

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

**TWENTIETH CONGRESS**  
First Regular Session

HOUSE BILL NO. **6624**



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Introduced by Representative LEILA M. DE LIMA

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**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**

**EXPLANATORY NOTE**

The Department of Justice (DOJ) is the legal backbone of the Philippine government. It stands as the Republic's principal law agency, its legal counsel and its prosecution arm, as mandated by Executive Order No. 292, or the Administrative Code of 1987<sup>1</sup>. At the heart of this mandate lies the Legal Staff (Office of the Chief State Counsel or OCSC), which assists the Secretary of Justice in discharging his role as the nation's Attorney General.

Yet, despite being one of the most critical legal institutions in government, the OCSC remains constrained by an outdated organizational structure and inadequate staffing. These serious gaps threaten its ability to meet the increasingly complex demands of modern governance.

Created under Republic Act No. 2705, as amended by 4152 and further mandated by E.O No. 292, the OCSC was originally tasked to issue legal opinions, memoranda, comments, and studies to guide public officials in discharging their duties. But since the OCSC was mandated, its responsibilities have grown far beyond what its drafters ever envisioned.

Today, the OCSC serves as the DOJ's Central Authority for international legal cooperation, a function unique to the Office. It leads the negotiation and implementation of treaties on extradition, mutual legal assistance, and transfer of

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<sup>1</sup> Section 1, Chapter 1, Title III

sentenced persons, acting as the Philippines' primary channel for receiving and making international legal requests, with the assistance of the Department of Foreign Affairs (DFA)<sup>2</sup>. The Office also represents foreign treaty partners before Philippine courts in extradition and MLA proceedings, underscoring its vital role in global justice and transnational crime prevention<sup>3</sup>. The OCSC likewise administers the country's commitments under the Refugee and Statelessness Conventions<sup>4</sup> and serves as the Central Authority for the Hague Child Abduction Convention<sup>5</sup>.

Despite these high-stakes responsibilities, the OCSC suffers from inadequate staffing and outdated benefits. These gaps threaten its ability to function effectively.

Thus, this bill seeks to strengthen the OCSC, modernizing its structure, enhancing its benefits, and institutionalizing the upgraded ranks necessary for State Counsels to effectively carry out their mandates. It aligns their benefits with those already granted to other DOJ counterparts and acknowledges the Office's indispensable role in domestic governance, international cooperation, economic policy, and the administration of justice.

Filed repeatedly from the 15th to the 19th Congresses, this measure has long awaited the decisive action it deserves. In the 20th Congress, similar bills have been filed by Representatives Atty. Gerville "Jinky Bitrics" Luistro, Ysabel Maria J. Zamora, Ferdinand L. Hernandez, Jan "Atty. JP" Padiernos, Rufus Rodriguez, Maximo B. Rodriguez Jr., Henry "Indy" F. Oaminal Jr., and Sancho Fernando "Ando" F. Oaminal. Its re-filing in the 20th Congress reflects the continued urgency to empower and elevate our State Counsels so that the DOJ may fully and effectively serve the Filipino people.

Early approval of this measure is requested.

  
LEILA M. DE LIMA

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<sup>2</sup> Department of Justice. International Legal Cooperation. Retrieved from: <https://www.doj.gov.ph/international-legal-cooperation.html?>

<sup>3</sup> *ibid*

<sup>4</sup> Department of Justice. (21 June 2024). DOJ vows to 'faithfully sustain' PH commitment on ensuring welfare of refugees. Retrieved from: [https://www.doj.gov.ph/news\\_article.html?newsid=yhBwyerWH1ITKnLfqAZWWFpVWZH3uLihP8zznbZKRiM](https://www.doj.gov.ph/news_article.html?newsid=yhBwyerWH1ITKnLfqAZWWFpVWZH3uLihP8zznbZKRiM)

<sup>5</sup> Hague Conference on Private International Law. Retrieved from: <https://www.hcch.net/en/states/authorities/details3/?aid=1055>

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

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

3  
4           SEC. 2. *Office of the Chief State Counsel.* – The Legal Staff created under  
5 Republic Act (R.A.) No. 2705, as amended by R.A. No. 4152, shall be renamed as the  
6 “Office of the Chief State Counsel.”

7  
8           SEC. 3. *State Counsel.* – Unless otherwise specified, the term “State Counsel”  
9 shall refer to the Chief State Counsel, Deputy Chief State Counsel, Senior State  
10 Counsel, and State Counsels I to IV.

11  
12          SEC. 4. *Powers and Functions.* – The Office of the Chief State Counsel shall  
13 assist the Secretary of Justice in the exercise of his functions as Attorney General of  
14 the Philippines and *ex officio* legal adviser of government-owned or controlled  
15 corporations, or enterprises and their subsidiaries. The Office of the Chief State  
16 Counsel shall be under the supervision and control of the Secretary of Justice. The  
17 Office of the Chief State Counsel shall have the following powers and functions:

- 18  
19           a) Recommend to the Secretary of Justice, legal opinion or advice on  
20           questions of law arising from the performance of powers and duties,

- 1 and upon request of heads, of national government functionaries and  
2 act on other queries;
- 3 b) Study and recommend to the Secretary of Justice the following:
- 4 i. Comments and position papers on proposed legislation,  
5 whenever there are legal issues involved;
- 6 ii. Opinion or comments on the legality and validity of foreign  
7 loan and guarantee agreements, and, in certain cases,  
8 agreements related to domestic borrowings;
- 9 c) Lead negotiations of treaties, conventions, or agreements involving  
10 international legal cooperation, including extradition, mutual legal  
11 assistance in criminal matters, and transfer of sentenced persons;
- 12 d) Serve as legal adviser to other government agencies in the negotiations  
13 and implementation of international agreements, and whenever so  
14 requested, lead in the negotiations involving legal and institutional  
15 issues;
- 16 e) Represent the Secretary of Justice or Department of Justice (DOJ) as  
17 the designated Central Authority in treaties, conventions, and other  
18 international agreements;
- 19 f) Act on requests for mutual legal assistance in criminal matters,  
20 extradition, transfer of sentenced persons, and other forms of  
21 international legal cooperation;
- 22 g) Represent and serve as counsel of the requesting state in all stages of  
23 cases relating to extradition and mutual legal assistance in criminal  
24 matters;
- 25 h) Serve in standing councils, committees, working groups, and task  
26 forces, as required;
- 27 i) Review Orders of the Bureau of Immigration, including recognition of  
28 Filipino citizens or cancellation of alien certificate of registration, and  
29 deportation cases;
- 30 j) Adjudication of disputes, claims and controversies between or among  
31 government offices, agencies and instrumentalities, including  
32 government-owned and controlled corporations, when only questions  
33 of law are raised;
- 34 k) Review the legality and validity of tax ordinances and revenue  
35 measures;
- 36 l) Act on applications for the following:
- 37 i. Special non-immigrant visas under Sec. 47(a)(2) of  
38 Commonwealth Act (C.A.) No. 613, otherwise known as the  
39 Philippine Immigration Act of 1940, as amended;
- 40 ii. Special authority to employ foreign nationals under C.A. No.  
41 108, otherwise known as the Anti-Dummy Law, as amended;
- 42 iii. Recognition of refugee and statelessness status; and  
43 iv. Validation of land titles filed pursuant to Presidential Decree  
44 (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, as well as 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 of the Office of the Chief State Counsel shall be increased and their positions upgraded, with a corresponding increase in the general and administrative support personnel and provision for ample office space. There shall be 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. Upon the recommendation of the Chief State Counsel, provided the exigencies of service requires it, the Secretary of Justice may create additional divisions.

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

| OLD POSITION                  |                 | NEW POSITION               |                 |
|-------------------------------|-----------------|----------------------------|-----------------|
| POSITION/<br>DESIGNATION      | SALARY<br>GRADE | POSITION/<br>DESIGNATION   | SALARY<br>GRADE |
| Chief State Counsel           | SG 30           | Chief State Counsel        | SG 30<br>Step 4 |
| 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

1 to any State Counsel position and administrative personnel in the Office of the Chief  
2 State Counsel. The Chief State Counsel shall be the chairperson of the Board.

3  
4 Appointments of the State Counsels shall be deemed permanent upon  
5 compliance with the prescribed qualification standards under the law. The State  
6 Counsels occupying the positions affected by the changes in this Act at the time of its  
7 approval shall thereafter occupy and discharge the duties and functions of the  
8 upgraded positions and receive the corresponding salary, benefits and privileges  
9 without necessity of new appointment.

10  
11 The State Counsels occupying the positions affected by the changes in this Act  
12 at the time of its approval shall thereafter occupy and discharge the duties and  
13 functions of the upgraded positions and receive the corresponding salary, benefits,  
14 and privileges, without necessity of new appointment.

15  
16 There shall be positions created for administrative personnel equivalent to at  
17 least one (1) support staff for every two (2) State Counsels.

18  
19 *SEC. 6. Qualifications of the State Counsels.* – The Chief State Counsel and  
20 Deputy Chief State Counsels must be citizens of the Philippines and have been  
21 engaged in the practice of law in the Philippines for at least fifteen (15) years prior to  
22 their appointment.

23  
24 Senior State Counsels must be members of the Philippine Bar for at least ten  
25 (10) years prior to their appointment.

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

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

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

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

34  
35 *SEC. 7. Compensation and Benefits.* – The salaries and allowances of State  
36 Counsels shall correspond to their position, rank, and salary grade pursuant to Section  
37 5 hereof. The Chief State Counsel and the Deputy Chief State Counsels shall enjoy  
38 the same retirement, death, survivorship, and other benefits as those of a Presiding  
39 Justice and Associate Justice of the Court of Appeals, respectively. Senior State  
40 Counsels shall enjoy the same retirement, death, survivorship, and other benefits as  
41 those of the judges of the Regional Trial Courts. All other State Counsels shall enjoy  
42 the same retirement, death, survivorship, and other benefits as those of the judges of  
43 the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts,  
44 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 his or her office, he or she shall, during the residue of his or her natural life, 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, which he or she was receiving at the time of his or her retirement or resignation.

A State Counsel, who retires after having worked for at least fifteen (15) uninterrupted years in the Office of the Chief State Counsel, shall also earn longevity pay in addition to retirement benefits.

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, he or she shall likewise be entitled to retire and receive during the residue of his or her natural life the same benefits provided for in Paragraph 1 of this Section; *Provided*, however, that those with less than fifteen (15) years of service in the government shall be entitled to a pro rata pension computed as follows:

|                                       |          |                                                                                                                      |
|---------------------------------------|----------|----------------------------------------------------------------------------------------------------------------------|
| <b>No. of years<br/>In Government</b> | <b>x</b> | <b>Basic Pay Plus the Highest Monthly<br/>Aggregate of Transportation, Living,<br/>and Representation Allowances</b> |
| <hr/> <b>15 years</b>                 |          |                                                                                                                      |

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 he or she was receiving on the date of retirement, and thereafter, upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his or her natural life pursuant to the first and second paragraph 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 during his or her retirement, the surviving legitimate spouse and dependent 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.

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

6  
7 The surviving legitimate spouse shall continue to receive retirement benefits  
8 during his or her lifetime or until he or she remarries; *Provided*, that the surviving  
9 legitimate spouse receiving benefits under existing retirement laws shall only be  
10 entitled to the difference between the amount provided for in this Act and the benefits  
11 he or she is receiving; *Provided, further*, that said benefits shall be granted to the  
12 surviving legitimate spouse or dependent of State Counsels who retired prior to the  
13 effectivity of this Act.

14  
15 Funds for the initial implementation of this Section shall be taken out of the  
16 current appropriations for the retirement of the State Counsel and/or savings of the  
17 DOJ. Thereafter, such sums as may be necessary for the continued implementation  
18 of this Section shall be included in the Annual General Appropriations Act.

19  
20 SEC. 11. *Death Benefits.* – In case a State Counsel dies while in service,  
21 regardless of age and length of service, the heirs shall receive a lump sum of five (5)  
22 years' gratuity computed on the basis of the highest monthly salary plus the highest  
23 aggregate of transportation, living and representation allowances being received by  
24 the State Counsel at the time of death: *Provided, however*, That where said State  
25 Counsel has rendered at least fifteen (15) years of government service, either in the  
26 Office of the Chief State Counsel or in any branch of government, or both, his or her  
27 heirs shall instead be entitled to a lump sum of ten (10) years' gratuity computed on  
28 the same basis as indicated in this provision: *Provided further*, That the lump sum of  
29 ten (10) years' gratuity shall be received by the heirs of a State Counsel who was killed  
30 by reason of his or her duties as such: *Provided finally*, that the State Counsel has  
31 served in the Office of the Chief State Counsel for at least five (5) years regardless of  
32 age at the time of death.

33  
34 SEC. 12. *Prohibitions.* – To maintain entitlement to the retirement benefits  
35 herein provided, a State Counsel shall not, during the time he or she is receiving said  
36 benefit, appear as counsel before any judicial or quasi-judicial agency in any civil case  
37 wherein the Government or any agency, subdivision, or instrumentality thereof is an  
38 adverse party, or in any criminal case wherein any officer or employee of the  
39 Government is accused of an offense committed in relation to his/her office, or collect  
40 any fee for his or her appearance in any administrative proceedings, or maintain an  
41 interest adverse to the government, whether national, provincial, or municipal or to any  
42 of its legally constituted offices. When a State Counsel covered under this Act shall  
43 assume an elective public office, he or she shall not, upon assumption of office and  
44 during his or her term, receive retirement benefits.

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

- 4
- 5           a) Health care services through a health maintenance organization (HMO).  
6           Expenses for the mandatory annual executive check-up of the Chief State  
7           Counsel, Deputy Chief State Counsels and Senior State Counsels, shall be  
8           for the account of the DOJ;
  - 9           b) Accident insurance policies procured by the DOJ, at its own expense,  
10          during travels while in the performance of their official duties and functions;
  - 11          c) Scholarships to deserving employees, on official time and at the expense  
12          of the DOJ, to enhance their academic growth and upgrade their knowledge  
13          and skills;
  - 14          d) Annual thirty (30) days forfeitable leave with pay, in addition to the fifteen  
15          (15) days vacation leave and fifteen (15) days sick leave privileges provided  
16          for by law, for all State Counsels. The forfeitable leave privilege under this  
17          Act shall be noncumulative and nonconvertible to cash.
- 18

19          SEC. 14. *Applicability.* – All benefits heretofore extended under Republic Act  
20 No. 910, as amended, and all other benefits that may be extended by way of  
21 amendment thereto shall likewise be given to the State Counsels covered by this Act.  
22

23          SEC. 15. *Authority to Collect Fees.* – The Office of the Chief State Counsel is  
24 hereby authorized to assess, revise and collect fees for various services rendered in  
25 accordance with Section 54, Chapter 12, Book IV of Executive Order No. 292,  
26 otherwise known as the Administrative Code of 1987, and other laws. These  
27 collections shall be deposited as a Trust Fund which shall be administered by the  
28 Secretary of Justice to augment the Department's funds covering the privileges and  
29 benefits under Sections 13 and 16 hereof.  
30

31          SEC. 16. *Seminar and Other Related Fees.* – Fees for relevant seminars, as  
32 well as professional membership fees for lawyers, registration fees and related  
33 miscellaneous expenses incurred in completing the mandatory continuing legal  
34 education (MCLE) shall be charged against the Trust Fund.  
35

36          SEC. 17. *Franking Privilege.* – The Office of the Chief State Counsel may  
37 transmit through ordinary mail and/or registered mail with return card, free of charge,  
38 all official communications and papers directly connected with the conduct of its duties  
39 and functions.  
40

41          SEC. 18. *Appropriation.* – There is hereby appropriated initially the sum of Two  
42 Hundred Million Pesos (P200,000,000.00) from the funds of the National Treasury not  
43 otherwise appropriated for the initial implementation of this Act. Thereafter, the amount  
44 needed for the implementation of this Act shall be appropriated in the budget of the

1 Department of Justice under the Annual General Appropriations Act and from the  
2 collected fees pursuant to Section 16 hereof.

3  
4 SEC. 19. *Separability Clause.* – If any of the provisions of this Act is declared  
5 unconstitutional or invalid, the provisions not affected thereby shall continue to be in  
6 full force and effect.

7  
8 SEC. 20. *Repealing Clause.* – All acts, laws, decrees, executive orders, letters  
9 of instructions and regulations or any part thereof which are inconsistent with any  
10 provision of this Act are hereby repealed and or modified accordingly.

11  
12 SEC. 21. *Effectivity.* – This Act shall take effect after fifteen (15) days from its  
13 publication in at least two (2) newspapers of general circulation or in the Official  
14 Gazette.

15  
16  
17 Approved,