

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3575



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

The objective of this bill is to strengthen the Legal Staff under the Office of the Secretary of Justice and renaming it as the Office of the Chief State Counsel.

To aid the Office of the Chief State Counsel in performing its powers and functions itemized in Section 4 of the bill, the staff complement of said office shall be increased and the positions therein upgraded, with a corresponding increase in the number of general and administrative support personnel.

Specifically, the bill provides that the Office of the Chief State Counsel shall be headed by the Chief State Counsel and it shall have at least seven (7) divisions. Each division shall be headed by a Deputy Chief State Counsel and shall have at least ten (10) State Counsels and the necessary personnel.

The Chief State Counsel and the Deputy Chief State Counsels shall enjoy the same retirement, death, survivorship, and other benefits as those of a Presiding Justice and Associate Justice of the Court of Appeals, respectively. Section 7 of the bill details further the compensation and benefits of the State Counsels.

The passage of this measure will give due recognition to the vital role that State Counsels perform for the Government. State Counsels are highly deserving of proper support and fair compensation in view of their competence, dedication and invaluable contributions to public service.

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


REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

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HOUSE BILL NO. 3575

Introduced by REP. YSABEL MARIA J. ZAMORA

AN ACT
STRENGTHENING THE LEGAL STAFF OF THE DEPARTMENT OF JUSTICE, RENAMING
IT AS THE OFFICE OF THE CHIEF STATE COUNSEL, REDEFINING, EXPANDING,
RATIONALIZING, AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the “Office of the Chief State Counsel Act.”

SEC. 2. Office of the Chief State Counsel. – The Legal Staff in the Office of the Secretary of Justice created under Republic Act No. 2705, as amended by Republic Act No. 4152, is hereby renamed as the “Office of the Chief State Counsel.” The Office of the Chief State Counsel shall be under the control and supervision of the Secretary of Justice.

SEC. 3. State Counsel, Defined. - Unless otherwise specified, the term “State Counsel” as used in this Act refers to the Chief State Counsel, Deputy Chief State Counsel, Senior State Counsel, and State Counsels I to IV.

SEC. 4. Powers and Functions. – The Office of the Chief State Counsel shall assist the Secretary of Justice in the exercise of the Secretary’s functions as Attorney General of the Philippines and as *ex officio* legal adviser of government-owned or controlled corporations or enterprises and their subsidiaries. The Office of the Chief State Counsel shall have the following powers and functions:

(a) Recommend to the Secretary of Justice legal opinion or advice on questions of law arising from the performance of powers and duties, and upon request of heads of national government functionaries and act on other queries;

(b) Study and recommend to the Secretary of Justice the following:

(1) Comments and position papers on proposed legislation, whenever there are legal issues involved; and

- (2) Opinions or comments on the legality and validity of foreign loan and guarantee agreements and, in certain cases, agreements related to domestic borrowings;
- (c) Lead negotiations of treaties, conventions, or agreements involving international legal cooperation, including extradition, mutual legal assistance in criminal matters, and transfer of sentenced persons: *Provided*, That the negotiations of all treaties and executive agreements, or any amendment thereto, shall be coordinated with, and made only with the participation of, the Department of Foreign Affairs;
- (d) Serve as legal adviser to other government agencies in the negotiations and implementation of international agreements, and, whenever so requested, lead in the negotiations involving legal and institutional issues;
- (e) Represent the Secretary of Justice or Department of Justice (DOJ) as the designated Central Authority in treaties, conventions, and other international agreements;
- (f) Act on requests for mutual legal assistance in criminal matters, extradition, transfer of sentenced persons, and other forms of international legal cooperation;
- (g) Represent and serve as counsel of the requesting state in all stages of cases relating to extradition and mutual legal assistance in criminal matters;
- (h) Serve on standing councils, committees, working groups, and task forces, as required;
- (i) Review Orders issued by the Bureau of Immigration, including recognition of Filipino citizens or cancellation of alien certificate of registration, and deportation cases;
- (j) Adjudicate disputes, claims, and controversies between or among government offices, agencies, and instrumentalities, including government-owned and controlled corporations, when only questions of law are raised;
- (k) Review the legality and validity of tax ordinances and revenue measures;
- (l) Act on applications for the following:
 - (1) Special non-immigrant visas under Sec. 47(a)(2) of Commonwealth Act No. 613, otherwise known as the *Philippine Immigration Act of 1940*, as amended;
 - (2) Special authority to employ foreign nationals under Commonwealth Act No. 108, otherwise known as the *Anti-Dummy Law*, as amended;
 - (3) Recognition of refugee and statelessness status; and
 - (4) Validation of land titles filed pursuant to Presidential Decree (P.D.) No. 1271 entitled "*An Act Nullifying the Decrees of Registration and Certificates of Title Covering Lands Within the Baguio Townsite Reservation*";
- (m) Supervise the Department Law Library and its personnel; and
- (n) Exercise such other powers and functions as may be provided by law or as may be delegated by the Secretary of Justice.

SEC. 5. Expansion. The staff complement of the Office of the Chief State Counsel shall be increased and their positions upgraded, with a corresponding increase in the number of general and administrative support personnel and corresponding provision for ample office space.

There shall be at least seven (7) divisions in the Office of the Chief State Counsel. Each division shall be headed by a Deputy Chief State Counsel and shall consist of at least ten (10) State Counsels and such personnel as may be necessary for the Office to effectively carry out its functions. The Secretary of Justice may create additional divisions upon the recommendation of the Chief State Counsel: *Provided*, That the exigency of service requires the creation of such additional divisions.

The designation, ranks, and salary grades of State Counsels are hereby amended as follows:

POSITION/ DESIGNATION	SALARY GRADE	POSITION/ DESIGNATION	SALARY GRADE
Chief State Counsel	SG 30	Chief State Counsel	SG 30 - Step 8
Assistant Chief State Counsel	SG 29	Deputy Chief State Counsel	SG 30
State Counsel V	SG 28	Senior State Counsel	SG 29
State Counsel IV	SG 27	State Counsel IV	SG 28
State Counsel III	SG 26	State Counsel III	SG 27
State Counsel II	SG 25	State Counsel II	SG 26
State Counsel I	SG 24	State Counsel I	SG 25

The Chief State Counsel and the Deputy Chief State Counsels shall be appointed by the President of the Philippines. All other State Counsels and administrative personnel shall be appointed by the Secretary of Justice upon recommendation by the Promotion and Selection Board.

The Chief State Counsel and the Deputy Chief State Counsels shall act as a Promotion and Selection Board to screen applicants for appointment and promotion to any State Counsel position and administrative personnel position in the Office of the Chief State Counsel. The Chief State Counsel shall be the chairperson of the Board.

The State Counsels occupying the positions affected by the changes 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, and privileges, without necessity of new appointment.

There shall be positions created for administrative personnel equivalent to at least one (1) support staff for every two (2) State Counsels.

SEC. 6. Qualifications of the State Counsels. – The Chief State Counsel and Deputy Chief State Counsels must be citizens of the Philippines and have been engaged in the practice of law in the Philippines for at least fifteen (15) years prior to their appointment.

Senior State Counsels must be members of the Philippine Bar for at least ten (10) years prior to their appointment.

State Counsels IV must be members of the Philippine Bar for at least five (5) years prior to their appointment.

State Counsels III must be members of the Philippine Bar for at least four (4) years prior to their appointment.

State Counsels II must be members of the Philippine Bar for at least three (3) years prior to their appointment.

State Counsels I must be members of the Philippine Bar for at least one (1) year prior to their appointment.

SEC. 7. Compensation and Benefits. – The salaries and allowances of State Counsels shall correspond to their position, rank, and salary grade pursuant to Section 5 hereof. The Chief State Counsel and the Deputy Chief State Counsels shall enjoy the same retirement, death, survivorship, and other benefits as those of a Presiding Justice and Associate Justice of the Court of Appeals, respectively. Senior State Counsels shall enjoy the same retirement, death, survivorship, and other benefits as those of judges of the Regional Trial Courts. All other State Counsels shall enjoy the same retirement, death, survivorship, and other benefits as those of judges of the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts.

SEC. 8. Retirement Benefits. – When a State Counsel, who has rendered at least fifteen (15) years of service either in the Office of the Chief State Counsel or in any branch of government, or in both, retires for having attained the age of sixty-five (65) years or resigns by reason of incapacity to discharge the duties of the office, the retiree shall, for the remainder of the retiree's natural life, and in the manner hereinafter provided, receive a retirement pension based on the highest monthly salary, plus the highest monthly aggregate of transportation, living and representation allowances, being received at the time of retirement or resignation.

When a State Counsel has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in government, the last five (5) years of which must have been continuously rendered in the Office of the Chief State Counsel, such State Counsel shall be entitled to retire and receive for the remainder of the State Counsel's natural life the same benefits provided for in the immediately preceding paragraph: *Provided*, That those with less than fifteen (15) years of service in the government shall be entitled to a *pro rata* pension computed as follows:

No. of years in Government		Basic Pay Plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowances
	x	
15 years		

Upon retirement, a State Counsel shall automatically be entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest aggregate transportation, living and representative allowances being received on the date of retirement, and thereafter, upon survival after the expiration of five (5) years, to further annuity payable monthly for the remainder of the retiree's natural life pursuant to the first and second paragraphs of this Section.

SEC. 9. Collateral Increase. - All pension benefits of retired State Counsels shall be automatically increased whenever there is an increase in the salary and allowance for the same position from which they retired.

SEC. 10. Survivorship Benefits. - In case a State Counsel covered by this Act dies after retirement, the surviving legitimate spouse and dependents of said State Counsel shall be entitled to receive all the retirement benefits that the deceased was receiving or entitled to receive at the time of death.

A "dependent" means a legitimate, illegitimate, or legally-adopted child who is chiefly dependent on the said deceased State Counsel if such dependent is not more than twenty-one (21) years of age, unmarried, and not gainfully employed, or if such dependent, regardless of age, is incapable of self-support because of any mental or physical disability or condition.

The surviving legitimate spouse shall continue to receive retirement benefits during his or her lifetime or until such surviving spouse remarries: *Provided*, That the surviving legitimate spouse receiving benefits under existing retirement laws shall only be entitled to the difference between the amount provided for in this Act and other benefits such surviving spouse is receiving: *Provided, further*, That said benefits shall be granted to the surviving legitimate spouse or dependent of State Counsels who retired prior to the effectivity of this Act.

Funds for the initial implementation of this Section shall be taken out of the current appropriations for the retirement of the State Counsel and/or savings of the DOJ. Thereafter, such sums as may be necessary for the continued implementation of this Section shall be included in the Annual General Appropriations Act.

SEC. 11. Death Benefits. - In case a State Counsel dies while in service, regardless of age and length of service, the heirs shall receive a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest aggregate of transportation, living and representation allowances being received by the State Counsel at the time of death: *Provided, however*, That where said State Counsel has rendered at least fifteen (15) years of government service, either in the Office of the Chief State Counsel or in any branch of government, or both, his or her heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same basis as indicated in this provision: *Provided further*, That the lump sum of ten (10) years gratuity shall be received by the heirs of a State Counsel who was killed by reason of his or her duties as such: *Provided finally*, that the State Counsel has served in the Office of the Chief State Counsel for at least five (5) years regardless of age at the time of death.

SEC. 12. Prohibitions. - To maintain entitlement to the retirement benefits under this Act, a retired State Counsel receiving such benefits under this Act shall not appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the Government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to the office, or collect any fee for the appearance in any administrative proceeding, or maintain an

interest adverse to the government, whether national, provincial, or municipal or to any of its legally constituted offices. A retired State Counsel who assumes an elective public office shall not receive retirement benefits upon assumption and during the term of elective office.

SEC. 13. Other Benefits and Privileges. – The State Counsels and all employees under the Office of the Chief State Counsel shall be entitled to the following benefits:

- (a) Health care services through a health maintenance organization (HMO). Expenses for the mandatory annual executive check-up of the Chief State Counsel, Deputy Chief State Counsels and Senior State Counsels, shall be for the account of the DOJ;
- (b) Accident insurance policies procured by the DOJ, at its own expense, during travels while in the performance of their official duties and functions; and
- (c) Scholarships to deserving employees, on official time and at the expense of the DOJ, to enhance their academic growth and upgrade their knowledge and skills.

SEC. 14. Applicability. – All benefits heretofore extended under Republic Act No. 910, as amended, and all other benefits that may be extended by way of amendment thereto shall likewise be given to the State Counsels covered by this Act.

SEC. 15. Authority to Collect Fees. – The Office of the Chief State Counsel is hereby authorized to assess, revise and collect fees for various services rendered in accordance with Section 54, Chapter 12, Book IV of Executive Order No. 292, otherwise known as the Administrative Code of 1987, and other laws. These collections shall be deposited in a Trust Fund which shall be administered by the Secretary of Justice to augment the Department's funds covering the privileges and benefits under Sections 13 and 16 of this Act.

SEC. 16. Seminar and Other Related Fees. – Fees for relevant seminars, as well as professional membership fees for lawyers, registration fees and related miscellaneous expenses incurred in completing the Mandatory Continuing Legal Education (MCLE) shall be charged against the Trust Fund.

SEC. 17. Franking Privilege. – The Office of the Chief State Counsel may transmit through ordinary mail or registered mail with return card, free of charge, all official communications and papers directly connected with the conduct of its duties and functions.

SEC. 18. Appropriations. – There is hereby appropriated initially the sum of Two Hundred Million Pesos (₱200,000,000.00) from the funds of the National Treasury not otherwise appropriated for the initial implementation of this Act. Thereafter, the amount needed for the implementation of this Act shall be appropriated in the budget of the Department of Justice under the Annual General Appropriations Act and from the collected fees pursuant to Section 15 hereof.

SEC. 19. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, the provisions not affected thereby shall continue to be in full force and effect.

SEC. 20. Repealing Clause. – All laws, decrees, executive orders, letters of instructions, and regulations, or any part thereof which are inconsistent with any provision of this Act are hereby repealed or modified accordingly.

SEC. 21. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,