

TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. **1505**

EXPLANATORY NOTE

This bill was approved by the House of Representatives during the 19th Congress.

The number of government-owned or controlled corporations (GOCCs), government financial institutions (GFIs), government instrumentalities with corporate powers (GCIPs), and government corporate entities (GCEs) as defined in Republic Act No. 10149, otherwise known as the "GOCC Governance Act of 2011", as well as their subsidiaries and corporate off-springs including economic zones and water districts, all collectively referred to as "government corporations", have increased through the years – from fifty three (53) in 1983 to seven hundred thirty two (732) to date.

Executive Order No. 292 (26 July 1987), otherwise known as the "Administrative Code of 1987", expressly defines the mandate of the Office of the Government Corporate Counsel (OGCC), thus: (1) to act as the principal law office of all government corporations; *and*, (2) to exercise control and supervision over all legal departments or divisions thereof. Later executive issuances further strengthened and enhanced OGCC's mandate and responsibilities over the legal affairs of various GOCCs.

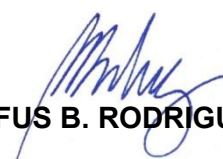
However, the existing organizational structure and personnel complement of OGCC was formulated way back in 1983, and has not been amended or improved since then, despite the substantial increase in the volume, complexity and the importance of the OGCC's mandate due to escalating demands of government activities and transactions.

To ensure that OGCC shall be able to adapt to the changing conditions and to uphold the principle of "*equal pay for equal value of work*", the Eighteenth Congress (2019-2022) passed the consolidated OGCC Bill (Senate Bill No. 2490 & House Bill No. 9088), entitled: "*An Act Strengthening the Office of the Government Corporate Counsel (OGCC), by Rationalizing and Further Professionalizing its Organization, and Appropriating Funds Therefor*" and transmitted the same to the Office of the President on June 21, 2022.

While His Excellency President Ferdinand "Bongbong" Romualdez Marcos, Jr. vetoed the OGCC Bill on July 22, 2022, he still recognizes the need to strengthen the OGCC because of the growth in the number of GOCCs coupled with the complexities of their requirements brought by the modern business situations and conditions, and thereby accord the men and women of the OGCC the same privileges and benefits being enjoyed by their counterparts in the Judiciary and in the Office of the Solicitor General.

This Bill, therefore, reintroduces the proposed bill on the OGCC, now entitled: "*An Act Strengthening the Office of the Government Corporate Counsel by Rationalizing and Further Professionalizing its Organization, and Appropriating Funds Therefor*", subject to certain amendments to address the veto message of the President.

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


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

TWENTIETH CONGRESS)
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*Introduced by Representative Rufus B. Rodriguez and
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House Bill No. **1505**

AN ACT

UPGRADING AND CREATING ADDITIONAL POSITIONS IN THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL, AMENDING FOR THE PURPOSE EXECUTIVE ORDER NO. 878, S. 1983, ENTITLED “REORGANIZING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL”, AS AMENDED BY EXECUTIVE ORDER NO. 299, S. 1987, ENTITLED “MODIFYING EXECUTIVE ORDER NO. 878 DATED MARCH 4, 1983”

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 dated March 4, 1983, entitled “Reorganizing the Office of the Government Corporate Counsel”, as amended by EO No. 299 dated July 26, 1987, entitled “Modifying Executive Order No. 878 dated March 4, 1983”, is hereby further amended to read as follows:

“Section 1. The Office of the Government Corporate Counsel (**OGCC**) shall be headed by the Government Corporate Counsel whose rank, **QUALIFICATIONS FOR APPOINTMENT, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS**, emoluments and privileges, shall be the same as those of the [Presiding] **ASSOCIATE** Justice of the Court of Appeals. [He] **THE GOVERNMENT CORPORATE COUNSEL** shall be assisted by a Deputy Government Corporate Counsel whose rank, **QUALIFICATIONS FOR APPOINTMENT, 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 [ten (10)] **TWELVE (12)** Assistant Government Corporate Counsels whose rank, **QUALIFICATIONS FOR APPOINTMENT, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS**, emoluments, and privileges shall be the same as those of [Regional Trial Judge of the Regional Trial Courts] **AN ASSOCIATE JUSTICE OF THE COURT OF APPEALS. THE SALARY GRADE CORRESPONDING TO THE POSITION OF THE GOVERNMENT CORPORATE COUNSEL SHALL BE FOUR (4) STEPS ABOVE THE SALARY GRADE CORRESPONDING TO THE POSITION OF A DEPUTY GOVERNMENT CORPORATE COUNSEL. 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.**

[The Government Corporate Counsel, Deputy Government Corporate Counsel, and Assistant Government Corporate Counsels must be officers learned in law, of recognized competence, with experience in the practice of law for at least ten (10) years, and at least thirty-five (35) years of age.]

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 SECTION** as of the time of their appointments, **AND** without need of new appointments.”

SEC. 2. Section 4 of EO No. 878 is hereby amended to read as follows:

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

[(a) A first bracket of ten (10) State Corporate Attorneys who shall have the rank, qualifications for appointment, emoluments and privileges of Metropolitan Trial Judges;]

(A) TWELVE (12) GOVERNMENT CORPORATE ATTORNEY IV (GCA IV) POSITIONS WITH THE SAME QUALIFICATIONS FOR APPOINTMENT, RANK, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, EMOLUMENTS, AND PRIVILEGES AS THOSE OF A JUDGE OF A REGIONAL TRIAL COURT;

[(b) A second bracket of seven (7) State Corporate Attorneys whose annual compensation shall be as provided in Presidential Decree No. 1726 and who must be members of the Philippine Bar and have at least three (3) years experience in the practice of law;]

(B) FOURTEEN (14) GOVERNMENT CORPORATE ATTORNEY III (GCA III) POSITIONS WITH THE SAME QUALIFICATIONS FOR APPOINTMENT, RANK, SALARY, RETIREMENT AND PENSION BENEFITS, RIGHTS, EMOLUMENTS, AND PRIVILEGES AS THOSE OF A JUDGE OF A METROPOLITAN TRIAL COURT;

[(c) A third and a fourth bracket of seven (7) State Corporate Attorneys each whose annual compensation shall be as provided in Presidential Decree No. 1726 and who must be members of the Philippine Bar and have at least two (2) years experience in the practice of law;]

(C) SEVENTEEN (17) GOVERNMENT CORPORATE ATTORNEY II (GCA II) POSITIONS WITH THE FOLLOWING QUALIFICATIONS: MUST BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND MUST HAVE BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST FOUR (4) YEARS;

[(d) Ten (10) Trial Attorneys whose annual compensation each shall be as provided in Presidential Decree No. 1726 and who must be members of the Philippine Bar and have at least one (1) year experience in the practice of law;]

(D) TWELVE (12) GOVERNMENT CORPORATE ATTORNEY I (GCA I) POSITIONS WITH THE FOLLOWING QUALIFICATIONS: MUST BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND MUST HAVE BEEN ENGAGED IN THE PRACTICE OF LAW IN THE PHILIPPINES FOR AT LEAST THREE (3) YEARS;

[(e) A Senior Research Attorney and five (5) Research Attorneys whose annual compensation shall be as provided in Presidential Decree No. 1726 and who must be members of the Philippine Bar.]

(E) TWELVE (12) ASSOCIATE GOVERNMENT CORPORATE ATTORNEY II (AGCA II) POSITIONS WITH THE FOLLOWING QUALIFICATIONS: MUST BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND MUST HAVE 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 WITH THE FOLLOWING QUALIFICATIONS: MUST BE A NATURAL-BORN CITIZEN OF THE PHILIPPINES AND A MEMBER OF THE PHILIPPINE BAR.

[The number and salaries/compensation of the members of the Administrative and support staff of the OGCC shall be those indicated in the Staffing Pattern and salary schedule attached hereto as Annex "A".]

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

SEC. 3. Section 5 of EO No. 878 is hereby amended to read as follows:

"[SEC. 5. The Government Corporate Counsel is hereby authorized to reorganize his legal and administrative/support staff within three months in such manner as he may deem proper to promote the efficiency of the service. Any member of the staff not otherwise selected/appointed by the Government Corporate Counsel as a result of the reorganization herein authorized, or who refuses such appointment, shall be paid the money value of his accumulated vacation and sick leave, and such retirement gratuity as may be due him under existing retirement laws. Anyone not appointed who does not qualify under any existing retirement law may be paid one month salary for every year of service, payable in lump sum, from out of the salary lapses in the Office of the Government Corporate Counsel.]

SEC. 5. 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. 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 WORK REQUIREMENTS OF THE OGCC, AS RECOMMENDED BY THE GCC 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 PROVISIONS HEREIN 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 NEED OF NEW APPOINTMENTS.

THE GOVERNMENT CORPORATE COUNSEL SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT.”

SEC. 4. The amount necessary for the implementation of this Act shall be charged against the current year’s appropriation of the Office of the Government Corporate Counsel. Thereafter, such amount shall be included in the annual General Appropriations Act.

Sec. 5. All other laws, decrees, executive orders, proclamations, issuances, rules and regulations, or parts thereof that are inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 6. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,