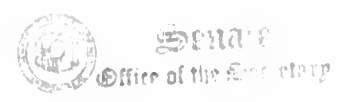
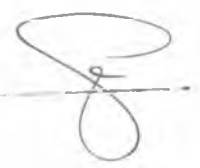


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



24 MAR 19 P3:53

**SENATE**  
**S. B. No. 2623**

RECEIVED BY: 

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Introduced by Senator SONNY ANGARA

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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 principal law agency which shall be both the government's "legal counsel and prosecution arm" per Section 1, Chapter 1, Title III of Executive Order (EO) No. 292 or the Administrative Code of 1987. These core functions are fulfilled by the two main offices in the DOJ proper: the Legal Staff, serving as the legal counsel, and the National Prosecution Service, the prosecution arm.

Republic Act (R.A.) No. 2705, as amended by R.A. No. 4152, and mandated by EO No. 292, tasked the DOJ Legal Staff to render legal opinions or studies for national government agencies and officials to address difficult questions of law attending the performance of their respective functions.

Moreover, the DOJ Legal Staff performs the DOJ's role as the Central Authority in matters involving international legal cooperation, particularly extradition, mutual legal assistance in criminal matters and the transfer of sentenced persons, including the implementation of the country's treaties and conventions on international legal cooperation such as, but not limited to, the Refugees and Statelessness Conventions, the Hague Child Abduction Convention, bilateral and multilateral Free Trade Agreements and Investment Promotion and Protection Agreements, among others.

In addition, these State Counsels are assigned to assist the Secretary of Justice as the Attorney General through providing legal comments on pieces of legislation filed in both houses of Congress and in the drafting of Implementing Rules and Regulations. The DOJ Legal Staff also renders resolution on questions of constitutionality or legality of municipal tax ordinances and resolves issues concerning controversies between or among government agencies.

It is clear, that since the promulgation of the Administrative Code in 1987, the matters and issues handled by the DOJ Legal Staff have grown and have expanded beyond the rendition of legal opinions given that there are more complex and challenging legal matters at present.

Therefore, this measure seeks to reinforce the expanded role of the DOJ Legal Staff to accomplish its multifaceted and demanding functions today.

The Legal Staff is currently undermanned and is in dire need of organizational upgrading to function optimally. While the career highlight of a State Counsel is attaining the position of Chief State Counsel, it is unfortunate that the counterparts of the Chief State Counsel – the Prosecutor General and the Solicitor General in the Office of the Solicitor General – already enjoy the rank of Presiding Justices of the Court of Appeals. It is only proper that the unheralded and overlooked State Counsels of the Department of Justice be likewise given the same benefits as that of their counterparts in the Department.

It should be noted that this bill has been filed in the 15<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> Congresses which signals its importance and urgency. In re-filing this proposed measure in the 19<sup>th</sup> Congress, it is sincerely hoped that this will finally gain enough support for its passage into a law to empower and recognize our State Counsels as they perform fully and effectively their mandates.

The passage of this Bill is earnestly sought.



**SONNY ANGARA**

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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**

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

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

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

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

9       **SEC. 4. *Powers and Functions.*** – The Office of the Chief State Counsel shall  
10       assist the Secretary of Justice in the exercise of his functions as Attorney General of  
11       the Philippines and *ex officio* legal adviser of government-owned or controlled  
12       corporations, or enterprises and their subsidiaries. The Office of the Chief State

1 Counsel shall be under the supervision and control of the Secretary of Justice. The

2 Office of the Chief State Counsel shall have the following powers and functions:

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

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

8 i. Comments and position papers on proposed  
9 legislations, whenever there are legal issues involved;

10 ii. Opinion or comments on the legality and validity of  
11 foreign loan and guarantee agreements, and, in certain  
12 cases, agreements related to domestic borrowings;

13 (c) Lead negotiations of treaties, conventions, or agreements involving  
14 international legal cooperation, including extradition, mutual legal  
15 assistance in criminal matters, and transfer of sentenced persons;

16 (d) Serve as legal adviser to other government agencies in the  
17 negotiations and implementation of international agreements, and  
18 whenever so requested, lead in the negotiations involving legal and  
19 institutional issues;

20 (e) Represent the Secretary of Justice or Department of Justice (DOJ) as  
21 the designated Central Authority in treaties, conventions, and other  
22 international agreements;

- 1 (f) Act on requests for mutual legal assistance in criminal matters,  
2 extradition, transfer of sentenced persons, and other forms of  
3 international legal cooperation;
- 4 (g) Represent and serve as counsel of the requesting state in all stages of  
5 cases relating to extradition and mutual legal assistance in criminal  
6 matters;
- 7 (h) Serve on standing councils, committees, working groups, and task  
8 forces, as required;
- 9 (i) Review Orders of the Bureau of Immigration, including recognition of  
10 Filipino citizens or cancellation of alien certificate of registration, and  
11 deportation cases;
- 12 (j) Adjudication of disputes, claims and controversies between or among  
13 government offices, agencies and instrumentalities, including  
14 government-owned and controlled corporations, when only questions  
15 of law are raised;
- 16 (k) Review the legality and validity of tax ordinances and revenue  
17 measures;
- 18 (l) Act on applications for the following:
  - 19 i. Special non-immigrant visas under Sec. 47(a)(2) of  
20 Commonwealth Act (C.A.) No. 613, otherwise known as  
21 the *Philippine Immigration Act of 1940*, as amended;
  - 22 ii. Special authority to employ foreign nationals under C.A.  
23 No. 108, otherwise known as the *Anti-Dummy Law*, as  
24 amended;

- 1                   iii. Recognition of refugee and statelessness status;
- 2                   iv. Validation of land titles filed pursuant to Presidential
- 3                   Decree (P.D.) No. 1271 entitled "*An Act Nullifying the*
- 4                   *Decrees of Registration and Certificates of Title*
- 5                   *Covering Lands Within the Baguio Townsite*
- 6                   *Reservation*";

- 7                   (m) Supervise the Department Law Library, as well as its personnel; and
- 8                   (n) Exercise such other powers and functions as may be provided by law
- 9                   or as may be delegated by the Secretary of Justice.

10               **SEC. 5. Expansion.** – The staff of the Office of the Chief State Counsel shall  
 11 be increased and their positions upgraded, with a corresponding increase in the  
 12 general and administrative support personnel and provision for ample office space.  
 13 There shall be seven (7) divisions in the Office of the Chief State Counsel. Each  
 14 division shall be headed by a Deputy Chief State Counsel and shall consist of at least  
 15 ten (10) State Counsels, and such personnel as may be necessary for the office to  
 16 effectively carry out its functions. Upon the recommendation of the Chief State  
 17 Counsel, provided the exigencies of service requires it, the Secretary of Justice may  
 18 create additional divisions.

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

OLD POSITION		NEW POSITION	
POSITION/ DESIGNATION	SALARY GRADE	POSITION/ DESIGNATION	SALARY GRADE

<b>Chief State Counsel</b>	SG 30	<b>Chief State Counsel</b>	SG 30 Step 4
<b>Assistant Chief State Counsel</b>	SG 29	<b>Deputy Chief State Counsel</b>	SG 30
<b>State Counsel V</b>	SG 28	<b>Senior State Counsel</b>	SG 29
<b>State Counsel IV</b>	SG 27	<b>State Counsel IV</b>	SG 28
<b>State Counsel III</b>	SG 26	<b>State Counsel III</b>	SG 27
<b>State Counsel II</b>	SG 25	<b>State Counsel II</b>	SG 26
<b>State Counsel I</b>	SG 24	<b>State Counsel I</b>	SG 25

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

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

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

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

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

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

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

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

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

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

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

21           **SEC. 7. *Compensation and Benefits.*** – The salaries and allowances of State  
22 Counsels shall correspond to their position, rank, and salary grade pursuant to Section  
23 5 hereof. The Chief State Counsel and the Deputy Chief State Counsels shall enjoy the  
24 same retirement, death, survivorship, and other benefits as those of a Presiding



1 Justice and Associate Justice of the Court of Appeals, respectively. Senior State  
2 Counsels shall enjoy the same retirement, death, survivorship, and other benefits as  
3 those of the judges of the Regional Trial Courts. All other State Counsels shall enjoy  
4 the same retirement, death, survivorship, and other benefits as those of the judges of  
5 the Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts,  
6 and Municipal Circuit Trial Courts.

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

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

19 When a State Counsel has attained the age of sixty (60) years and has  
20 rendered at least fifteen (15) years of service in government, the last five (5) years of  
21 which must have been continuously rendered in the Office of the Chief State Counsel,  
22 he or she shall likewise be entitled to retire and receive during the residue of his or  
23 her natural life the same benefits provided for in Paragraph 1 of this Section; Provided,

1 however, that those with less than fifteen (15) years of service in the government  
2 shall be entitled to a *pro rata* pension computed as follows:

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

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

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

12 **SEC. 10. Survivorship Benefits.** – In case a State Counsel covered by this  
13 Act dies during his or her retirement, the surviving legitimate spouse and dependent  
14 of said State Counsel shall be entitled to receive all the retirement benefits that the  
15 deceased was receiving or entitled to receive at the time of death.

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

21 The surviving legitimate spouse shall continue to receive retirement benefits  
22 during his or her lifetime or until he or she remarries; Provided, that the surviving

1 legitimate spouse receiving benefits under existing retirement laws shall only be  
2 entitled to the difference between the amount provided for in this Act and the benefits  
3 he or she is receiving; Provided, further, that said benefits shall be granted to the  
4 surviving legitimate spouse or dependent of State Counsels who retired prior to the  
5 effectivity of this Act.

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

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

1           **SEC. 12. Prohibitions.** – To maintain entitlement to the retirement benefits  
2 herein provided, a State Counsel shall not, during the time he or she is receiving said  
3 benefit, appear as counsel before any judicial or quasi-judicial agency in any civil case  
4 wherein the Government or any agency, subdivision, or instrumentality thereof is an  
5 adverse party, or in any criminal case wherein any officer or employee of the  
6 Government is accused of an offense committed in relation to his/her office, or collect  
7 any fee for his or her appearance in any administrative proceedings, to maintain an  
8 interest adverse to the government, whether national, provincial, or municipal or to  
9 any of its legally constituted offices. When a State Counsel covered under this Act  
10 shall assume an elective public office, he or she shall not, upon assumption of office  
11 and during his or her term, receive retirement benefits.

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

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

1 (d) Annual thirty (30) days forfeitable leave with pay, in addition to the fifteen  
2 (15) days vacation leave and fifteen (15) days sick leave privileges provided  
3 for by law, for all State Counsels. The forfeitable leave privilege under this  
4 Act shall be noncumulative and nonconvertible to cash.

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

8 **SEC. 15. *Authority to Collect Fees.*** – The Office of the Chief State Counsel  
9 is hereby authorized to assess, revise and collect fees for various services rendered in  
10 accordance with Section 54, Chapter 12, Book IV of Executive Order No. 292,  
11 otherwise known as the Administrative Code of 1987, and other laws. These  
12 collections shall be deposited as a Trust Fund which shall be administered by the  
13 Secretary of Justice to augment the Department’s funds covering the privileges and  
14 benefits under Sections 13 and 17 hereof.

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

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

23 **SEC. 18. *Appropriation.*** – There is hereby appropriated initially the sum of  
24 Two Hundred Million Pesos (P200,000,000.00) from the funds of the National Treasury

1 not otherwise appropriated for the initial implementation of this Act. Thereafter, the  
2 amount needed for the implementation of this Act shall be appropriated in the budget  
3 of the Department of Justice under the Annual General Appropriations Act and from  
4 the collected fees pursuant to Section 16 hereof.

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

8 **SEC. 20. *Repealing Clause.*** – Section 2 of Presidential Decree No. 757 is  
9 hereby amended accordingly. All others laws, decrees, executive orders, or rules and  
10 regulations or parts thereof inconsistent with or contrary to the provisions of this Act  
11 or its purposes are hereby amended or modified accordingly.

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

Approved,