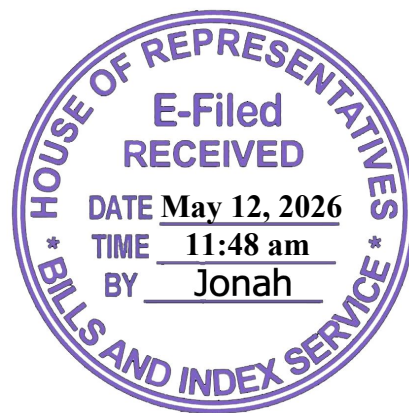


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 9203

Introduced by **REPRESENTATIVE AUDREY KAY T. ZUBIRI**

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 Legal Staff of the Department of Justice (DOJ), created under Republic Act No. 2705¹ in 1960 and amended by Republic Act No. 4152² in 1964, has long served as the principal legal arm assisting the Secretary of Justice in the performance of his duties. R.A. No. 2705 originally prescribed the duties, qualifications, and composition of the Legal Staff, while the latter expanded its ranks and salary structure to address the growing complexity of legal work required of the DOJ.

Since the enactment of the Administrative Code of 1987 (Executive Order No. 292), which designates the DOJ as the government's principal "legal counsel and prosecution arm," the Legal Staff's workload has evolved substantially. Today, the Office of the Chief State Counsel (OCSC), as the Legal Staff is functionally known, is tasked not only with issuing legal opinions and advising government agencies, but also adjudicating inter-agency disputes,

¹ [REPUBLIC ACT NO. 2705 - AN ACT PRESCRIBING THE DUTIES AND QUALIFICATIONS, AND FIXING THE NUMBER AND SALARIES, OF THE MEMBERS OF THE LEGAL STAFF IN THE OFFICE OF THE SECRETARY OF JUSTICE.](#) - Supreme Court E-Library

² [REPUBLIC ACT NO. 4152 - AN ACT AMENDING SECTIONS ONE AND TWO OF REPUBLIC ACT NUMBERED TWO THOUSAND SEVEN HUNDRED FIVE, AS AMENDED, ENTITLED "AN ACT PRESCRIBING THE DUTIES AND QUALIFICATIONS, AND FIXING THE NUMBER AND SALARIES, OF THE MEMBERS OF THE LEGAL STAFF IN THE OFFICE OF THE SECRETARY OF JUSTICE."](#) - Supreme Court E-Library

reviewing immigration and citizenship matters, addressing tax ordinance legality, and implementing obligations under specialized statutes such as the Anti-Dummy Law and refugee and statelessness frameworks.

In addition, the OCSC performs the DOJ's unique and critical role as the Central Authority for international legal cooperation, handling extradition, mutual legal assistance (MLA) in criminal matters, and transfer of sentenced persons. It negotiates and implements treaties in coordination with the Department of Foreign Affairs and processes requests concerning transnational crimes, money laundering, trafficking, cybercrime, and other offenses with cross-border implications. These functions are formally recognized in DOJ practice, including its international legal cooperation framework and MLA implementation mechanisms.³

The strengthening and professionalization of the Office of the Chief State Counsel is therefore imperative. The rising complexity of legal interpretation, treaty compliance, and international cooperation requires a corps of State Counsels with security of tenure, competitive compensation, clearly defined ranks, and sufficient administrative support. The proposed measure addresses long-standing disparities by upgrading the organizational structure, rationalizing functions, and aligning compensation and retirement benefits with those of similarly positioned legal officers in the Judiciary and other government legal offices. It also ensures institutional continuity and improved government capacity in handling matters of national and international legal significance, consistent with the country's obligations under various treaties and cooperation commitments.

In view of the indispensable role of the Office of the Chief State Counsel in upholding the rule of law, strengthening national institutions, and ensuring effective cooperation with the international community, the immediate passage of this measure is earnestly sought.



AUDREY KAY T. ZUBIRI

Representative, 3rd District of Bukidnon

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

1 **SECTION 1.** This Act shall be known as the "*Office of the Chief State Counsel Act*".

2
3 **Sec. 2. *Office of the Chief State Counsel.*** - The Legal Staff created under Republic Act
4 No. 2705, as amended by Republic Act No. 4152, shall be renamed the "Office of the Chief
5 State Counsel"

6
7 **Sec. 3. *State Counsel.*** - Unless otherwise specified, the term "State Counsel" shall refer
8 to the Chief State Counsel, Deputy Chief State Counsel, Senior State Counsel, or State
9 Counsels I to IV.

10
11 **Sec. 4. *Powers and Functions.*** - The Office of the Chief State Counsel (OCSC) shall
12 be under the supervision and control of the Secretary of Justice. The OCSC shall have the
13 following powers and functions:

14
15
16

- a) Render legal opinion or advice on questions of law arising from the performance of powers and duties of the Secretary of Justice, and upon request of department heads, bureau chiefs, and officers of equivalent rank of national government functionaries;
- b) Prepare and submit to the Secretary of Justice the following:
 1. Comments and position papers on proposed legislation, whenever there are legal issues involved;
 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;
- d) Act on requests for mutual legal assistance in criminal matters, extradition, transfer of sentenced persons, and other forms of international legal cooperation;
- e) Represent and serve as counsel for the requesting state in all stages of cases relating to extradition and mutual legal assistance in criminal matters;
- f) Serve as legal adviser to other government agencies in the negotiation and implementation of international agreements, and whenever so requested, lead in the negotiations involving legal and institutional issues;
- g) Represent the Secretary of Justice or the Department of Justice (DOJ) as the designated Central Authority in treaties, conventions, and other international agreements;
- h) Serve on standing councils, committees, working groups, and task forces, as required;
- i) Review Orders of 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 Section 47(a)(2) of Commonwealth Act No. 613 or the "Philippine Immigration Act of 1940", as amended;

- 1 2. Special authority to employ foreign nationals under Commonwealth Act No.
2 108 or the "Anti-Dummy Law", as amended;
3 3. Recognition of refugee and statelessness status;
4 4. Validation of land titles filed pursuant to Presidential Decree No. 1271 titled
5 "An Act Nullifying Decrees of Registration and Certificates of Title
6 Covering Lands Within the Baguio Townsite Reservation";
7 m) Supervise the Department Law Library and personnel; and
8 n) Exercise such other powers and functions as may be provided by law or delegated
9 by the Secretary of Justice.

10
11 **Sec. 5. Organizational Structure.** - There shall be seven (7) divisions in the Office of
12 the Chief State Counsel. Each division shall be headed by a Deputy Chief State Counsel and
13 shall consist of at least ten (10) State Counsels, and such personnel as may be necessary for the
14 office to effectively carry out its functions.

15
16 The designation, ranks, and salary grades of State Counsels are amended as follows:

17	POSITION _____	SALARY GRADE
18	Chief State Counsel	SG 30 Step 4
19	Deputy Chief State Counsel	SG 30
20	Senior State Counsel	SG 29
21	State Counsel IV	SG 28
22	State Counsel III	SG 27
23	State Counsel II	SG 26
24	State Counsel I	SG 25

25
26 The Chief State Counsel and the Deputy Chief State Counsels shall be appointed by the
27 President of the Philippines. All other State Counsels and administrative personnel shall be
28 appointed by the Secretary of Justice upon recommendation by the Promotion and Selection
29 Board.

30
31 The Chief State Counsel and the Deputy Chief State Counsels shall act as a Promotion
32 and Selection Board to screen applicants for appointment or promotion to any State Counsel
33 or administrative position in the Office of the Chief State Counsel. The Chief State Counsel
34 shall be the Chairperson of the Board.

1 Appointments of the State Councils shall be deemed permanent upon compliance with
2 the prescribed qualification standards under the law. The State Councils occupying the
3 positions affected by the changes in this Act at the time of its approval shall continue to occupy
4 and discharge the duties and functions of those positions, and receive the corresponding salary,
5 benefits, and privileges, without necessity of new appointment.

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

8
9 **Sec. 6. *Qualifications of the State Councils.*** - The Chief State Council and Deputy
10 Chief State Councils must be citizens of the Philippines and have been engaged in the practice
11 of law in the Philippines for at least fifteen (15) years prior to their appointment.

12 Senior State Councils must be members of the Philippine Bar who have been engaged
13 in the practice of law in the Philippines for at least ten (10) years prior to their appointment.

14 State Councils IV must be members of the Philippine Bar who have been engaged in
15 the practice of law in the Philippines for at least five (5) years prior to their appointment.

16 State Councils III must be members of the Philippine Bar who have been engaged in
17 the practice of law in the Philippines for at least four (4) years prior to their appointment.

18 State Councils II must be members of the Philippine Bar who have been engaged in the
19 practice of law in the Philippines for at least three (3) years prior to their appointment.

20 State Councils I must be members of the Philippine Bar who have been engaged in the
21 practice of law in the Philippines for at least one (1) year prior to their appointment.

22
23 **Sec. 7. *Compensation and Benefits.*** - The salaries and allowances of State Councils
24 shall correspond to their position, rank, and salary grade pursuant to Section 5 hereof. The
25 Chief State Council and the Deputy Chief State Councils shall enjoy the same retirement,
26 death, survivorship, and other benefits as those of a Presiding Justice and Associate Justice of
27 the Court of Appeals, respectively. Senior State Councils shall enjoy the same retirement,
28 death, survivorship, and other benefits as those of the judges in the Regional Trial Courts. All
29 other State Councils shall enjoy the same retirement, death, survivorship, and other benefits as
30 those of the judges in the Metropolitan Trial Courts, Municipal Trial Courts in Cities,
31 Municipal Trial Courts, and Municipal Circuit Trial Courts.

32
33 Any increase after the approval of this Act in the salaries, allowances, or retirement
34 benefits, or any upgrading of the grades or its levels of any or all of the aforesaid Justices or

1 Judges to whom said emoluments are assimilated shall apply to the corresponding State
2 Counsels.

3
4 **Sec. 8. Retirement Benefits.** - When a State Counsel, who has rendered at least fifteen
5 (15) years of service either in the Office of the Chief State Counsel or any branch of
6 government, or in both, retires for having attained the age of sixty-five (65) years or resigns by
7 reason of incapacity to discharge the duties of his or her office, he or she shall, during the
8 remainder of his or her life, in the manner hereinafter provided, receive a retirement pension
9 based on the highest monthly salary, plus the highest monthly aggregate of transportation,
10 living, and representation allowances, which he or she was receiving at the time of his or her
11 retirement or resignation.

12
13 When a State Counsel has attained the age of sixty (60) years and has rendered at least
14 fifteen (15) years of service in government, the last five (5) years of which must have been
15 continuously rendered in the Office of the Chief State Counsel, he or she shall likewise be
16 entitled to retire and receive during the remainder of his or her natural life the same benefits
17 provided for in Paragraph 1 of this section: Provided, That those with less than fifteen (15)
18 years of service in the government shall be entitled to a pro rata pension computed as follows;

19

20	Number of years		Basic Pay Plus the Highest Month
21	In Government	X	Aggregate of Transportation, Living and
22	15 years		Representation Allowances

23

24 Upon retirement, a State Counsel shall automatically be entitled to a lump sum of five
25 (5) years' gratuity computed on the basis of the highest monthly salary plus the highest
26 aggregate transportation, living, and representative allowances he or she was receiving on the
27 date of retirement, and thereafter, upon survival after the expiration of five (5) years, to further
28 annuity payable monthly during the residue of his or her natural life pursuant to the first and
29 second paragraph of this section.

30
31 **Sec. 9. Automatic Increase.** - All pension benefits of retired State Counsels shall be
32 automatically increased whenever there is an increase in the salary and allowance for the same
33 position from which he/she retired.

1 **Sec. 10. Survivorship Benefits.** - In case of death of a retired State Counsel of the OCSC
2 or a State Counsel thereof who is eligible to retire optionally at the time of death, the surviving
3 legitimate spouse and dependent children of said deceased State Counsel shall be entitled to
4 receive all the retirement benefits that the deceased was receiving or entitled to receive.

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

9 The surviving legitimate spouse shall continue to receive retirement benefits during his
10 or her lifetime or until he or she remarries: Provided, That the surviving legitimate spouse and
11 dependent of the State Counsels shall each equally share in the retirement benefits: Provided,
12 further. That said benefits shall be granted to the surviving legitimate spouse or dependent of
13 State Counsels who died one (1) year prior to the effectivity of this Act.

14
15 **Sec. 11. Prohibitions.** - To maintain entitlement to the retirement benefits herein
16 provided, a State Counsel shall not, during the time he or she is receiving said benefit, appear
17 as counsel before any judicial or quasi-judicial agency in any civil case where the Government
18 or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal
19 case where any officer or employee of the government is accused of an offense committed in
20 relation to his or her office, or collect any fee for his or her appearance in any administrative
21 proceeding, to maintain an interest adverse to the government, whether national, provincial, or
22 municipal or to any of its legally constituted offices. When a State Counsel covered under this
23 Act assumes an elective public office, he or she shall not receive retirement benefits upon
24 assumption of office and during his or her term,

25
26 **Sec. 12. Appropriations.** - The amount necessary for the initial implementation of this
27 Act shall be charged against the current year's appropriations of the Department of Justice.
28 Thereafter, such amount shall be included in the annual General Appropriations Act.

29
30 **Sec. 13. Separability Clause.** - If any part or provision of this Act is held invalid or
31 unconstitutional, the other parts or provisions thereof not so declared shall remain valid and
32 effective.

1 **Sec. 14. *Repealing Clause.*** - All other laws, decrees, orders, issuances, rules and
2 regulations, or parts thereof which are inconsistent with this Act are hereby repealed or
3 modified accordingly.

4
5 **Sec. 15. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication in
6 the Official Gazette or in a newspaper of general circulation.

7
8 *Approved,*