



HOUSE OF REPRESENTATIVES

H. No. 5921

BY REPRESENTATIVES LIBANAN, CASIÑO, DATUMANONG, SALCEDA, MARCOS, MAZA, GULLAS, CHATTO, CODILLA, ZAMORA (R.), FIGUEROA, PABLO, SEÑERES, CUA (G.), MARCOLETA, MAGSAYSAY (E.), MIRAFLORES, REMULLA (J.C.), CHAVEZ, MERCADO, CARI, VILLAFUERTE, ZUBIRI, VELOSO, VELARDE, TAÑADA, VILLANUEVA, NOEL, UY (R.), PUENTEVELLA, JAWORSKI, ABANTE, PETILLA, ACOSTA, LACSON, DUMARPA, SYJUCO, REAL, IPONG, BANAAG, ABUBAKAR, CLARETE, LAGBAS, ARBISON, FABIAN, AMATONG, BELTRAN, CAJES, TEVES, DIMAPORO, MARIANO, YAPHA, MACIAS, SOON-RUIZ, MAGSAYSAY (M.), SILVERIO, SOLIS, RODRIGUEZ, ALCALA, DUAVIT, DEFENSOR (M.), LAPUS, MACARAMBON, HATAMAN, JOAQUIN, SEACHON-LANETE, SUSANO, BARINAGA, DE GUZMAN, GIDAYA, PARAS, DEL MAR, TOMAWIS, OCAMPO, VIRADOR, RAMIRO, SUAREZ, JARAULA, ANTONINO-CUSTODIO, PLAZA, MAGTUBO, MALAPITAN, SERAPIO, DILANGALEN, CHIPECO, DY (C.), VILLAROSA, BONDOC, GOLEZ, DOMOGAN, NANTES, AGUJA, UMALI (A.V.), CASTELO DAZA, AQUINO (A.), CUA (J.), SINGSON, LAGMAN, JALA, IMPERIAL, GONZALEZ, ANGARA AND WACNANG, PER COMMITTEE REPORT NO. 2052

AN ACT REORGANIZING AND STRENGTHENING THE PUBLIC ATTORNEY'S OFFICE (PAO), AMENDING FOR THE PURPOSE PERTINENT PROVISIONS OF EXECUTIVE ORDER NO. 292, OTHERWISE KNOWN AS "THE ADMINISTRATIVE CODE OF 1987", AS AMENDED, GRANTING SPECIAL ALLOWANCE TO PAO OFFICIALS AND LAWYERS AND PROVIDING FUNDS THEREFOR

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

1 SECTION 1. Section 4, Chapter 1, Title III, Book IV of Executive Order
2 No. 292, otherwise known as "The Administrative Code of 1987", as amended,
3 is hereby further amended to read as follows:

4 "SEC. 4. *Organizational Structure.* – The Department
5 shall consist of the following constituent units:

6 (1) Department Proper;

7 (2) Office of the Government Corporate Counsel;

8 (3) National Bureau of Investigation;

9 [(4) Public Attorney's Office;]

10 [(5)](4) Board of Pardons and Parole;

11 [(6)](5) Parole and Probation Administration;

12 [(7)](6) Bureau of Corrections;

13 [(8)](7) Land Registration Authority;

14 [(9)](8) Bureau of Immigration; and

15 [(10)](9) Commission on the Settlement of Land
16 Problems."

17 SEC. 2. Section 14, Chapter 5, Title III, Book IV of the same Code is
18 hereby amended to read as follows:

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

24 **THE PAO SHALL BE AN INDEPENDENT AND**
25 **AUTONOMOUS OFFICE ATTACHED TO THE DEPARTMENT OF**

1 JUSTICE IN ACCORDANCE WITH SECTION 38(3), CHAPTER 7 OF
2 BOOK IV OF THIS CODE.

3 THE PAO SHALL BE THE PRINCIPAL LAW OFFICE OF
4 THE GOVERNMENT IN EXTENDING FREE LEGAL ASSISTANCE TO
5 INDIGENT PERSONS IN CRIMINAL, CIVIL, LABOR,
6 ADMINISTRATIVE AND OTHER QUASI-JUDICIAL CASES.”

7 SEC. 3. A new Section 14-A is hereby inserted in Chapter 5, Title III,
8 Book IV of Executive Order No. 292, otherwise known as the Administrative
9 Code of 1987, to read as follows:

10 “SEC. 14-A. *POWERS AND FUNCTIONS.* – THE PAO
11 SHALL INDEPENDENTLY DISCHARGE ITS MANDATE TO RENDER,
12 FREE OF CHARGE, LEGAL REPRESENTATION, ASSISTANCE AND
13 COUNSELING TO INDIGENT PERSONS IN CRIMINAL, CIVIL,
14 LABOR, ADMINISTRATIVE AND OTHER QUASI-JUDICIAL CASES.
15 IN THE EXIGENCY OF THE SERVICE, THE PAO MAY BE CALLED
16 UPON BY PROPER GOVERNMENT AUTHORITIES TO RENDER
17 SUCH SERVICE TO OTHER PERSONS, SUBJECT TO EXISTING
18 LAWS, RULES AND REGULATIONS.”

19 SEC. 4. Section 15, Chapter 5, Title III, Book IV of the same Code is
20 hereby amended to read as follows:

21 “SEC. 15. *Organizational Structure.* – The PAO shall
22 consist of the following constituent units:

23 (1) Office of the Chief Public Attorney and two (2)
24 Deputy Chief Public Attorneys;

25 (2) [Five (5)] SIX (6) line divisions in the Central Office,
26 namely: Administrative; Financial PLANNING and Management;
27 Special and Appealed Cases; Legal Research; [and Statistics,
28 and] Field Services AND STATISTICS; AND EXECUTIVE Division;

1 (3) Regional, [and,] Provincial[/], CITY AND
2 MUNICIPAL District Offices.”

3 SEC. 5. Section 16, Chapter 5, Title III, Book IV of the same Code is
4 hereby amended to read as follows:

5 “SEC. 16. *The Chief Public Attorney and Other PAO*
6 *Officials.* – The PAO shall be headed by a Chief Public Attorney
7 **WHO SHALL HAVE FULL SUPERVISION AND CONTROL OF THE**
8 **OFFICE** and shall be assisted by two (2) Deputy Chief Public
9 Attorneys.

10 **THE OFFICE OF THE CHIEF PUBLIC ATTORNEY SHALL**
11 **INCLUDE HIS IMMEDIATE STAFF, THE SIX (6) LINE DIVISIONS IN**
12 **THE CENTRAL OFFICE, THE DEPUTY CHIEF PUBLIC**
13 **ATTORNEYS AND THE REGIONAL, PROVINCIAL, CITY AND**
14 **MUNICIPAL DISTRICT OFFICES.**

15 **THE CHIEF PUBLIC ATTORNEY AND THE DEPUTY CHIEF**
16 **PUBLIC ATTORNEYS SHALL HAVE THE SAME QUALIFICATIONS**
17 **FOR APPOINTMENT, RANK, SALARIES, ALLOWANCES, AND**
18 **RETIREMENT BENEFITS AND PRIVILEGES AS THOSE OF A**
19 **SOLICITOR GENERAL AND ASSISTANT SOLICITOR GENERAL,**
20 **RESPECTIVELY.**

21 Each PAO Regional Office established in each of the
22 administrative regions of the country shall be headed by a
23 Regional Public Attorney who shall be assisted by an Assistant
24 Regional Public Attorney. **THE REGIONAL OFFICES SHALL**
25 **HAVE SUCH PROVINCIAL, CITY, AND/OR MUNICIPAL DISTRICT**
26 **OFFICES AS MAY BE NECESSARY.**

27 **PUBLIC ATTORNEYS WHOSE QUALIFICATIONS ARE THE**
28 **SAME AS PUBLIC PROSECUTORS SHALL BE UPGRADED**

1 **ACCORDINGLY IN RANK, SALARIES, ALLOWANCES,**
2 **RETIREMENT BENEFITS AND PRIVILEGES.”**

3 [The Chief Public Attorney, Deputy Chief Public
4 Attorneys, Regional Public Attorneys and Assistant Regional
5 Public Attorneys shall be appointed by the President upon the
6 recommendation of the Secretary.]

7 SEC. 6. New Sections 16-A, 16-B, 16-C, 16-D and 16-E are hereby
8 inserted in Chapter 5, Title III, Book IV of the same Code, to read as follows:

9 **“SEC. 16-A. APPOINTMENT. – THE CHIEF PUBLIC**
10 **ATTORNEY SHALL BE APPOINTED BY THE PRESIDENT. THE**
11 **DEPUTY CHIEF PUBLIC ATTORNEYS AND THE REGIONAL**
12 **PUBLIC ATTORNEYS SHALL BE APPOINTED BY THE PRESIDENT**
13 **UPON THE RECOMMENDATION OF THE CHIEF PUBLIC**
14 **ATTORNEY.**

15 **THE CHIEF PUBLIC ATTORNEY, THE DEPUTY CHIEF**
16 **PUBLIC ATTORNEYS AND THE REGIONAL PUBLIC ATTORNEYS**
17 **SHALL NOT BE REMOVED OR SUSPENDED FROM OFFICE EXCEPT**
18 **FOR CAUSE AS PROVIDED BY LAW.**

19 **THE SUPPORT PERSONNEL AND OTHER LAWYERS IN THE**
20 **PAO SHALL BE APPOINTED BY THE CHIEF PUBLIC ATTORNEY,**
21 **IN ACCORDANCE WITH CIVIL SERVICE LAWS, RULES AND**
22 **REGULATIONS.”**

23 **“SEC. 16-B. VACANCY OF OFFICE. – IN CASE OF**
24 **DEATH, PERMANENT INCAPACITY, REMOVAL OR RESIGNATION**
25 **OF THE INCUMBENT CHIEF PUBLIC ATTORNEY, DEPUTY**
26 **CHIEF PUBLIC ATTORNEYS OR REGIONAL PUBLIC**
27 **ATTORNEYS OR VACANCY THEREOF, THE PRESIDENT SHALL**
28 **APPOINT A NEW CHIEF, DEPUTY CHIEF, OR REGIONAL PUBLIC**

1 ATTORNEY OR SHALL DESIGNATE ONE, AS THE CASE MAY BE,
2 IN AN ACTING CAPACITY UNTIL A NEW ONE SHALL HAVE BEEN
3 APPOINTED.

4 IN CASE OF TEMPORARY ABSENCE OF THE CHIEF
5 PUBLIC ATTORNEY, THE LATTER MAY DESIGNATE AN
6 OFFICER-IN-CHARGE TO BE A CARETAKER OF THE OFFICE.”

7 “SEC. 16-C. *EXEMPTION FROM FEES AND COSTS OF*
8 *THE SUIT.* – THE CLIENTS OF THE PAO SHALL BE EXEMPT
9 FROM PAYMENT OF DOCKET AND OTHER FEES INCIDENTAL TO
10 INSTITUTING AN ACTION IN COURT AND OTHER QUASI-
11 JUDICIAL BODIES, AS AN ORIGINAL PROCEEDING OR ON
12 APPEAL.

13 THE COSTS OF THE SUIT, ATTORNEY’S FEES AND
14 CONTINGENT FEES IMPOSED UPON THE ADVERSARY OF PAO
15 CLIENTS AFTER A SUCCESSFUL LITIGATION SHALL BE
16 DEPOSITED IN THE NATIONAL TREASURY AS TRUST FUND AND
17 SHALL BE DISBURSED FOR SPECIAL ALLOWANCES OF
18 AUTHORIZED OFFICIALS AND LAWYERS OF PAO.”

19 “SEC. 16-D. *LOCAL GOVERNMENT SUPPORT.* – LOCAL
20 GOVERNMENT UNITS, SUBJECT TO THEIR CAPABILITIES, ARE
21 AUTHORIZED TO EXTEND FINANCIAL AND OTHER SUPPORT IN
22 THE FORM OF HONORARIA, FREE OFFICE SPACE, EQUIPMENT,
23 FURNITURE, STATIONERY AND MANPOWER TO THE PAO.”

24 “SEC. 16-E. *FRANKING PRIVILEGE.* – THE PAO MAY
25 TRANSMIT THRU ORDINARY MAIL AND/OR REGISTERED MAIL
26 WITH RETURN CARD, FREE OF CHARGE, ALL OFFICIAL
27 COMMUNICATIONS AND PAPERS DIRECTLY CONNECTED WITH
28 THE CONDUCT OF ITS DUTIES, FUNCTIONS AND/OR ITS
29 EXERCISE OF ADMINISTRATIVE SUPERVISION OVER ITS
30 PERSONNEL.

1 **THE ENVELOPE OR WRAPPER OF THE PRIVILEGED MAIL**
2 **MATTER SHALL BEAR ON THE LEFT UPPER CORNER THE**
3 **WORDS "PUBLIC ATTORNEY'S OFFICE" TOGETHER WITH ITS**
4 **ADDRESS AND ON THE RIGHT UPPER CORNER, THE WORDS**
5 **"PRIVATE OR UNAUTHORIZED USE TO AVOID PAYMENT OF**
6 **POSTAGE IS PENALIZED BY FINE OR IMPRISONMENT OR BOTH."**

7 SEC. 7. Sections 41 and 42, Chapter 10, Book 1 of the same Code, as
8 amended, is hereby further amended to read as follows:

9 "SEC. 41. *Officers Authorized to Administer Oath.* – The
10 following officers have general authority to administer oaths:
11 President; Vice-President, Members and Secretaries of both
12 Houses of the Congress; Members of the Judiciary; Secretaries
13 of Departments; Provincial governors and lieutenant-governors;
14 city mayors; municipal mayors; bureau directors; regional
15 directors; clerk of courts; registrars of deeds; other civilian
16 officers in the public service of the government of the
17 Philippines whose appointments are vested in the President and
18 are subject to confirmation by the Commission on Appointments;
19 all other constitutional officers; **PAO LAWYERS**; and notaries
20 public."

21 "SEC. 42. *Duty to Administer Oath.* – Officers authorized
22 to administer oaths, with the exception of notaries public,
23 municipal judges and clerks of court, are not obliged to
24 administer oaths or execute certificates save in matters of official
25 business **OR IN RELATION TO THEIR FUNCTIONS AS SUCH**; and
26 with the exception of notaries public, the officer performing the
27 service in those matters shall charge no fee, unless specifically
28 authorized by law."

1 SEC. 8. *Incumbent Officials and Personnel.* – The incumbent officials
2 and personnel of the PAO shall remain in office without the need of new
3 appointments.

4 No provision in this Act shall be construed to diminish the present
5 salary grade of the incumbent Chief Public Attorney.

6 SEC. 9. *Grant of Special Allowances.* – The Chief Public Attorney,
7 the Deputy Chief Public Attorneys, the Regional Public Attorneys, the
8 Provincial, City and Municipal District Public Attorneys, other PAO lawyers
9 and officials who have direct supervision over the PAO lawyers shall be
10 granted special allowances in amounts to be determined by the Secretary of the
11 Department of Budget and Management (DBM) and the Chief Public Attorney.

12 The grant of special allowances shall not exceed one hundred percent
13 (100%) of the basic salary of the PAO officials and lawyers as provided in the
14 immediately preceding paragraph.

15 SEC. 10. *Effects of Subsequent Salary Increases.* – Upon
16 implementation of any subsequent increases in the salary rates provided under
17 Republic Act No. 6758, as amended, all special allowances granted under
18 Section 9 hereof shall be considered as an implementation of the said salary
19 increases as may be provided by law. The special allowance equivalent to the
20 increase in the basic salary as may be provided by law shall be converted as
21 part of the basic salary.

22 SEC. 11. *Creation of Additional Items.* – Upon the effectivity of this
23 Act, additional items for public attorney commensurate to the existing number
24 of provinces, districts, cities and municipalities nationwide and support
25 staff/personnel as may be necessary shall be created.

26 Whenever there is an increase in the number of court, there shall be a
27 corresponding increase in the number of public attorney's positions at the ratio
28 of one public attorney to a sala.

1 SEC. 12. *Appropriations.* – The amount necessary for the initial
2 implementation of this Act shall be charged against the current fiscal year’s
3 appropriation under the budget of the PAO. Thereafter, such sums as may be
4 necessary for the continued implementation of this Act shall be included in the
5 annual General Appropriations Act.

6 SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90)
7 days from approval of this Act, the DBM and the PAO shall adopt and issue
8 the rules and regulations for the effective implementation of this Act.

9 SEC. 14. *Repealing Clause.* – All laws, executive orders, presidential
10 decrees, presidential proclamations, letters of implementation, rules and
11 regulations or parts thereof inconsistent with the provisions of this Act are
12 hereby repealed or modified accordingly.

13 SEC. 15. *Separability Clause.* – If any provision of this Act is declared
14 invalid or unconstitutional, the provisions not affected thereby shall continue to
15 be in full force and effect.

16 SEC. 16. *Effectivity.* – This Act shall take effect upon its approval
17 fifteen (15) days following its publication in the *Official Gazette* or in two
18 newspapers of general circulation in the Philippines.

Approved,

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