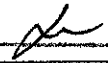


THIRTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Third Regular Session }

6 OCT -3 P1:41

SENATE

RECEIVED BY: 

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**COMMITTEE REPORT NO. 107**

Submitted jointly by the Committees on Justice and Human Rights; Constitutional Amendments, Revision of Codes and Laws; Civil Service and Government Reorganization; and Finance on **03 OCT 2006**.

Re : Senate Bill No. 2171.

Recommending its approval in consolidation with Senate Bill Nos. 364 and 840.

Sponsor : Senator Enrile.

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**MR. PRESIDENT:**

The Committees on Justice and Human Rights; Constitutional Amendments, Revision of Codes and Laws; Civil Service and Government Reorganization; and Finance to which were referred Senate Bill No. 2171, introduced by Senator Enrile, entitled:

**“AN ACT  
REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY’S OFFICE (PAO),  
AMENDING PERTINENT PROVISIONS OF THE ADMINISTRATIVE CODE OF 1987, AS  
AMENDED, AND FOR OTHER PURPOSES”**

have considered the same and have the honor to report it back to the Senate with the recommendation that it be consolidated with Senate Bill No. 364, introduced by Senator Osmeña III, entitled:

**“AN ACT  
REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY’S OFFICE (PAO),  
AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF THE  
ADMINISTRATIVE CODE OF 1987”**

and Senate Bill No. 840, introduced by Senator Lacson, entitled:

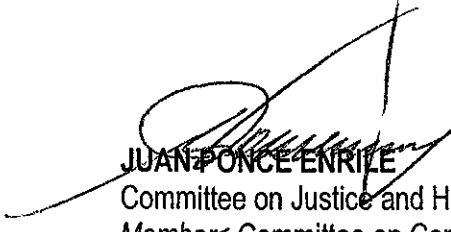
**“AN ACT  
REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY’S OFFICE (PAO),  
AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF THE  
ADMINISTRATIVE CODE OF 1987”**

Respectfully submitted:

Chairmen:



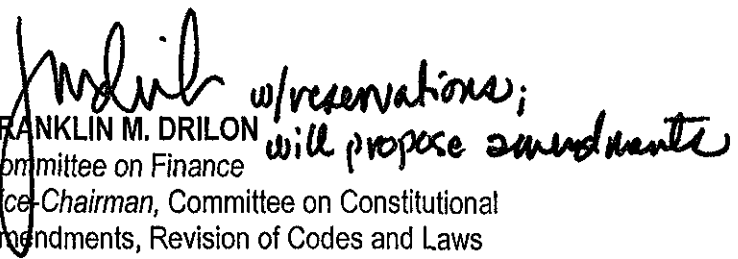
**RICHARD J. GORDON**  
Committee on Constitutional Amendments,  
Revision of Codes and Laws  
*Member*, Committee on Justice and Human  
Rights  
*Member*, Committee on Finance



**JUAN PONCE-ENRILE**  
Committee on Justice and Human Rights  
*Member*, Committee on Constitutional Amendments,  
Revision of Codes and Laws  
*Member*, Committee on Finance



**RODOLFO G. BIAZON**  
Committee on Civil Service and Government  
Reorganization  
*Member*, Committee on Finance



**FRANKLIN M. DRILON** *w/reservations;*  
Committee on Finance *will propose amendments*  
*Vice-Chairman*, Committee on Constitutional  
Amendments, Revision of Codes and Laws  
*Member*, Committee on Justice and Human Rights

Members:

**RAMON BONG REVILLA JR.**  
Committee on Justice and Human Rights  
Committee on Civil Service and Government  
Reorganization  
Committee on Finance

*will amend*



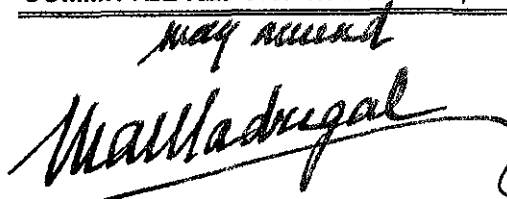
**COMPANERA PIA S. CAYETANO**  
Committee on Justice and Human Rights  
Committee on Constitutional Amendments, Revision  
of Codes and Laws



**JINGGOY EJERCITO ESTRADA**  
Committee on Justice and Human Rights



**ALFREDO S. LIM**  
Committee on Justice and Human Rights  
Committee on Constitutional Amendments, Revision of  
Codes and Laws  
Committee on Finance

*may amend*  


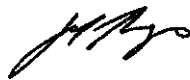
**M.A. MADRIGAL**  
Committee on Justice and Human Rights  
Committee on Civil Service and Government  
Reorganization  
Committee on Finance



**RALPH G. RESTO**  
Committee on Constitutional Amendments, Revision  
of Codes and Laws  
Committee on Civil Service and Government  
Reorganization  
Committee on Finance



**MIRIAM DEFENSOR SANTIAGO**  
Committee on Constitutional Amendments,  
Revision of Codes and Laws  
Committee on Finance



**JOKER P. ARROYO**  
Committee on Constitutional Amendments, Revision  
of Codes and Laws  
Committee on Finance

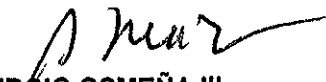


**EDGARDO J. ANGARA**  
Committee on Constitutional Amendments,  
Revision of Codes and Laws  
Committee on Finance

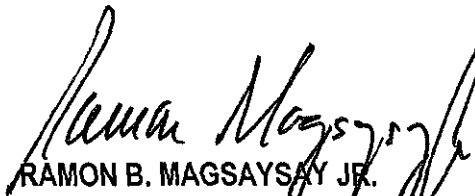


**PANFILO M. LACSON**  
Committee on Constitutional Amendments, Revision  
of Codes and Laws  
Committee on Finance

*may Amend*



**SERGIO OSMEÑA III**  
Committee on Constitutional Amendments,  
Revision of Codes and Laws  
Committee on Finance



**RAMON B. MAGSAYSAY JR.**  
Committee on Civil Service and Government  
Reorganization  
Committee on Finance



**LUISA "LOI" P. EJERCITO ESTRADA**  
Committee on Civil Service and Government  
Reorganization  
Committee on Finance




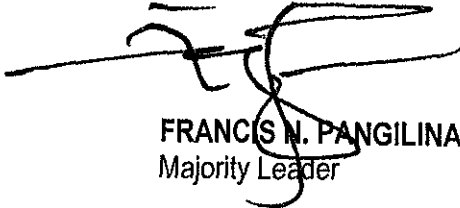
**MAR A. ROXAS**  
Committee on Finance

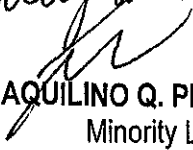


**MANUEL "LITO" M. LAPID**  
Committee on Finance *M*

Ex-Officio Members:

  
JUAN M. FLAVIER  
President Pro-Tempore

 *Raymond*  
FRANCIS N. PANGILINAN  
Majority Leader

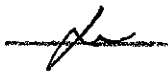
*Maya*  
  
AQUILINO Q. PIMENTEL JR.  
Minority Leader

Hon. MANNY VILLAR  
President  
Senate of the Philippines  
Pasay City

THIRTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Third Regular Session }

6 OCT -3 P 1:41

SENATE

RECEIVED BY: 

S. B. NO. 2171

(in consolidation with SBN 364 and 840)

Introduced by Senators Enrile, Osmeña III and Lacson

**AN ACT**  
**REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE (PAO), AMENDING**  
**PERTINENT PROVISIONS OF THE ADMINISTRATIVE CODE OF 1987, AS AMENDED, AND FOR**  
**OTHER PURPOSES**

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

1           **SECTION 1.** Section 14, Chapter 5, Title III, Book IV of Executive Order No. 292, otherwise known  
2 as The Administrative Code of 1987, is hereby amended to read as follows:

3                   "SEC. 14. *Public Attorney's Office (PAO).* – The Citizen's Legal Assistance Office  
4 (CLAO) is renamed Public Attorney's Office (PAO). It shall exercise the powers and  
5 functions as are now provided by law for the Citizen's Legal Assistance Office or may  
6 hereafter be provided by law.

7                   THE PAO SHALL BE AN INDEPENDENT AND AUTONOMOUS OFFICE  
8 ATTACHED TO THE DEPARTMENT OF JUSTICE IN ACCORDANCE WITH SEC. 38(3) i,  
9 CHAPTER 7 OF BOOK 4 OF THIS CODE.

10                  THE PAO SHALL BE THE PRINCIPAL LAW OFFICE OF THE GOVERNMENT IN  
11 EXTENDING FREE LEGAL ASSISTANCE TO INDIGENT PERSONS IN  
12 ADMINISTRATIVE, LABOR, CIVIL AND CRIMINAL CASES."

13           **SEC. 2.** A new section 15 is hereby introduced and inserted to read as follows:

14                   "SEC. 15. *POWERS AND FUNCTIONS.* - IT SHALL INDEPENDENTLY  
15 DISCHARGE ITS MANDATE TO RENDER, FREE OF CHARGE, LEGAL  
16 REPRESENTATION, ASSISTANCE, AND COUNSELING TO INDIGENT PERSONS IN  
17 ADMINISTRATIVE, LABOR, CIVIL, AND CRIMINAL CASES AFTER IT IS DETERMINED  
18 THAT THE INTEREST OF JUSTICE WILL BE SERVED THEREBY.

1           IN THE EXIGENCY OF THE SERVICE, THE PAO MAY BE CALLED UPON BY  
2           PROPER AUTHORITIES TO RENDER SUCH SERVICES TO OTHER PERSONS,  
3           SUBJECT TO EXISTING LAWS, RULES, AND REGULATIONS."

4           **SEC. 3.** Section 15, Chapter 5, Title III, Book IV of E.O. No. 292 is hereby amended to read as  
5 follows:

6           **"SEC. [15] 16. *Organizational Structure.*** - The PAO shall consist of the following  
7 constituent units:

- 8           (1) Office of the Chief Public Attorney and two (2) Deputy Chief Public Attorneys;  
9           (2) ~~Five (5)]~~ SIX (6) line divisions in the Central Office, namely: Administrative, Financial,  
10           PLANNING and Management, Special and Appealed Cases, Legal Research [and  
11           Statistics], Field Services AND STATISTICS, AND EXECUTIVE Division; and,  
12           (3) Regional [and], Provincial[~~]~~, CITY, AND MUNICIPAL District Offices".

13           **SEC. 4.** Section 16, Chapter 5, Title III, Book IV of E.O. No. 292 is hereby amended to read as  
14 follows:

15           **"SEC. [16] 17. *The Chief Public Attorney and Other PAO Officials.*** - The PAO  
16 shall be headed by a Chief Public Attorney and shall be assisted by two (2) Deputy Chief  
17 Public Attorneys. Each PAO Regional Office established in each of the administrative  
18 regions of the country shall be headed by a Regional Public Attorney who shall be assisted  
19 by an Assistant Regional Public Attorney. THE AUTHORITY AND RESPONSIBILITY FOR  
20 THE EXERCISE OF THE MANDATE OF THE PAO AND FOR THE DISCHARGE OF ITS  
21 POWERS AND FUNCTIONS SHALL BE VESTED IN THE CHIEF PUBLIC ATTORNEY,  
22 WHO SHALL HAVE FULL SUPERVISION AND CONTROL OF THE OFFICE.

23           [The Chief Public Attorney, Deputy Chief Public Attorneys, Regional Public  
24 Attorneys and Assistant Regional Public Attorneys shall be appointed by the President  
25 upon the recommendation of the Secretary.]

26           THE OFFICE OF THE CHIEF PUBLIC ATTORNEY SHALL INCLUDE HIS/HER  
27 IMMEDIATE STAFF, THE SIX (6) LINE DIVISIONS IN THE CENTRAL OFFICE, THE

1 DEPUTY CHIEF PUBLIC ATTORNEYS AND THE REGIONAL, PROVINCIAL, CITY, AND  
2 MUNICIPAL DISTRICT OFFICES.

3 THE CHIEF PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATIONS  
4 FOR APPOINTMENT, RANK, SALARIES, ALLOWANCES, AND RETIREMENT  
5 PRIVILEGES AS THOSE OF THE PRESIDING JUSTICE OF THE COURT OF APPEALS.  
6 THE DEPUTY CHIEF PUBLIC ATTORNEYS SHALL HAVE THE SAME  
7 QUALIFICATIONS FOR APPOINTMENT, RANK, SALARIES, ALLOWANCES, AND  
8 RETIREMENT PRIVILEGES AS THOSE OF THE ASSOCIATE JUSTICE OF THE COURT  
9 OF APPEALS.

10 THE SERVICES HEREIN CREATED SHALL EACH BE HEADED BY A STAFF  
11 DIRECTOR WHO SHALL HAVE THE SAME QUALIFICATIONS FOR APPOINTMENT,  
12 RANK, SALARIES, ALLOWANCES AND PRIVILEGES AS THOSE OF AN ASSISTANT  
13 REGIONAL PUBLIC ATTORNEY HEREIN PROVIDED.

14 EACH OF THE PAO REGIONAL OFFICES SHALL BE HEADED BY A  
15 REGIONAL PUBLIC ATTORNEY WHO SHALL BE ASSISTED BY AN ASSISTANT  
16 REGIONAL PUBLIC ATTORNEY. THE REGIONAL OFFICES SHALL HAVE SUCH  
17 PROVINCIAL, CITY, AND/OR MUNICIPAL DISTRICT OFFICES AS MAY BE  
18 NECESSARY.

19 THE REGIONAL PUBLIC ATTORNEY AND THE ASSISTANT REGIONAL  
20 PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATIONS FOR APPOINTMENT,  
21 RANK, SALARIES, ALLOWANCES, AND RETIREMENT PRIVILEGES AS THOSE OF A  
22 REGIONAL TRIAL COURT JUDGE: *PROVIDED*, THAT THE SALARY GRADE LEVELS  
23 SHALL BE WITHIN THE RANGE OF STEPS FIVE (5) TO EIGHT (8) FOR THE  
24 REGIONAL PUBLIC ATTORNEY AND STEPS ONE (1) TO FOUR (4) FOR THE  
25 ASSISTANT REGIONAL PUBLIC ATTORNEY.

26 THE PROVINCIAL PUBLIC ATTORNEY [PUBLIC ATTORNEY III-A] AND CITY  
27 PUBLIC ATTORNEY SHALL HAVE THE SAME QUALIFICATIONS FOR APPOINTMENT,

1 RANK, SALARIES, ALLOWANCES AND RETIREMENT PRIVILEGES AS THOSE OF A  
2 METROPOLITAN TRIAL COURT JUDGE.

3 THE CITY DISTRICT PUBLIC ATTORNEY (PUBLIC ATTORNEY III-B) SHALL  
4 HAVE THE SAME QUALIFICATIONS FOR APPOINTMENT, RANK, SALARIES,  
5 ALLOWANCES, AND RETIREMENT PRIVILEGES AS THOSE OF A MUNICIPAL TRIAL  
6 COURT JUDGE IN CITIES.

7 THE MUNICIPAL DISTRICT PUBLIC ATTORNEY (PUBLIC ATTORNEY III-C)  
8 SHALL HAVE THE SAME QUALIFICATIONS FOR APPOINTMENT, RANK, SALARIES,  
9 ALLOWANCES, AND RETIREMENT PRIVILEGES AS THOSE OF A MUNICIPAL TRIAL  
10 COURT JUDGE.

11 THE OTHER ADMINISTRATIVE PERSONNEL IN THE PAO SHALL HAVE THE  
12 RANK AND SALARIES EQUIVALENT TO ONE (1) SALARY GRADE HIGHER THAN  
13 THEIR PRESENT POSITION."

14 **SEC. 5.** A new section is hereby introduced to read as follows:

15 "SEC. 18. APPOINTMENT. - THE CHIEF PUBLIC ATTORNEY AND THE  
16 DEPUTY CHIEF PUBLIC ATTORNEYS SHALL BE APPOINTED BY THE PRESIDENT.  
17 THE DEPUTY CHIEF PUBLIC ATTORNEYS AND REGIONAL PUBLIC ATTORNEYS  
18 SHALL BE APPOINTED BY THE PRESIDENT UPON THE RECOMMENDATION OF THE  
19 CHIEF PUBLIC ATTORNEY. THE CHIEF PUBLIC ATTORNEY, DEPUTY CHIEF PUBLIC  
20 ATTORNEYS AND REGIONAL PUBLIC ATTORNEYS SHALL NOT BE REMOVED OR  
21 SUSPENDED, EXCEPT FOR CAUSE PROVIDED BY LAW: *PROVIDED*, THAT THE  
22 DEPUTY CHIEF PUBLIC ATTORNEYS, THE REGIONAL PUBLIC ATTORNEYS AND  
23 THE ASSISTANT REGIONAL PUBLIC ATTORNEYS, THE PROVINCIAL PUBLIC  
24 ATTORNEYS, AND THE CITY PUBLIC ATTORNEYS SHALL PREFERABLY HAVE  
25 SERVED AS PUBLIC ATTORNEYS FOR AT LEAST FIVE (5) YEARS IMMEDIATELY  
26 PRIOR TO THEIR APPOINTMENT AS SUCH. THE ADMINISTRATIVE PERSONNEL  
27 AND OTHER LAWYERS IN THE PUBLIC ATTORNEY'S OFFICE SHALL BE APPOINTED



1 BY THE CHIEF PUBLIC ATTORNEY, IN ACCORDANCE WITH CIVIL SERVICE LAWS,  
2 RULES, AND REGULATIONS."

3 **SEC. 6.** A new section is hereby introduced to read as follows:

4 "SEC. 19. *ACTING CHIEF PUBLIC ATTORNEY – IN CASE OF DEATH,*  
5 *PERMANENT INCAPACITY, REMOVAL, OR RESIGNATION OF THE INCUMBENT*  
6 *CHIEF PUBLIC ATTORNEY, OR VACANCY THEREOF, THE PRESIDENT SHALL*  
7 *APPOINT A NEW CHIEF PUBLIC ATTORNEY OR SHALL DESIGNATE AN ACTING*  
8 *CHIEF PUBLIC ATTORNEY UNTIL A NEW CHIEF PUBLIC ATTORNEY SHALL HAVE*  
9 *BEEN APPOINTED.*

10 IN CASE OF TEMPORARY ABSENCE OF THE CHIEF PUBLIC ATTORNEY OR  
11 THE ACTING CHIEF PUBLIC ATTORNEY, HE/SHE MAY DESIGNATE AN OFFICER IN  
12 CHARGE TO BE THE CARETAKER OF THE OFFICE."

13 **SEC. 7** A new section is hereby introduced to read as follows:

14 "SEC. 20. *INCUMBENT OFFICIALS AND PERSONNEL – THE INCUMBENT*  
15 *OFFICIALS AND PERSONNEL OF THE PUBLIC ATTORNEY'S OFFICE SHALL*  
16 *CONTINUE HOLDING HIS/HER POSITION WITHOUT THE NEED OF NEW*  
17 *APPOINTMENT."*

18 **SEC. 8** A new section is hereby introduced to read as follows:

19 "SEC. 21. *EXEMPTION FROM FEES AND COSTS OF THE SUIT. – THE*  
20 *CLIENTS OF THE PAO SHALL BE EXEMPTED FROM PAYMENT OF DOCKET AND*  
21 *OTHER FEES INCIDENTAL TO INSTITUTING AN ACTION IN COURT, AS AN*  
22 *ORIGINAL PROCEEDING OR ON APPEAL. THE COSTS OF THE SUIT DUE THE*  
23 *CLIENT OF THE PAO AFTER A SUCCESSFUL LITIGATION SHALL ACCRUE TO THE*  
24 *NATIONAL GOVERNMENT."*

25 **SEC. 9** A new section is hereby introduced to read as follows:

26 "SEC. 22. *LOCAL GOVERNMENT SUPPORT. – LOCAL GOVERNMENT UNITS,*  
27 *SUBJECT TO THEIR CAPABILITIES, ARE AUTHORIZED TO EXTEND FINANCIAL AND*

1 OTHER SUPPORT IN THE FORM OF HONORARIA, FREE OFFICE SPACE,  
2 EQUIPMENT, FURNITURE, STATIONERY, AND MANPOWER TO THE PAO."

3 **SEC. 10.** A new section is hereby introduced to read as follows:

4 "SEC. 23 *FRANKING PRIVILEGE.* - THE PAO MAY TRANSMIT THROUGH  
5 ORDINARY MAIL AND/OR REGISTERED MAIL WITH RETURN CARD, FREE OF  
6 CHARGE, ALL OFFICIAL COMMUNICATIONS AND PAPERS DIRECTLY CONNECTED  
7 WITH THE CONDUCT OF ITS DUTIES, FUNCTIONS AND/OR ITS EXERCISE OF  
8 ADMINISTRATIVE SUPERVISION OVER ITS PERSONNEL.

9 THE ENVELOPE OR WRAPPER OF THE PRIVILEGED MAIL LETTER MATTER  
10 SHALL BEAR ON THE LEFT UPPER CORNER "PUBLIC ATTORNEY'S OFFICE"  
11 TOGETHER WITH ITS ADDRESS AND ON THE RIGHT UPPER CORNER, THE WORD  
12 "PRIVATE OR UNAUTHORIZED USE TO AVOID PAYMENT OF POSTAGE IS  
13 PENALIZED BY FINE OR IMPRISONMENT OR BOTH."

14 **SEC. 11.** A new section is hereby introduced to read as follows:

15 "SEC. 24. *CREATION OF ADDITIONAL ITEMS.*- UPON THE EFFECTIVITY OF  
16 THIS ACT, ADDITIONAL ITEMS FOR PUBLIC ATTORNEYS AND SUPPORT STAFF  
17 PERSONNEL SHALL BE CREATED AS MAY BE DEEMED NECESSARY. WHENEVER  
18 THERE IS AN INCREASE IN THE NUMBER OF COURT SALAS, THERE SHALL BE A  
19 CORRESPONDING INCREASE IN THE NUMBER OF PUBLIC ATTORNEYS'  
20 POSITION AT THE RATIO OF ONE (1) PUBLIC ATTORNEY TO A SALA, SUBJECT TO  
21 AVAILABILITY OF FUNDS."

22 **SEC. 12.** The succeeding provisions and sections of Executive Order 292 are hereby renumbered  
23 accordingly.

24 **SEC. 13.** Sections 41 and 42, Chapter 10, Book 1 of the same Code, as amended, is hereby  
25 further amended to read as follows:

26 "SEC. 41. *Officers Authorized to Administer Oaths.* - The following officers have  
27 general authority to administer oaths: President; Vice-President, Members and Secretaries  
28 of both Houses of the Congress; Members of the Judiciary; Secretaries of Departments;

1 provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau  
2 directors; regional directors; clerk of courts; registrars of deeds; other civilian officers in the  
3 public service of the government of the Philippines whose appointments are vested in the  
4 President and are subject to confirmation by the Commission on Appointments; all other  
5 constitutional officers; PAO LAWYERS IN CONNECTION WITH THE PERFORMANCE  
6 OF DUTY; and notaries public.

7 **SEC. 42. *Duty to Administer Oaths.*** – Officers authorized to administer oaths, with  
8 the exception of notaries public, municipal judges and clerks of court, are not obliged to  
9 administer oaths or execute certificates save in matters of official business OR IN  
10 RELATION TO THEIR FUNCTIONS AS SUCH; and with the exception of notaries public,  
11 the officer performing the service in those matters shall charge no fee, unless specifically  
12 authorized by law."

13 **SEC. 14. *Appropriations.*** – The amount necessary for the initial implementation of this Act shall be  
14 charged against the current fiscal year's appropriations under the budget of the PAO. Thereafter, such  
15 sums as may be necessary for the continued implementation of this Act shall be included in the Annual  
16 General Appropriations Act.

17 **SEC. 15. *Implementing Rules and Regulations.*** – Within ninety (90) days from approval hereof, the  
18 Department of Budget and Management and the PAO shall adopt and issue the rules and regulations for  
19 the effective implementation of this Act.

20 **SEC. 16. *Repealing Clause.*** – All laws, executive orders, presidential decrees, presidential  
21 proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the  
22 provisions of this Act are hereby repealed or modified accordingly.

23 **SEC. 17. *Separability Clause.*** – If any provision of this Act is declared invalid or unconstitutional,  
24 the provisions not affected thereby shall continue to be in full force and effect.

25 **SEC.18. *Effectivity.*** – This Act shall take effect upon its approval fifteen (15) days following its  
26 publication in the *Official Gazette* or in two (2) newspaper of general circulation in the Philippines.

Approved,