

NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



23 JAN 24 P3:57

**SENATE**  
S.B. No. 1753

RECEIVED BY: 

---

Introduced by Senator SONNY ANGARA

---

**AN ACT**  
**STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL (OGCC), BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

The number of government-owned or controlled corporations (GOCCs), government financial institutions (GFIs), government instrumentalities with corporate powers (GCIPs), and government corporate entities (GCEs) as defined in Republic Act No. 10149, otherwise known as the "GOCC Governance Act of 2011," as well as their subsidiaries and corporate off-springs including economic zones and water districts, all collectively referred to as "government corporations," have increased through the years – from fifty three (53) in 1983 to seven hundred thirty two (732) to date.

Executive Order No. 292, otherwise known as the "Administrative Code of 1987," expressly defines the mandate of the Office of the Government Corporate Counsel (OGCC), thus: (1) to act as the principal law office of all government corporations; *and*, (2) to exercise control and supervision over all legal departments or divisions thereof. Later executive issuances further strengthened and enhanced OGCC's mandate and responsibilities over the legal affairs of various GOCCs.

However, the existing organizational structure and personnel complement of OGCC has not been amended or improved since its formulation in 1983 through Executive Order No. 878, despite the substantial increase in the volume, complexity, and importance of OGCC's mandate due to escalating demands of government activities and transactions.

To ensure that OGCC shall be able to adapt to the changing conditions and to uphold the principle of "*equal pay for equal value of work*," the Eighteenth Congress (2019-2022) passed the consolidated OGCC Bill (Senate Bill No. 2490 & House Bill No. 9088), entitled: "*An Act Strengthening the Office of the Government Corporate Counsel (OGCC), by Rationalizing and Further Professionalizing its Organization, and Appropriating Funds Therefor*" and transmitted the same to the Office of the President on June 21, 2022.

While His Excellency President Ferdinand "Bongbong" Romualdez Marcos, Jr. vetoed the OGCC Bill on July 22, 2022, he still recognizes the need to strengthen the OGCC because of the growth in the number of GOCCs coupled with the complexities of their requirements brought by the modern business situations and conditions, and thereby accord the men and women of the OGCC the same privileges and benefits being enjoyed by their counterparts in the Judiciary and in the Office of the Solicitor General.

This Bill, therefore, reintroduces the proposed bill on the OGCC, now entitled: "*An Act Strengthening the Office of the Government Corporate Counsel by Rationalizing and Further Professionalizing its Organization, and Appropriating Funds Therefor,*" subject to certain amendments to address the veto message of the President.

**IN VIEW OF THE FOREGOING**, the immediate passage of this bill is earnestly sought.



**SONNY ANGARA**

SENATE  
S.B. No. 1753

RECEIVED BY:



---

Introduced by Senator SONNY ANGARA

---

**AN ACT**  
**STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL (OGCC) BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, AND APPROPRIATING FUNDS THEREFOR**

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

1        **Section 1. Short Title.** – This Act shall be known as the “OGCC Charter of 2023.”

2        **Section 2. Declaration of Policy.** – It shall be the policy of the State to protect and  
3 promote the welfare, rights, and interests of government-owned or controlled  
4 corporations (GOCCs), government financial institutions (GFIs), government  
5 instrumentalities with corporate powers (GICPs), and government corporate entities  
6 (GCEs) as defined in Republic Act No. 10149, otherwise known as the “GOCC Governance  
7 Act of 2011,” as well as their subsidiaries and corporate off-springs, including economic  
8 zones and water districts, all collectively referred to in this Act as “government  
9 corporations.”

10        Toward this end, the State shall require the improvement of legal services extended  
11 by the Office of the Government Corporate Counsel (OGCC), to efficiently address the  
12 expanding needs of these government corporations in accordance with the initiative  
13 towards an improved fiscal management and good corporate governance. It shall be the  
14 mandate of the OGCC to safeguard the legal interest of all government corporations.

15        **Section 3. Power, Jurisdiction and Mandate**– The OGCC shall be the statutory  
16 counsel and principal law office of all government corporations. All government  
17 corporations shall refer the following to the OGCC:

18        (a) All important legal questions for opinion and advice;

1 (b) All contracts for review: *Provided*, That the Government Corporate Counsel  
2 (GCC) may from time to time determine which contract shall no longer be  
3 submitted to OGCC; *and*,

4 (c) All cases for representation before regular courts, quasi-judicial bodies,  
5 administrative agencies, and arbitral tribunals: *Provided*, That the GCC may  
6 thereafter authorize the government corporation's legal department or  
7 retained counsel as collaborating counsel to handle cases, as the urgency  
8 or expediency of circumstances may warrant.

9 In addition to the foregoing, the OGCC shall continue to perform all powers and  
10 functions under existing laws.

11 **Section 4. Organizational Structure.** – The OGCC shall be headed by the GCC, who  
12 is the principal law officer and legal defender of all government corporations. She/He  
13 shall have the authority and responsibility for the exercise of the OGCC's mandate and  
14 for the discharge of its duties and functions, and shall have supervision and control over  
15 the OGCC and its constituent units.

16 The GCC shall be assisted by the Deputy Government Corporate Counsel (DGCC),  
17 Assistant Government Corporate Counsels (AGCCs) and such number of Government  
18 Corporate Attorneys (GCAs) as may be necessary to operate the OGCC. Unless otherwise  
19 determined by the GCC, the legal staff shall be divided into teams, each to be headed by  
20 an AGCC.

21 The administrative structure of the OGCC shall be composed of the Secretarial and  
22 Legal Support Service, Human Resource Development and Management Service, Finance  
23 and Accounting Service, Case and Records Management Service, Library Management  
24 and Information Technology Service, Corporate Planning Service, and Property and  
25 Supply Service: *Provided*, That the OGCC may, as the need arises and subject to the  
26 approval of the Department of Budget and Management and the Civil Service  
27 Commission, reorganize the administrative structure of the OGCC.

28 The legal and non-legal personnel of the OGCC occupying the positions affected by  
29 the changes embodied in this Act at the time of its approval shall thereafter occupy and  
30 discharge the duties and functions of the rationalized positions, and receive the  
31 corresponding salary, benefits and privileges without necessity of new appointments.

1           **Section 5. OGCC's Legal Personnel and Qualifications.** – (a) The GCC shall have  
2 the same rank, category, salary grade and salaries, allowances, retirement and pension  
3 benefits, emoluments, prerogatives and privileges as the Presiding Justice of the Court  
4 of Appeals. She/He shall be assisted by a DGCC and twelve (12) AGCCs who shall have  
5 the same rank, category, prerogatives, salary grade and salaries, allowances, retirement  
6 and pension benefits, emoluments, prerogatives and privileges of an Associate Justice of  
7 the Court of Appeals: *Provided*, That the number of AGCCs may be increased as the need  
8 arises and subject to the approval of the Department of Budget and Management and  
9 the Civil Service Commission.

10           No person shall be appointed GCC, DGCC or AGCC unless she/he is a natural-born  
11 citizen of the Philippines and has been engaged in the practice of law in the Philippines  
12 for at least fifteen (15) years.

13           (b) The other members of the legal staff shall be as follows:

- 14           (1) Fourteen (14) Government Corporate Attorney IV (GCA IV), who shall  
15           have the same rank, salary grade and salaries, allowances, retirement  
16           and pension benefits, emoluments, prerogatives, and privileges of a  
17           judge of a Regional Trial Court. No person shall be appointed as GCA IV  
18           unless she/he is a natural-born citizen of the Philippines and has been  
19           engaged in the practice of law in the Philippines for at least ten (10)  
20           years;
- 21           (2) Nineteen (19) Government Corporate Attorney III (GCA III) who shall  
22           have the same rank, salary grade and salaries, allowances, retirement  
23           and pension benefits, emoluments, prerogatives, and privileges of a  
24           judge of a Metropolitan Trial Court. No person shall be appointed GCA  
25           III unless she/he is a natural-born citizen of the Philippines and has been  
26           engaged in the practice of law in the Philippines for at least five (5) years;
- 27           (3) Twenty (20) Government Corporate Attorney II (GCA II), with Salary  
28           Grade 27, who shall be natural-born citizens of the Philippines and have  
29           been engaged in the practice of law in the Philippines for at least three  
30           (3) years;

- 1           (4) Ten (10) Government Corporate Attorney I (GCA I), with Salary Grade  
2           26, who shall be natural-born citizens of the Philippines and have been  
3           engaged in the practice of law in the Philippines for at least two (2) years;  
4           (5) Eight (8) Associate Government Corporate Attorneys, with Salary Grade  
5           25, who shall be natural-born citizens of the Philippines and have been  
6           engaged in the practice of law in the Philippines for at least one (1) year.

7           The GCC, DGCC and AGCCs shall be appointed by the President of the Philippines.  
8           The other members of the legal and administrative personnel shall be appointed by the  
9           GCC. Except for the GCC, the appointments of the DGCC and AGCCs shall be permanent  
10          upon compliance with the prescribed qualification standards under this Act.

11          **Section 6. *Non-legal Personnel.*** – The OGCC shall be supported by such number  
12          of non-legal personnel as necessary, commensurate to their current workload, as  
13          recommended by the OGCC and as approved by the Department of Budget and  
14          Management and the Civil Service Commission.

15          Non-legal personnel shall have the same salaries and benefits as that of their  
16          counterparts in the Office of the Solicitor General.

17          The salaries, benefits, and privileges of the personnel of the OGCC granted under  
18          this Act shall automatically be increased to keep in step with any corresponding increase  
19          in salaries and privileges subsequently granted to their respective counterparts in the  
20          Office of the Solicitor General.

21          **Section 7. *Institute of Public Corporate Governance.*** – There is hereby established  
22          the Institute of Public Corporate Governance (IPCG) in the OGCC, for the purpose of  
23          promoting government and public sector accountability, transparency, and the pursuit of  
24          excellence and efficiency in government service.

25          The IPCG shall be directly attached to the office of the GCC, and shall be headed by  
26          an Executive Director designated by the GCC from among the GCAIVs of the OGCC.

27          The IPCG shall institutionalize good corporate governance practices in and by  
28          GOCCs; serve as a central continuing education provider for officers, members of  
29          governing boards and lawyers of GOCCs; publish journals, newsletters and utilize other  
30          forms of media to keep all in government informed of the trends in the Civil Service; *and*,  
31          participate in and propose relevant legislation to promote corporate governance.

1           **Section 8. *Personnel Benefits and Privileges.*** – Provisions of other laws to the  
2 contrary notwithstanding, and subject to availability of funds, the OGCC may provide its  
3 employees the following benefits:

- 4           (a) Accident insurance for all employees for approved travels while in the  
5           performance of official duties;
- 6           (b) Scholarships for the deserving employees on official time to upgrade their  
7           knowledge and skills: *Provided*, that scholars under this provision shall be  
8           selected on the basis of merit as determined by competitive examination;
- 9           (c) Healthcare services through a health maintenance organization coverage;
- 10          (d) A Provident Fund which shall consist of, but not be limited to, contributions  
11          made by the OGCC and by its employees; *and*,
- 12          (e) Reimbursement of registration fees and expenses for trainings and seminars,  
13          including those for Mandatory Continuing Legal Education (MCLE) and  
14          professional license fees.

15           **Section 9. *Other Benefits.*** – Provisions of other laws to the contrary  
16 notwithstanding, the legal personnel of the OGCC are authorized and shall continue to  
17 receive allowances and honoraria from government corporations which shall not exceed  
18 one hundred percent (100%) of their annual basic salary.

19           **Section 10. *Retirement Benefits.*** – Any law to the contrary notwithstanding, and  
20 consistent with Section 5 of this Act granting them the same retirement benefits and  
21 privileges of their counterparts in the Judiciary, the retirement benefits of the GCC, DGCC,  
22 AGCC, GCA IV and GCA III shall be automatically increased whenever there is an increase  
23 in the salaries and allowances of the same positions from which he or she retired.

24           **Section 11. *Attorney's Fees.*** – Consistent with the provisions of the Administrative  
25 Code of 1987, the OGCC is authorized to receive attorney's fees awarded by a court,  
26 tribunal, or panel, including awards and judgments stipulated under court-approved  
27 compromise agreements. The OGCC is hereby authorized to use such awards and  
28 attorney's fees to meet contingencies, obligations, and undertakings and/or for employee  
29 benefits and incentives, necessary or proper to promote efficiency in the service as  
30 determined by the GCC.

31           **Section 12. *Special Assessments.*** – The GCC is authorized to make special  
32 assessments upon government corporations and to disburse and use the same for

1 purposes of meeting obligations and contingencies, upgrading facilities and equipment,  
2 capacity building of employees and resource development, defraying such other  
3 expenses not provided for in the annual General Appropriations Act, subject to accounting  
4 and auditing procedures.

5 **Section 13. *Franking Privilege.*** – All official mail matters of the OGCC addressed  
6 for delivery within the Philippines shall be received, transmitted, and delivered free of  
7 charge: *Provided*, that such mail matters when addressed to private persons or non-  
8 government offices shall not exceed one hundred and twenty (120) grams.

9 **Section 14. *Funding.*** – The funds required for insurance premiums; employer’s  
10 contribution to the Provident Fund; professional, educational, registration fees, and  
11 contracted transportation; *and*, all other benefits above shall be taken from:

12 (a) Five percent (5%) attorney’s fees awarded by the courts to client government  
13 corporations, including those under court-approved compromise agreements,  
14 actually assisted by the OGCC and not delegated to private lawyers: *Provided*,  
15 that in cases where both OGCC and private lawyers jointly worked on the  
16 resolution of a case or compromise agreement, the OGCC shall be entitled to  
17 as much attorney’s fees on a *quantum meruit* basis.

18 (b) Special assessments collected from government corporations; *and*,

19 (c) All other income, fees and revenues earned and collected by the OGCC.

20 **Section 15. *Appropriations.*** – The amount necessary for the initial implementation  
21 of this Act shall be taken from the current year’s appropriations for the Office of the  
22 Government Corporate Counsel. Thereafter, such sums as may be necessary for its  
23 continued implementation shall be included in the annual General Appropriations Act  
24 and/or supplemental appropriations.

25 **Section 16. *Implementing Rules and Regulations.*** – The GCC shall promulgate the  
26 necessary rules and regulations for the implementation of the provisions of this Act:  
27 *Provided*, That the Reorganization Plan implementing the provisions of this Act shall be  
28 submitted to the Department of Budget and Management and the Civil Service  
29 Commission within thirty (30) days from the effectivity hereof.

30 **Section 17. *Repealing Clause.*** – All other laws, acts, presidential decrees, executive  
31 orders, presidential proclamations, issuances, rules and regulations, or parts thereof



1 which are contrary to or inconsistent with any of the provisions of this Act are hereby  
2 repealed, amended, or modified accordingly.

3 **Section 18. *Separability Clause.*** – If any portion or provision of this Act is  
4 subsequently declared invalid or unconstitutional, other provisions hereof which are not  
5 affected thereby shall remain in full force and effect.

6 **Section 19. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
7 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,