Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

COMMITTEE REPORT NO. 890

Submitted by the Committees on Justice, Appropriations, and Ways and Means on MAR 22 2021

Re: House Bill No: 9088

Recommending its approval in substitution of House Bills Numbered 4745, 4806, 4809, 4943, 5019, 5078 and 5348


Mr. Speaker:

The Committees on Justice, Appropriations, and Ways and Means, to which were referred House Bill No. 4745 introduced by Rep. Henry S. Oaminal, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL AND APPROPRIATING FUNDS THEREFOR";

House Bill No. 4806 introduced by Reps. Michael Odylon L. Romero and Enrico A. Pineda, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING POSITIONS AND APPROPRIATING FUNDS THEREFOR";

House Bill No. 4809 introduced by Rep. Lord Allan Jay Q. Velasco, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING POSITIONS AND APPROPRIATING FUNDS THEREFOR";

House Bill No. 4943 introduced by Rep. Eric L. Olivarez, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING POSITIONS AND APPROPRIATING FUNDS THEREFOR";
House Bill No. 5019 introduced by Rep. Rufus B. Rodriguez, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADE POSITIONS AND APPROPRIATING FUNDS THEREFOR";

House Bill No. 5078 introduced by Rep. Jericho Jonas B. Nogales, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADE POSITIONS AND APPROPRIATING FUNDS THEREFOR";

and House Bill No. 5348 introduced by Rep. Ruwel Peter S. Gonzaga, entitled:

"AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL BY RATIONALIZING AND FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADE POSITIONS AND APPROPRIATING FUNDS THEREFOR"

have considered the same and recommend that the attached House Bill No. ______ entitled:

"AN ACT

N. Guya, Glona G. Labadlabad, Edward Vera Perez Maceda, Maricel G. Natividad-
Nagaño, Jose "Jun" L. Ong, Jr., Pablo C. Ortega, Allan Benedict S. Reyes, Geraldine
B. Roman, Joy Myra S. Tambunting, Alyssa Sheena P. Tan, Angelina "Helen" D.L.
Tan, M.D., John Reynald M. Tiangco, Lucy Torres-Gomez, Kristine Alexie B. Tutor,
Samantha Louise Vargas Alfonso, Rosanna "Ria" V. Vergara, Presley C. De Jesus,
Lorenz R. Defensor, Wilfrido Mark M. Enverga, Mark O. Go, Dahlia A. Loyola,
Florida "Rida" P. Robes, and Irene Gay F. Saulog as authors thereof.

Respectfully submitted,

ERIC GO YAP
Chairperson
Committee on Appropriations

VICENTE "CHING" S.E. VELOSO III
Chairperson
Committee on Justice

JOEY SARTE SALCEDA
Chairperson
Committee on Ways and Means

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
Second Regular Session  

HOUSE BILL NO. 9088  
(in substitution of House Bills Numbered 4745, 4806, 4809, 4943, 5019, 5078 and 5348)


AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL (OGCC), FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADING THE POSITION CLASSIFICATION, COMPENSATION, AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. - This Act shall be known as the "OGCC Charter".

SEC. 2. Declaration of Policy. - It shall be the policy of the State to protect and promote the welfare, rights and interests of government-owned or controlled corporations (GOCCs), government financial institutions (GFIs), government instrumentalities with corporate powers (GICPs), government corporate entities (GCEs) as defined in Republic Act No. 10149, otherwise known as the "GOCC Governance Act
of 2011” and their subsidiaries and corporate offspring, including economic zones, state universities and water districts, all collectively referred to in this Act as government corporations.

To this end, the State shall improve its legal services to efficiently address the expanding needs of government corporations in accordance with the goal to improve fiscal management and good corporate governance.

SEC. 3. Powers, Jurisdiction and Mandate. – It shall be the mandate of the Office of the Government Corporate Counsel (OGCC) to safeguard the legal interests of all government corporations. Any law to the contrary notwithstanding, the OGCC shall be the statutory counsel and principal law office of all government corporations.

All government corporations shall refer to the OGCC the following matters:

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

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

(c) All cases for representation before regular courts, quasi-judicial bodies, administrative agencies and arbitral tribunals: Provided, That the GCC may authorize the legal departments or retained counsels of government corporations to act as collaborating counsels to handle cases, as the urgency or expediency of circumstances may warrant.

The OGCC and its legal staff shall:

(a) Exercise control and supervision over the legal departments of all government corporations, and conduct periodic performance audit of the in-house lawyers or legal departments of government corporations and to recommend appropriate actions to them;

(b) Conciliate, mediate, act as hearing officers, or adjudicate all disputes on controversies exclusively between government corporations;

(c) Investigate and, in appropriate cases, hear administrative disciplinary cases involving all lawyers, officials and employees of government corporations upon the latter’s request, and recommend appropriate administrative or disciplinary sanctions;

(d) Conduct fact-finding and preliminary investigation in appropriately referred cases;

(e) Act as Corporate Secretary or any other officer of government corporations upon the latter’s request;

(f) Be assigned as members of technical working groups, bids and awards committees, task forces and other committees in relation to projects of government corporations;

(g) Be detailed or assigned to government corporations and attend meetings, upon
the latter's request: Provided, That the GCC approves such assignment or designation;

(h) Represent the OGCC in the Governing Board and management committees of government corporations;

(i) Approve and review the engagement of private lawyers by all government corporations; and

(j) Perform such other functions necessary in the interest of the service.

**SEC. 4. Organizational Structure.** – The OGCC shall be headed by the GCC who is the principal law officer and legal defender of all government corporations. The GCC shall have the authority and responsibility for the exercise of the mandates of the OGCC and for the discharge of its duties and functions, and shall have supervision and control over the OGCC and its constituent units.

The GCC shall be assisted by one (1) Deputy Government Corporate Counsel (DGCC) and twelve (12) Assistant Government Corporate Counsels (AGCC). The legal staff of the OGCC shall be divided into teams to be determined by the GCC, with each team to be headed by an AGCC.


The legal and non-legal personnel of the OGCC occupying positions affected by the changes pursuant to the provisions of this Act shall continue to discharge the duties and functions of their respective positions, subject to compliance within a reasonable period with the qualifications of the upgraded positions, if any.

The one hundred and fifty (150) non-legal personnel of the OGCC shall be composed of the following: two (2) Chief Administrative Officers; one (1) Budget Officer V; one (1) Executive Assistant (EA) V; two (2) EA IV; one (1) EA III; one (1) Accountant IV; four (4) Supervising Administrative Officers; one (1) Planning Officer IV; eleven (11) Administrative Officer (AO) V; one (1) Librarian IV; one (1) Information Technology Officer; one (1) Computer Main Technician; one (1) Librarian III; four (4) AO III; three (3) AO II; twelve (12) Senior Administrative Assistant III; one (1) Planning Analyst II; twenty (20) Administrative Assistant (ADAS) VI; one (1) Computer Operator III; twelve (12) ADAS V; twelve (12) ADAS III; one (1) Bookkeeper III; three (3) Records Officer I; fourteen (14) ADAS II; five (5) ADAS I; one (1) Chauffeur IV; one (1) Security Guard III; ten (10) ADA VI; one (1) Driver IV; one (1) Buyer II; fourteen (14) ADA IV; and six (6) ADA III.

**SEC. 5. Expansion and Upgrading of Positions of the OGCC and legal staff.** – The GCC shall have the same qualifications, rank, salary, allowances, emoluments, prerogatives and privileges as the Presiding Justice of the Court of Appeals. The DGCC and AGCC shall have the same qualifications, rank, salary, allowances, retirement and pension benefits, emoluments, prerogatives and privileges of an Associate Justice of the Court of Appeals.

No person shall be appointed GCC, DGCC or AGCC unless the appointee is a natural-born citizen of the Philippines, at least forty (40) years of age, and must have been for
fifteen (15) years or more, engaged in the practice of law in the Philippines.

The number, qualifications, rank, salary, allowances, retirement and pension benefits, emoluments, prerogatives and privileges of the other members of the OGCC legal staff shall be as follows:

(1) Sixteen (16) personnel with the rank of Government Corporate Attorney IV (GCA IV) who shall have the same qualifications, rank, salary, allowances, retirement and pension benefits, emoluments, prerogatives and privileges of a judge of a Regional Trial Court. No person shall be appointed as GCA IV unless the appointee is a natural-born citizen of the Philippines, at least thirty-five (35) years of age, and, for at least ten (10) years, has been engaged in the practice of law in the Philippines or has held public office in the Philippines requiring admission to the practice of law as an indispensable requisite;

(2) Nineteen (19) personnel with the rank of Government Corporate Attorney III (GCA III) who shall have the same qualifications, rank, salary, allowances, emoluments, prerogatives and privileges of a judge of a Metropolitan Trial Court. No person shall be appointed as GCA III unless the appointee is a natural-born citizen of the Philippines, at least thirty (30) years of age, and, for at least five (5) years, has been engaged in the practice of law in the Philippines or has held public office in the Philippines requiring admission to the practice of law as an indispensable requisite;

(3) Twenty (20) personnel with the rank of Government Corporate Attorney II (GCA II) who shall be natural-born citizens of the Philippines and, for at least three (3) years, have been engaged in the practice of law in the Philippines;

(4) Twelve (12) personnel with the rank of Government Corporate Attorney I (GCA I) who shall be natural-born citizens of the Philippines and, for at least one (1) year, have been engaged in the practice of law in the Philippines.

The GCC, DGCC and AGCC shall be appointed by the President of the Philippines. The other members of the legal and administrative personnel shall be appointed by the GCC. The DGCC and AGCC shall be appointed on a permanent status upon compliance with the prescribed qualification standards under this Act and existing civil service rules and regulations.

The GCC may appoint, on a coterminous status, two (2) lawyers with the same qualifications, rank, salary, allowances and other benefits of an AGCC and two (2) lawyers with the same qualifications, rank, salary, allowances and other benefits of a GCA IV, who shall form part of the confidential staff of the GCC.

**SEC. 6. Compensation.** – The salary grades for the basic monthly compensation of the OGCC legal personnel shall be as follows:

<table>
<thead>
<tr>
<th>POSITION</th>
<th>SALARY GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Corporate Counsel</td>
<td>31</td>
</tr>
<tr>
<td>Deputy Government Corporate Counsel</td>
<td>30</td>
</tr>
<tr>
<td>Assistant Government Corporate Counsel</td>
<td>30</td>
</tr>
<tr>
<td>Government Corporate Attorney IV</td>
<td>29</td>
</tr>
<tr>
<td>Government Corporate Attorney III</td>
<td>28</td>
</tr>
<tr>
<td>Government Corporate Attorney II</td>
<td>27</td>
</tr>
<tr>
<td>Government Corporate Attorney I</td>
<td>26</td>
</tr>
</tbody>
</table>
The non-legal personnel shall have the same salaries and benefits as that of their counterparts in the Office of the Solicitor General.

Unless otherwise provided by law, the salaries, benefits and privileges of the legal and non-legal personnel of the OGCC shall be automatically increased whenever there is an increase in the salary, benefits and privileges of their respective counterparts in the Judiciary and the Office of the Solicitor General.

**SEC. 7. Personnel benefits and privileges.** – Provisions of other laws to the contrary notwithstanding, and subject to availability of funds, the OGCC may provide its employees the following benefits:

1. Health care services through a health maintenance organization (HMO);
2. Accident insurance coverage for all employees for approved travels while in the performance of official duties;
3. Scholarships for deserving employees on official time to upgrade their knowledge and skills: Provided, That the efficiency of the service is not prejudiced: Provided further, That scholars under this provision shall be selected on the basis of merit as determined by competitive examination;
4. A Provident Fund which shall consist of, among others, contributions made by the OGCC and by its employees;
5. Reimbursement of registration fees and expenses for training and seminars, Mandatory Continuing Legal Education (MCLE) fees and professional fees.

**SEC. 8. Other Benefits.** – Provisions of other laws to the contrary notwithstanding, the legal personnel of the OGCC are authorized and shall continue to receive allowances and honoraria from government corporations which shall not exceed One Hundred Percent (100%) of their annual basic salary. The employees of the OGCC may likewise be extended such benefits and privileges as are given to the employees of government corporations.

**SEC. 9. Retirement Benefits.** – Consistent with Section 5 of this Act, the retirement benefits and privileges of the GCC, DGCC, AGCC, and GCA IV shall be the same as the retirement benefits and privileges of their counterparts in the Judiciary.

**SEC. 10. Attorney’s Fees and Special Assessment.** – The OGCC is authorized to receive twenty percent (20%) of the money claims collected by, awarded or adjudged to government corporations, in addition to the attorney’s fees awarded by a court, tribunal, or panel, including awards or judgements stipulated under court-approved compromise agreements. The OGCC is hereby authorized to use such awards and attorney’s fees to meet contingencies, obligations and undertakings or for employee benefits and incentives, necessary or proper to promote efficiency in the service as determined by the GCC.

The GCC is likewise authorized to make special assessments upon government corporations, disburse and use the same for such contingencies, obligations, and undertakings, and to provide for employees’ benefits and incentives allowed under the law.
All awards, attorney's fees and special assessments shall be deposited in an authorized government depository and shall be made available for expenditure without the need for a cash disbursement ceiling for purposes of meeting obligations and contingencies, upgrading facilities and equipment, granting of employees' benefits and incentives and defraying such other expenses not provided for in the General Appropriations Act, subject to accounting and auditing procedures.

**SEC. 11. Franking Privilege.** - All official mail matters and written correspondence, telegrams and other official communication of the OGCC directly connected with the conduct of its duties and functions and addressed for delivery within the Philippines shall be transmitted, delivered and received free of charge.

**SEC. 12. Appropriations.** - The amount necessary for the implementation of this Act shall be charged against the available appropriations of the OGCC under the current General Appropriations Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

**SEC. 13. Implementing Rules and Regulations.** - Within sixty (60) days from the approval of this Act, the Secretary of Justice and the Government Corporate Counsel shall, in consultation with the Secretary of Budget and Management, promulgate the necessary rules and regulations for the effective implementation of this Act.

**SEC. 14. Separability Clause.** - If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

**SEC. 15. Repealing Clause.** - All laws, rules, regulations, orders, circulars and other issuances or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

**SEC. 16. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
AN ACT
STRENGTHENING THE OFFICE OF THE GOVERNMENT CORPORATE COUNSEL (OGCC), FURTHER PROFESSIONALIZING ITS ORGANIZATION, UPGRADE THE POSITION CLASSIFICATION, COMPENSATION, AND BENEFITS OF ITS OFFICIALS AND EMPLOYEES, AND APPROPRIATING FUNDS THEREFOR


Committee Referral: Committees on Justice, Appropriations and Ways and Means
Committee Chairpersons: Reps. VICENTE "CHING" S.E. VELOSO III, ERIC GO YAP and JOEY SARTE SALCEDA

OBJECTIVES:

- To strengthen the service capability of the Office of the Government Corporate Counsel (OGCC) by adopting changes to its organizational structure and increasing its personnel complement;
- To encourage more lawyers and personnel to join the OGCG by adjusting their compensation and benefits to be at par with their counterparts in the judiciary.
KEY PROVISIONS:

- Entitles the Government Corporate Counsel to have the same qualification, rank, salary, allowances, retirement and pension benefits, emoluments, prerogatives and privileges as the Presiding Justice of the Court of Appeals;

- Provides that the Deputy Government Corporate Counsel (DGCC) and Assistant Government Corporate Counsels shall have the same qualifications, rank, salary, allowances, retirement and pension benefits, emoluments, prerogatives and privileges as an Associate Justice of the Court of Appeals;

- Provides that the salaries, benefits and privileges of the legal and non-legal personnel of the OGCC shall be automatically increased whenever there is an increase in the salary, benefits and privileges of their respective counterparts in the Judiciary and the Office of the Solicitor General;

- Authorizes the OGCC to retain twenty percent (20%) of the money claims collected by, awarded or adjudged to government corporations in addition to the attorney’s fees awarded by a court, tribunal or panel. The OGCC can use such awards and attorney’s fees to meet contingencies, obligations and undertakings or for employees benefits and incentives.

- Authorizes the GCC to make special assessments on services rendered to government corporations and to disburse and use collections therefrom for contingencies, obligations and employee’s benefits and incentives.

RELATED LAWS:

- Executive Order No. 292 (Administrative Code of 1987), as amended

- Republic Act No. 2327 (An Act to Declare the Position of Government Corporate Counsel Distinct and Separate from that of the Solicitor General, Provide for His Appointment and Salary and Appropriate the Necessary Funds Therefor, and for Other Purposes), as amended by RA No. 3838 (An Act to Amend Certain Sections of Republic Act Numbered Two Thousand Three Hundred Twenty-Seven Entitled xxx) and RA No. 6000 (An Act to Amend Certain Sections of Republic Act Numbered Two Thousand Three Hundred Twenty-Seven, as amended by Republic Act Numbered Three Thousand Eight Hundred Thirty-Eight, Entitled xxx)

- Executive Order No. 878, s.1983 (Reorganizing the Office of the Government Corporate Counsel)