legal operations encompass every aspect of business, spanning corporations, cooperatives, private enterprises, and public entities. Universally, every action carries legal obligations. While paralegals are not lawyers, they ensure seamless operations. Diligent paralegals meticulously manage legal affairs, adhering to a code of ethics and professional responsibility.

Consequently, a paralegal occupies an essential role within any organization, be it public or private. They are tasked with preparing and organizing a myriad of legal documents, including briefs, wills, contracts, and real estate closing statements. Furthermore, they investigate facts and laws pertaining to cases, comb through public records and other resources, and determine causes of action.

Moreover, within courts and law firms, paralegals serve as the lifeblood of the office. They oversee and coordinate all activities, from delivering subpoenas to gathering and analyzing statutes, decisions, and legal articles. Additionally, they assist in trial preparation by organizing exhibits and providing support as necessary. Behind every great lawyer is a dedicated paralegal.

In light of this, it is incumbent upon us to acknowledge the sacrifices, hard work, and unwavering dedication of paralegals by professionalizing their roles. Many institutions now offer extensive training courses tailored for paralegals, marking a significant step towards professionalization. It is necessary for us, as representatives of the people, to take the final stride in recognizing the invaluable contributions of paralegals.

This bill proposes a comprehensive approach to professionalizing paralegals through the establishment of a Regulatory Board of Paralegals. Additionally, it advocates for the implementation of a licensure examination overseen by the board to uphold the integrity and security of this esteemed profession.

In light of the preceding, this bill's approval is fervently sought.

LORDAN G. SUAN
Cagayan de Oro City – 1st District

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

ARTICLE I
Title, Declaration of Policy, and Objectives

SECTION 1. Short Title. – This Act shall be known as the "Philippine Paralegal Act."

SEC. 2. Declaration 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 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. Objectives. – This Act shall govern the following:

a. National licensure examination, registration of paralegals, and issuance of certificates of registration and professional identification cards;

b. Supervision, control, and regulation of paralegal practice;
c. Integration of paralegals under one national organizations; and
d. Development of professional competence of paralegals.

ARTICLE II
Definition of Terms, and Scope of Practice

SEC. 4. Definition of Terms. – As used in this Act, the following terms shall mean:

a. **Paralegal** – a person, who by education, training, or experience, perform substantive legal work requiring the recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts usually on behalf of lawyers and attorneys; and

b. **Paralegal consultant** – a paralegal with specific specialization such as in alternative dispute resolution, real estate, corporate law, litigation, intellectual property, immigration, insurance, and other key areas.

SEC. 5. Scope of the Practice of Paralegal Service. – Paralegal service shall deal with the performance of the functions of paralegals, which shall include, but not be limited to the following:

a. Preparation and review of legal documents such as affidavits, motions, and contracts;

b. Representation on behalf of a party in small claims cases;

c. Representation on behalf of a party in barangay conciliation proceedings;

d. Investigation and fact-finding;

e. Legal research;

f. Development and review of organizational policies, procedures, programs, and other legal matters;

g. Coordination with government agencies and courts; and

h. Legal support for lawyers and attorneys.

ARTICLE III

Creation of the Professional Regulatory Board for Paralegals

SEC. 6. Creation and Composition of the Professional Regulatory Board for Paralegals. – There is hereby created a Professional Regulatory Board for Paralegals, hereinafter called the Board, under the administrative supervision and control of the Professional Regulation Commission (PRC). The Board shall comprise of a Chairperson and four (4) Members of the Board who shall be appointed by the President of the Philippines from among a list of three (3) recommendees for each position submitted by the Commission from among a list of five (5) nominees for each position submitted by the accredited and integrated national professional organization of paralegals who qualify under Section 7 of this Act. The new Board shall be constituted within three (3) months from the effectivity of this Act.

SEC. 7. Qualifications of the Chairperson and Members of the Board. – The Chairperson and Members of the Board, at the time of their appointment, shall possess the following qualifications:

a. Must be a natural born citizen and resident of the Philippines;

b. Must be of good reputation and moral character;

c. Must be a paralegal as defined in Section 4 of this Act;

d. Must not be a member of the faculty of a university, college, school or institution conferring the academic degree on law, legal management, and paralegal studies or offering review classes for paralegal licensure examination; nor a person who has a direct or indirect pecuniary interest in any such institution; and

e. Must not be an incumbent officer of the accredited and integrated national professional organization of paralegals.

SEC. 8. Tenure of Office for the Chairperson. – The Chairperson and the Members of the Board shall hold office for a term of three (3) years from the

date of their appointment or until their successors shall have been qualified and appointed: Provided, That the members of the first appointed Board shall hold office for the following terms: one (1) member as Chairperson, to serve for three (3) years; two (2) members, to serve for two (2) years; and two (2) members, to serve for one (1) year. The Chairperson and the Members of the Board may be reappointed for a second term but in no case shall they serve continuously for more than six (6) years. Any vacancy in the Board shall be filled for the unexpired portion of the term of the member who vacated the position. On the constitution of the first Board, the Chairperson and the Members of the Board shall automatically be registered and issued Certificates of Registration and Professional Identification Cards. Each Member of the Board shall take the proper oath of office prior to the assumption of duty.

SEC. 9. Meetings of the Board. – The Board shall have a regular meeting once a month. Special meetings may also be held upon the call of the Chairperson or by request of three (3) of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board.

SEC. 10. Compensation and Allowances of the Chairperson and Members of the Board. – The Chairperson and the Members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the chairman and the members of existing professional regulatory boards under the Commission, as provided for in the General Appropriations Act.

SEC. 11. Powers, Functions, and Duties of the Board. – The Board shall exercise executive, administrative, rule-making, and quasi-judicial powers in carrying out the provisions of this Act. It shall be vested with the following specific powers, functions, duties, and responsibilities:

a. Promulgate, administer, and enforce rules and regulations necessary to carry out the provisions of this Act;

b. Prepare, adopt, issue or amend the syllabi or terms of specification of subjects for the paralegal licensure examination consistent with the policies and standards set by CHED; and

c. Evaluate and approve applications for licensure examination;

d. Administer oaths, and issue Certificates of Registration and the Professional Identification Card to persons admitted to the practice of the profession of paralegal;

e. Prescribe guidelines in the Continuing Professional Development (CPD) in coordination with the accredited and integrated national professional organization of paralegals;

f. Recommend measures necessary for the upgrading, enhancement, development, and growth of the profession of paralegal in the Philippines;

g. Monitor the conditions affecting paralegal practice, and when necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high ethical, moral, and professional standards for paralegals;

h. Adopt and prescribe a Code of Professional Ethics and a Code of Technical Standards for paralegals;

i. Conduct inspection and monitoring of establishments where paralegal is practiced, and of higher educational institutions where paralegal courses are being offered, in coordination with the Commission on Higher Education (CHED), to ascertain that professional standards are complied with;

j. Ensure, in coordination with the Commission on Higher Education (CHED), that all institutions offering law, legal management, and paralegal studies comply with prescribed standards for curriculum, faculty, and facilities;

k. Supervise and regulate the registration, licensure, and practice of paralegals in the Philippines;

l. Adopt a program for the full computerization of the licensure examination for paralegals;

m. Issue, reinstate, suspend, or revoke the Certificate of Registration and Professional Identification Card or grant or cancel a temporary/special permit;

n. Issue certificates of recognition for advanced studies, researches and accomplishments that contribute to the enrichment of the profession;

o. Adopt policies and set the standards for all types of paralegals;

p. To discharge other powers and duties as the Board may deem necessary for the paralegal practice and the continued growth and development of paralegals and paralegal education in the Philippines.

The policies, resolutions, rules and regulations issued or promulgated by the Board shall be subject to review and approval of the PRC. However, the Board's decision, resolution, or order rendered in administrative cases shall be subject to review only if on appeal.

SEC 12. Removal or Suspension of the Chairperson or Members of the Board. – The Chairperson or any Member of the Board may be suspended or removed upon due notice and hearing by the President of the Philippines, upon the recommendation of the Commission, for neglect of duty; abuse of power; oppression; incompetence; unprofessional, unethical, immoral or dishonorable conduct; commission or toleration of irregularities in the conduct of examination or tampering of the grades therein, or for any final judgment or conviction of any criminal offense involving moral turpitude. The rights of Chairperson and Members 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.

SEC. 13. Supervision of the Board, Custodian of the Records, Secretariat, and Support Services. - The Board shall be under the general supervision and administrative control of the commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberations, administrative, and other investigative cases involving paralegals, shall be kept by the Commission. The Commission shall designate the secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act subject to the usual government accounting and auditing rules and regulations.

SEC 14. Annual Report. – The Board shall, at the close of each calendar year, submit an annual report to the Commission, giving a detailed account of its proceedings and accomplishments during the year and recommending measures to be adopted with the end-in-view of upgrading and improving the conditions affecting paralegal practice in the Philippines.

ARTICLE IV

Licensure Examination and Registration

SEC. 15. Licensure Examination. – Applicants for registration, except those specifically allowed under Section 20 of this Act, shall be required to undergo a written licensure examination to be given by the Board in such places and dates the Commission may designate subject to compliance with the requirements prescribed by the Commission.

SEC. 16. Qualifications for Examination. – Applicants for licensure examination must meet the following qualifications at the time of filing of applications:

a. Citizen and resident of the Philippines: Provided, that citizen of a foreign country may be allowed to take the examination, subject to the requirement of reciprocity pursuant to Section 31 of this Act;

b. Possesses good moral character and must not have been convicted of any crime involving moral turpitude;

c. Graduate of a Bachelor's degree conferred by a school, college, or university recognized and duly accredited by CHED: Provided, That six (6) years after the effectivity of this Act, only the graduates of the following degrees shall be allowed to qualify for application to the licensure examination:

1. Bachelor of Science in Legal Management;
2. Bachelor of Science in Paralegal Studies

All applications for examination shall be filed with the Board which shall assess and approve said applications and issue to the qualified examinees the corresponding permits to take such examination.

SEC. 17. Scope of Examination. – The licensure examination shall include, but not be limited to, the following subjects:

a. Government;

b. Judicial system;

c. Civil, criminal and quasi-judicial procedures;

d. Jurisdiction of local government units;

e. Ethical standards of judges, lawyers and civil servants;

f. Obligations and commercial contracts;

g. Tax and labor law compliance; and

h. Rules, regulations and procedures of various administrative agencies

SEC. 18. Rating in the Examination. – To pass the licensure examination, a candidate 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. 19. Report of Results of Examination. – The Board shall report to the Commission the results of the examination and the ratings of the examinees within ten (10) days aer the examination.

SEC. 20. Oath of Profession. – All successful examinees qualified for registration and all qualified applicants for registration without examination shall be required to take an oath of profession before any Commission Officer, or Member of the Board or any government official authorized to administer oaths, prior to entering into paralegal practice in the Philippines.

SEC. 21. Issuance of Certificate of Registration and Professional Identification Card. – The Commission, on recommendation of the Board, shall issue a Certificate of Registration and Professional Identification Card to each person who passed the licensure examination for paralegals and to those who are registered without examination under this Act and shall enter name of the registered professional in the Roster of Paralegals. The Certificate of Registration shall bear the signature of the Chairperson of the Commission and the Chairperson and Members of the Board, stamped with official seals of the Board and Commission indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said Certificate of Registration shall remain in full force and effect until suspended or revoked in accordance with this Act. A Professional Identification Card bearing the name and signature of the registrant, registration number, date of issuance, expiry date, duly signed by the Chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee.

SEC. 22. Registration Without Examination. – Upon application and payment of the required fees, the following shall be registered, and shall be issued by the Board and the Commission a Certificate of Registration and a Professional Identification Card without taking the prescribed examination:

a. Those who, on the date of the effectivity of this Act, have been issued a certificate of completion of the Paralegal Training Program offered by the University of the Philippines Law Center;

b. Those who, on the date of the effectivity of this Act, hold permanent appointments and have at least ten (10) years of actual experience in providing paralegal services; and

c. Those who, on the date of the effectivity of this Act, hold permanent appointments and have at least five (5) years of actual experience in providing paralegal consultancy services.

Those so exempt under the aforementioned categories shall file their application within two (2) years from the effectivity of this Act: Provided, That the renewal of the professional identification card is subject to the provisions of Section 21 hereof.

SEC. 23. Refusal to Issue Certificate of Registration and Professional Identification Card. – The Board shall not register any successful examinee nor any applicant for registration without examination if one has been convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude or has been found guilty of immoral and dishonorable conduct after investigation of the Board, or has been declared to be of unsound mind. The reason for the refusal shall be set forth in writing.

SEC. 24. Revocation and Suspension of Certificate of Registration and Professional Identification Card or Cancellation of Temporary /Special Permit. – The Board has the power, after due notice and hearing, to revoke or suspend the Certificate of Registration or cancel a temporary or special permit of any paralegal on any ground stated under Section 23 of this Act, or for any of the following: unprofessional or dishonorable conduct in paralegal practice; fraud; deceit or falsification in obtaining a certificate of registration, professional identification card, or temporary or special permit; abatement of illegal practice by allowing illegal use of one's Certificate of Registration, or Professional Identification Card, or temporary or special permit; practice of profession during the period of suspension; or any violation of this Act, its Implementing Rules and Regulations, the Code of Ethics or the Code of Technical Standards for Paralegals, or Board policies. The respondent may appeal the Board's decision, order or resolution to the Commission within fifteen (15) days from receipt thereof.

SEC. 25. Reissuance of Revoked Certificate of Registration and Replacement of Lost Certificate of Registration and Professional Identification Card. – The Board after two (2) years from the date of revocation of the

Certificate of Registration may reissue a certificate upon proper application. A new Certificate of Registration and Professional Identification Card, or temporary or special permit, which has been lost, destroyed or mutilated, may be reissued after payment of the required fee prescribed by the Commission.

SEC. 26. Roster of Paralegals. – The Board, in coordination with the accredited and integrated national organization of paralegals, shall maintain an up-to-date, complete and properly organized Roster containing the following data:

a. alphabetical list by surname of paralegals with their addresses and license numbers;

b. the list of licensees, numerically arranged by license numbers; and

c. such other lists which the Board may deem necessary.

Copies of the Roster, which shall be provided to the National Library, the Civil Service Commission, and the accredited national organization of paralegals, shall be kept as permanent record.

ARTICLE IV

Paralegal Practice

SEC. 27. Prohibitions and Limitations in the Paralegal Practice. – 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, and 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.

SEC. 28. 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 or professional license or temporary special permit as a paralegal to enable the person to engage in the practice of paralegal;

c. Use the Certificate of Registration or professional license or special temporary permit of another paralegal.

SEC. 29. 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 paralegal and a member from the academe.

SEC. 30. 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 paralegal, 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. 31. 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 paralegal to practice within its territorial limits under the same conditions and an equal basis as its own subjects or citizens.

SEC. 32. Indication of License and Professional Tax Receipt. – A paralegal shall be required to indicate the registration/professional number and date of issuance, the duration of validity, including the Professional Tax Receipt number on the documents one signs, or issues in connection with the practice of the profession.

ARTICLE V

Penal and Final Provisions

SEC. 33. Penal Provisions. – Any violation of this Act, including violations of Implementing Rules and Regulations, shall be meted the penalty of a fine of not less than fifty thousand pesos (Php. 50,000.00) but not more than five hundred thousand pesos (Php. 500,000.00) or imprisonment of not less than six (6) months but not more than four (4) years, or both such fine and imprisonment upon the discretion of the court. In case the violation is committed by an unlicensed paralegal, the penalty shall be double the aforesaid fine and imprisonment.

In case the violation is committed by a partnership, corporation, association, or any other juridical person, the partner, president, director, or manager who has committed or consented to or knowingly tolerated such violation shall be held directly liable and responsible for the acts as principal or as a co- principal with the other participants, if any.

SEC. 34. Appropriations. – The Chairperson of the Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act and thereafter.

SEC. 35. Implementing Rules and Regulations. – Within six (6) months after the effectivity of this Act, the Board, subject to the approval of the Commission, shall promulgate, adopt, and issue rules and regulations, and the Code of Ethics and the Code of Technical Standards for Paralegals which shall

take effect fifteen (15) days following publication in the official Gazette or newspaper of general circulation.

SEC. 36. Separability Clause. – If any clause, sentence, paragraph, or part of this Act shall be declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SEC. 37. Repealing Clause. – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, proclamations, charters, rules or regulations and/or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SEC. 38. Transitory Provision. – All incumbent paralegals in both the public and private sector not otherwise certified as paralegals by virtue of this Act shall be given six (6) years temporary certificates from the time the Board is organized within to qualify as required of this Act and be included in the Roster.

SEC. 39. ***Repealing Clause.*** — All laws, presidential decrees, executive orders, memoranda, circulars, and other issuances, or parts thereof, which are inconsistent with the Act, are hereby repealed or modified accordingly.

SEC. 40. ***Effectivity Clause.*** — This Act shall take effect fifteen (15) days after its publication in the Official Gazette, in a newspaper of general circulation, or on a website provided for by law.

Approved,