



S E N A T E

S. No. 2987

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES ON
JUSTICE AND HUMAN RIGHTS; CIVIL SERVICE,
GOVERNMENT REORGANIZATION AND PROFESSIONAL
REGULATION; AND FINANCE WITH SENATORS
TOLENTINO AND PIMENTEL III AS AUTHORS THEREOF

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

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

1 SEC. 3. *State Counsel*. – Unless otherwise specified,
2 the term “State Counsel” shall refer to the Chief State
3 Counsel, Deputy Chief State Counsel, Senior State
4 Counsel, or State Counsels I to IV.

5 SEC. 4. *Powers and Functions*. – The Office of the
6 Chief State Counsel (OCSC) shall be under the supervision
7 and control of the Secretary of Justice. The OCSC shall
8 have the following powers and functions:

9 (a) Render legal opinion or advice on questions of law
10 arising from the performance of powers and duties of the
11 Secretary of Justice, and upon request of department
12 heads, bureau chiefs, and officers of equivalent rank of
13 national government functionaries;

14 (b) Prepare and submit to the Secretary of Justice the
15 following:

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

1 (2) opinions or comments on the legality and validity
2 of foreign loan and guarantee agreements, and, in certain
3 cases, agreements related to domestic borrowings;

4 (c) Lead negotiations of treaties, conventions, or
5 agreements involving international legal cooperation,
6 including extradition, mutual legal assistance in criminal
7 matters, and transfer of sentenced persons;

8 (d) Act on requests for mutual legal assistance in
9 criminal matters, extradition, transfer of sentenced
10 persons, and other forms of international legal cooperation;

11 (e) Represent and serve as counsel for the requesting
12 state in all stages of cases relating to extradition and
13 mutual legal assistance in criminal matters;

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

18 (g) Represent the Secretary of Justice or the
19 Department of Justice (DOJ) as the designated Central

1 Authority in treaties, conventions, and other international
2 agreements;

3 (h) Serve on standing councils, committees, working
4 groups, and task forces, as required;

5 (i) Review Orders of the Bureau of Immigration,
6 including recognition of Filipino citizens or cancellation of
7 alien certificate of registration, and deportation cases;

8 (j) Adjudicate disputes, claims, and controversies
9 between or among government offices, agencies
10 and instrumentalities, including government-owned
11 and -controlled corporations, when only questions of law
12 are raised;

13 (k) Review the legality and validity of tax ordinances
14 and revenue measures;

15 (l) Act on applications for the following:

16 (1) Special non-immigrant visas under Section
17 47(a)(2) of Commonwealth Act No. 613 or the “Philippine
18 Immigration Act of 1940”, as amended;

(2) Special authority to employ foreign nationals under Commonwealth Act No. 108 or the “Anti-Dummy Law”, as amended;

(3) Recognition of refugee and statelessness status;

(4) Validation of land titles filed pursuant to Presidential Decree No. 1271 titled “An Act Nullifying Decrees of Registration and Certificates of Title Covering Lands Within the Baguio Townsite Reservation”;

(m) Supervise the Department Law Library and personnel; and

(n) Exercise such other powers and functions as may be provided by law or delegated by the Secretary of Justice.

SEC. 5. *Organizational Structure.* – 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.

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

POSITION	SALARY GRADE
Chief State Counsel	SG 30 Step 4
Deputy Chief State Counsel	SG 30
Senior State Counsel	SG 29
State Counsel IV	SG 28
State Counsel III	SG 27
State Counsel II	SG 26
State Counsel I	SG 25

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

- 9 The Chief State Counsel and the Deputy Chief State
10 Counsels shall act as a Promotion and Selection Board to

1 screen applicants for appointment or promotion to any
2 State Counsel or administrative position in the Office of
3 the Chief State Counsel. The Chief State Counsel shall be
4 the Chairperson of the Board.

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

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

16 SEC. 6. *Qualifications of the State Councils.* – The
17 Chief State Counsel and Deputy Chief State Councils
18 must be citizens of the Philippines and have been engaged

1 in the practice of law in the Philippines for at least fifteen
2 (15) years prior to their appointment.

3 Senior State Counsels must be members of the
4 Philippine Bar who have been engaged in the practice of
5 law in the Philippines for at least ten (10) years prior to
6 their appointment.

7 State Counsels IV must be members of the Philippine
8 Bar who have been engaged in the practice of law in the
9 Philippines for at least five (5) years prior to their
10 appointment.

11 State Counsels III must be members of the Philippine
12 Bar who have been engaged in the practice of law in the
13 Philippines for at least four (4) years prior to their
14 appointment.

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

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

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

1 Any increase after the approval of this Act in the
2 salaries, allowances, or retirement benefits, or any
3 upgrading of the grades or its levels of any or all of the
4 aforesaid Justices or Judges to whom said emoluments are
5 assimilated shall apply to the corresponding State
6 Counsels.

7 SEC. 8. *Retirement Benefits.* – When a State Counsel,
8 who has rendered at least fifteen (15) years of service
9 either in the Office of the Chief State Counsel or any
10 branch of government, or in both, retires for having
11 attained the age of sixty-five (65) years or resigns by
12 reason of incapacity to discharge the duties of his or her
13 office, he or she shall, during the remainder of his or her
14 life, in the manner hereinafter provided, receive a
15 retirement pension based on the highest monthly salary,
16 plus the highest monthly aggregate of transportation,
17 living, and representation allowances, which he or she was
18 receiving at the time of his or her retirement or
19 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, he or she shall likewise be entitled to retire and receive during the remainder of his or her natural life the same benefits provided for in Paragraph 1 of this section: *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:

$$\frac{\text{Number of years in Government}}{15 \text{ years}} \times \begin{array}{l} \text{Basic Pay Plus the} \\ \text{Highest Monthly} \\ \text{Aggregate of} \\ \text{Transportation, Living} \\ \text{and Representation} \\ \text{Allowances} \end{array}$$

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

1 expiration of five (5) years, to further annuity payable
2 monthly during the residue of his or her natural life
3 pursuant to the first and second paragraph of this section.

4 SEC. 9. *Automatic Increase.* – All pension benefits of
5 retired State Counsels shall be automatically increased
6 whenever there is an increase in the salary and allowance
7 for the same position from which he/she retired.

8 SEC. 10. *Survivorship Benefits.* – In case of death of a
9 retired State Counsel of the OCSC or a State Counsel
10 thereof who is eligible to retire optionally at the time of
11 death, the surviving legitimate spouse and dependent
12 children of said deceased State Counsel shall be entitled to
13 receive all the retirement benefits that the deceased was
14 receiving or entitled to receive.

15 A “dependent” means a legitimate, illegitimate, or
16 legally adopted child who is chiefly dependent on the said
17 deceased State Counsel, if such dependent is not more than
18 twenty-one (21) years of age, unmarried, and not gainfully
19 employed or if such dependent, regardless of age, is

1 incapable of self-support because of mental or physical
2 disability or condition.

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

12 SEC. 11. *Prohibitions.* – To maintain entitlement to
13 the retirement benefits herein provided, a State Counsel
14 shall not, during the time he or she is receiving said
15 benefit, appear as counsel before any judicial or
16 quasi-judicial agency in any civil case where the
17 Government or any agency, subdivision, or instrumentality
18 thereof is an adverse party, or in any criminal case where
19 any officer or employee of the government is accused of an

1 offense committed in relation to his or her office, or collect
2 any fee for his or her appearance in any administrative
3 proceeding, to maintain an interest adverse to the
4 government, whether national, provincial, or municipal or
5 to any of its legally constituted offices. When a State
6 Counsel covered under this Act assumes an elective public
7 office, he or she shall not receive retirement benefits upon
8 assumption of office and during his or her term.

9 SEC. 12. *Appropriations.* – The amount necessary for
10 the initial implementation of this Act shall be charged
11 against the current year's appropriations of the
12 Department of Justice. Thereafter, such amount shall be
13 included in the annual General Appropriations Act.

14 SEC. 13. *Separability Clause.* – If any part or
15 provision of this Act is held invalid or unconstitutional, the
16 other parts or provisions thereof not so declared shall
17 remain valid and effective.

18 SEC. 14. *Repealing Clause.* – All other laws, decrees,
19 orders, issuances, rules and regulations, or parts thereof

1 which are inconsistent with this Act are hereby repealed or
2 modified accordingly.

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

 Approved,