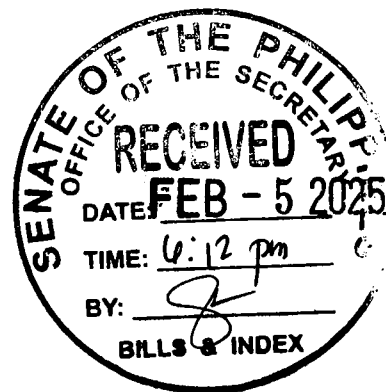


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

Senate Bill No. 2987

(In substitution of Senate Bill Nos. 2623 and 2732)

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 Republic of the Philippines in Congress assembled:

1 **SECTION 1. *Short Title.*** – This Act shall be known as the “**Office of the**
2 **Chief State 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, or State Counsels I to IV.

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

- 1 (a) Render legal opinion or advice on questions of law arising from the
2 performance of powers and duties of the Secretary of Justice, and
3 upon request of Department Heads, Bureau Chiefs, and officers of
4 equivalent rank, of national government functionaries;
- 5 (b) Prepare and submit to the Secretary of Justice the following:
6 i. comments and position papers on proposed legislations,
7 whenever there are legal issues involved;
8 ii. opinion or comments on the legality and validity of foreign
9 loan and guarantee agreements, and, in certain cases,
10 agreements related to domestic borrowings;
- 11 (c) Lead negotiations of treaties, conventions, or agreements involving
12 international legal cooperation, including extradition, mutual legal
13 assistance in criminal matters, and transfer of sentenced persons;
- 14 (d) Act on requests for mutual legal assistance in criminal matters,
15 extradition, transfer of sentenced persons, and other forms of
16 international legal cooperation
- 17 (e) Represent and serve as counsel of the requesting state in all stages of
18 cases relating to extradition and mutual legal assistance in criminal
19 matters;
- 20 (f) Serve as legal adviser to other government agencies in the
21 negotiations and implementation of international agreements, and
22 whenever so requested, lead in the negotiations involving legal and
23 institutional issues;
- 24 (g) Represent the Secretary of Justice or Department of Justice (DOJ) as
25 the designated Central Authority in treaties, conventions, and other
26 international agreements;
- 27 (h) Serve on standing councils, committees, working groups, and task
28 forces, as required;
- 29 (i) Review Orders of the Bureau of Immigration, including recognition of
30 Filipino citizens or cancellation of alien certificate of registration, and
31 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:
- i. Special non-immigrant visas under Sec. 47(a)(2) of Commonwealth Act (C.A.) No. 613, otherwise known as the *Philippine Immigration Act of 1940*, as amended;
 - ii. Special authority to employ foreign nationals under C.A. No. 108, otherwise known as the *Anti-Dummy Law*, as amended;
 - iii. Recognition of refugee and statelessness status;
 - iv. Validation of land titles filed pursuant to Presidential Decree (P.D.) No. 1271 entitled "*An Act Nullifying 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. 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.

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

POSITION/ DESIGNATION	SALARY GRADE
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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

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

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

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

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

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

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

7 State Counsels III must be members of the Philippine Bar, who have been
8 engaged in the practice of law in the Philippines for at least four (4) years prior to
9 their appointment.

10 State Counsels II must be members of the Philippine Bar, who have been
11 engaged in the practice of law in the Philippines for at least three (3) years prior to
12 their appointment.

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

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

26 Any increase after the approval of this Act in the salaries, allowances or
27 retirement benefits or any upgrading of the grades or levels thereof of any or all of
28 the Justices or Judges referred to herein to whom said emoluments are assimilated
29 shall apply to the corresponding State Counsels

30 **SEC. 8. Retirement Benefits.** – When a State Counsel, who has rendered at
31 least fifteen (15) years of service either in the Office of the Chief State Counsel or in
32 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 remainder of his or her 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.

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:

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

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. Automatic 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 he/she retired.

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

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

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

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

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

30 **SEC. 14. *Repealing Clause.*** – All other laws, decrees, orders, issuances,
31 rules, and regulations or parts thereof, which are inconsistent with this Act are hereby
32 repealed or modified accordingly.

1 **SEC. 15. *Effectivity.*** – This Act shall take effect within fifteen (15) days
2 following its complete publication in the *Official Gazette* or in a newspaper of general
3 circulation.

Approved,