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



#### SENATE

## COMMITTEE REPORT NO. 531

Submitted by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance on  $\frac{\text{FEB} - 5 \ 2025}{\text{FEB} - 5 \ 2025}$ 

Re: Senate Bill No. 2987

Recommending its approval in substitution of Senate Bill No. 2623, taking into consideration Senate Bill No. 2732

Sponsor: Senator Aquilino "Koko" Pimentel III

#### **MR. PRESIDENT:**

The Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance to which were referred **Senate Bill No. 2623**, introduced by Senator Sonny Angara, entitled:

#### "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"

taking into consideration **Senate Bill No. 2732**, introduced by Senator Francis "Tol" N. Tolentino, entitled:

## "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"

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 298% prepared by the Committees, entitled:

### "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 approved in substitution of Senate Bill No. 2623, taking into consideration Senate Bill No. 2732, with Senators Tolentino and Pimentel III as authors thereof.

## Respectfully submitted:

Chairpersons

SEN. AQUILINO "KOKO" PIMENTEL
Committee on Justice and Human Rights
Minority Leader

**SEN. GRACE POE** *Committee on Finance* 

## SEN. RAMON BONG REVILLA JR.

Committee on Civil Service, Government Reorganization and Professional Regulation Member, Committee on Finance

Vice Chairpersons

**SEN. CYNTHIA A. VILLAR** 

Committee on Finance Member, Committee on Civil Service, Government Reorganization and Professional Regulation

SEN. PÍA S. CAYETANO

Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance **SEN. RAFFY T. TULFO** 

Committee on Justice and Human Rights Member, Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance

SEN. CHRISTOPHER "BONG" GO

## Respectfully submitted:

## Chairpersons

## SEN. AQUILINO "KOKO" PIMENTEL

Committee on Justice and Human Rights
Minority Leader

SEN GRACE POE
Committee on Finance

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Committee on Finance Member, Committee on Civil Service, Government Reorganization and Professional Regulation SEN. RAFFY T. TULFO

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## SEN. PIA S. CAYETANO

Committees on Civil Service, Government Reorganization and Professional Regulation; and Finance

## SEN. CHRISTOPHER "BONG" GO

SEN. WIN GATCHALIAN

Committee on Finance Member, Committee on Civil Service, Government Reorganization and Professional Regulation **SEN. RISA HONTIVEROS** 

Committee on Finance Member, Committees on Justice and Human Rights; and Civil Service, Government Reorganization and Professional Regulation

#### SEN. JUAN MIGUEL "MIGZ" F. ZUBIRI

Committee on Finance Member, Committee on Civil Service, Government Reorganization and Professional Regulation

#### **SEN. MARK VILLAR**

Committee on Finance Member, Committees on Justice and Human Rights; and Civil Service, Government Reorganization and Professional Regulation

**SEN. JOEL VILLANUEVA** 

Committee on Finance

SEN. JOSEPH VICTOR "JV" G. EJERCITO

Committee on Finance Member, Committees on Justice and Human Rights; and Civil Service, Government Reorganization and Professional Regulation

**SEN. IMEE R. MARCOS** 

Committee on Finance

SEN. RONALD "BATO" DELA ROSA

Committee on Finance Member, Committee on Justice and Human Rights

SEN. LOREN LEGARDA

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## **Members**

SEN. MARIA LOURDES NANCY S. BINAY SEN. ROBINHOOD C. PADILLA

Committee on Finance

Committees on Justice and Human

Rights; and Finance

SEN. ALAN PETER "COMPAÑERO" S. **CAYETANO** 

Committees on Finance

SEN. MANUEL "LITO" M. LAPID

Committee on Finance

Ex Officio Members

SEN. JINGGOY EJERCITO ESTRADA

President Pro Tempore

rice Chairperson, Committee on Finance

N. FRANCIS "TOL" N. TOLENTINO

Majority Leader

Vice Chairperson, Committee on Finance

HON. FRANCIS G. ESCUDERO

Senate President

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Majority Leader Vice Chairperson, Committee on Finance

HON. FRANCIS G. ESCUDERO

Senate President

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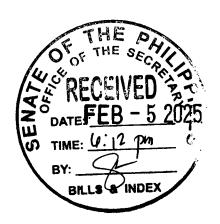
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## SENATE

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:

- SECTION 1. Short Title. This Act shall be known as the "Office of the Chief State Counsel Act."
- SEC. 2. Office of the Chief State Counsel. The Legal Staff created under Republic Act (R.A.) No. 2705, as amended by R.A. No. 4152, shall be renamed as the "Office of the Chief State Counsel."
  - **SEC. 3.** *State Counsel.* Unless otherwise specified, the term "State Counsel" shall refer to the Chief State Counsel, Deputy Chief State Counsel, Senior State 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 OCSC shall have the following powers and functions:

- (a) Render legal opinion or advice on questions of law arising from the 1 2 performance of powers and duties of the Secretary of Justice, and upon request of Department Heads, Bureau Chiefs, and officers of 3 equivalent rank, of national government functionaries; 4 (b) Prepare and submit to the Secretary of Justice the following: 5 i. comments and position papers on proposed legislations, 6 whenever there are legal issues involved; 7 ii. opinion or comments on the legality and validity of foreign 8 loan and guarantee agreements, and, in certain cases, 9 agreements related to domestic borrowings; 10 (c) Lead negotiations of treaties, conventions, or agreements involving 11 international legal cooperation, including extradition, mutual legal 12 assistance in criminal matters, and transfer of sentenced persons; 13 (d) Act on requests for mutual legal assistance in criminal matters, 14 extradition, transfer of sentenced persons, and other forms of 15 international legal cooperation 16 (e) Represent and serve as counsel of the requesting state in all stages of 17 cases relating to extradition and mutual legal assistance in criminal 18 matters; 19 (f) Serve as legal adviser to other government agencies in the 20 negotiations and implementation of international agreements, and 21 whenever so requested, lead in the negotiations involving legal and 22 institutional issues; 23 (g) Represent the Secretary of Justice or Department of Justice (DOJ) as 24 the designated Central Authority in treaties, conventions, and other 25 international agreements; 26 (h) Serve on standing councils, committees, working groups, and task 27
  - (i) Review Orders of the Bureau of Immigration, including recognition of Filipino citizens or cancellation of alien certificate of registration, and

deportation cases;

forces, as required;

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1	(j) Adjudicate disputes, claims and controversies between or among
2	government offices, agencies and instrumentalities, including
3	government-owned and controlled corporations, when only questions
4	of law are raised;
5	(k) Review the legality and validity of tax ordinances and revenue
6	measures;
7	(I) Act on applications for the following:
8	i. Special non-immigrant visas under Sec. 47(a)(2) of
9	Commonwealth Act (C.A.) No. 613, otherwise known as the
10	Philippine Immigration Act of 1940, as amended;
11	ii. Special authority to employ foreign nationals under C.A. No.
12	108, otherwise known as the Anti-Dummy Law, as
13	amended;
14	iii. Recognition of refugee and statelessness status;
15	iv. Validation of land titles filed pursuant to Presidential Decree
16	(P.D.) No. 1271 entitled "An Act Nullifying Decrees of
17	Registration and Certificates of Title Covering Lands Within
18	the Baguio Townsite Reservation";
19	(m) Supervise the Department Law Library, as well as its personnel; and
20	(n) Exercise such other powers and functions as may be provided by law
21	or as may be delegated by the Secretary of Justice.
22	SEC. 5. Organizational Structure. There shall be seven (7) divisions in the
23	Office of the Chief State Counsel. Each division shall be headed by a Deputy Chief
24	State Counsel and shall consist of at least ten (10) State Counsels, and such personne
25	as may be necessary for the office to effectively carry out its functions.
26	The designation, ranks, and salary grades of State Counsels are amended as
27	follows:

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<b>Chief State</b>	SG 30
Counsel	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.

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

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

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

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

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

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

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

**SEC. 8.** *Retirement Benefits.* – When a State Counsel, who has rendered at least fifteen (15) years of service either in the Office of the Chief State Counsel or in 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		<b>Basic Pay Plus the Highest</b>
In Government		<b>Monthly Aggregate of</b>
	x	Transportation, Living and
15 years		<b>Representation Allowances</b>

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.

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

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

- **SEC. 11.** *Prohibitions.* To maintain entitlement to the retirement benefits herein provided, a State Counsel shall not, during the time he or she is receiving said benefit, appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the Government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case wherein any officer or employee of the Government is accused of an offense committed in relation to his/her office, or collect any fee for his or her appearance in any administrative proceedings, to maintain an interest adverse to the government, whether national, provincial, or municipal or to any of its legally constituted offices. When a State Counsel covered under this Act shall assume an elective public office, he or she shall not, upon assumption of office and during his or her term, receive retirement benefits.
- **SEC. 12.** Appropriations. The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the Department of Justice. Thereafter, such amount shall be included in the annual General Appropriations Act.
- **SEC. 13.** *Separability Clause.* If any part or provision of this Act is held invalid or unconstitutional, the other parts or provisions thereof not so declared shall remain valid and effective.
- **SEC. 14.** *Repealing Clause.* All other laws, decrees, orders, issuances, rules, and regulations or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

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

Approved,