



HOUSE OF REPRESENTATIVES

H. No. 9088

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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:

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

2

3 **SEC. 2.** *Declaration of Policy.* – It shall be the policy of the State to protect and
4 promote the welfare, rights and interests of government-owned or controlled
5 corporations (GOCCs), government financial institutions (GFIs), government
6 instrumentalities with corporate powers (GICPs), government corporate entities (GCEs)
7 as defined in Republic Act No. 10149, otherwise known as the “GOCC Governance Act

1 of 2011" and their subsidiaries and corporate offspring, including economic zones, state
2 universities and water districts, all collectively referred to in this Act as government
3 corporations.

4
5 To this end, the State shall improve its legal services to efficiently address the
6 expanding needs of government corporations in accordance with the goal to improve
7 fiscal management and good corporate governance.

8
9 **SEC. 3. Powers, Jurisdiction and Mandate.** – It shall be the mandate of the Office of
10 the Government Corporate Counsel (OGCC) to safeguard the legal interests of all
11 government corporations. Any law to the contrary notwithstanding, the OGCC shall be
12 the statutory counsel and principal law office of all government corporations.

13
14 All government corporations shall refer to the OGCC the following matters:

- 15
16 (a) All important legal questions for opinion and advice;
17
18 (b) All contracts for review: *Provided*, That the Government Corporate Counsel
19 (GCC) may, from time to time, determine which contracts shall no longer be
20 submitted to the OGCC; and
21
22 (c) All cases for representation before regular courts, quasi-judicial bodies,
23 administrative agencies and arbitral tribunals: *Provided*, That the GCC may
24 authorize the legal departments or retained counsels of government
25 corporations to act as collaborating counsels to handle cases, as the urgency or
26 expediency of circumstances may warrant.

27
28 The OGCC and its legal staff shall:

- 29
30 (a) Exercise control and supervision over the legal departments of all government
31 corporations, and conduct periodic performance audit of the in-house lawyers or
32 legal departments of government corporations and to recommend appropriate
33 actions to them;
34
35 (b) Conciliate, mediate, act as hearing officers, or adjudicate all disputes on
36 controversies exclusively between government corporations;
37
38 (c) Investigate and, in appropriate cases, hear administrative disciplinary cases
39 involving all lawyers, officials and employees of government corporations upon
40 the latter's request, and recommend appropriate administrative or disciplinary
41 sanctions;
42
43 (d) Conduct fact-finding and preliminary investigation in appropriately referred
44 cases;
45
46 (e) Act as Corporate Secretary or any other officer of government corporations upon
47 the latter's request;
48
49 (f) Be assigned as members of technical working groups, bids and awards
50 committees, task forces and other committees in relation to projects of
51 government corporations;
52
53 (g) Be detailed or assigned to government corporations and attend meetings, upon

1 the latter's request: *Provided*, That the GCC approves such assignment or
2 designation;

3
4 (h) Represent the OGCC in the Governing Board and management committees of
5 government corporations;

6
7 (i) Approve and review the engagement of private lawyers by all government
8 corporations; and

9
10 (j) Perform such other functions necessary in the interest of the service.

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

17
18 The GCC shall be assisted by one (1) Deputy Government Corporate Counsel (DGCC)
19 and twelve (12) Assistant Government Corporate Counsels (AGCC). The legal staff of the
20 OGCC shall be divided into teams to be determined by the GCC, with each team to be
21 headed by an AGCC.

22
23 The administrative structure of the OGCC shall be composed of the Secretariat and
24 Legal Support Service, Finance and Accounting Service, Human Resource Management
25 Service, Case and Records Management Service, Library Management and Information
26 Technology Service, Corporate Planning Service, and Property and Supply Service.

27
28 The legal and non-legal personnel of the OGCC occupying positions affected by the
29 changes pursuant to the provisions of this Act shall continue to discharge the duties and
30 functions of their respective positions, subject to compliance within a reasonable period
31 with the qualifications of the upgraded positions, if any.

32
33 The one hundred and fifty (150) non-legal personnel of the OGCC shall be composed
34 of the following: two (2) Chief Administrative Officers; one (1) Budget Officer V; one (1)
35 Executive Assistant (EA) V; two (2) EA IV; one (1) EA III; one (1) Accountant IV; four
36 (4) Supervising Administrative Officers; one (1) Planning Officer IV; eleven (11)
37 Administrative Officer (AO) V; one (1) Librarian IV; one (1) Information Technology
38 Officer; one (1) Computer Main Technician; one (1) Librarian III; four (4) AO III; three
39 (3) AO II; twelve (12) Senior Administrative Assistant III; one (1) Planning Analyst II;
40 twenty (20) Administrative Assistant (ADAS) VI; one (1) Computer Operator III; twelve
41 (12) ADAS V; twelve (12) ADAS III; one (1) Bookkeeper III; three (3) Records Officer
42 I; fourteen (14) ADAS II; five (5) ADAS I; one (1) Chauffeur IV; one (1) Security Guard
43 III; ten (10) ADA VI; one (1) Driver IV; one (1) Buyer II; fourteen (14) ADA IV; and six
44 (6) ADA III.

45
46 **SEC. 5. *Expansion and Upgrading of Positions of the OGCC and legal staff.*** – The GCC
47 shall have the same qualifications, rank, salary, allowances, emoluments, prerogatives
48 and privileges as the Presiding Justice of the Court of Appeals. The DGCC and AGCC shall
49 have the same qualifications, rank, salary, allowances, retirement and pension benefits,
50 emoluments, prerogatives and privileges of an Associate Justice of the Court of Appeals.

51
52 No person shall be appointed GCC, DGCC or AGCC unless the appointee is a natural-
53 born citizen of the Philippines, at least forty (40) years of age, and must have been for

1 fifteen (15) years or more, engaged in the practice of law in the Philippines.

2
3 The number, qualifications, rank, salary, allowances, retirement and pension benefits,
4 emoluments, prerogatives and privileges of the other members of the OGCC legal staff
5 shall be as follows:
6

7 (1) Sixteen (16) personnel with the rank of Government Corporate Attorney IV
8 (GCA IV) who shall have the same qualifications, rank, salary, allowances, retirement
9 and pension benefits, emoluments, prerogatives and privileges of a judge of a
10 Regional Trial Court. No person shall be appointed as GCA IV unless the appointee is
11 a natural-born citizen of the Philippines, at least thirty-five (35) years of age, and,
12 for at least ten (10) years, has been engaged in the practice of law in the Philippines
13 or has held public office in the Philippines requiring admission to the practice of law
14 as an indispensable requisite;
15

16 (2) Nineteen (19) personnel with the rank of Government Corporate Attorney
17 III (GCA III) who shall have the same qualifications, rank, salary, allowances,
18 emoluments, prerogatives and privileges of a judge of a Metropolitan Trial Court. No
19 person shall be appointed as GCA III unless the appointee is a natural-born citizen of
20 the Philippines, at least thirty (30) years of age, and, for at least five (5) years, has
21 been engaged in the practice of law in the Philippines or has held public office in the
22 Philippines requiring admission to the practice of law as an indispensable requisite;
23

24 (3) Twenty (20) personnel with the rank of Government Corporate Attorney II
25 (GCA II) who shall be natural-born citizens of the Philippines and, for at least three
26 (3) years, have been engaged in the practice of law in the Philippines;
27

28 (4) Twelve (12) personnel with the rank of Government Corporate Attorney I
29 (GCA I) who shall be natural-born citizens of the Philippines and, for at least one (1)
30 year, have been engaged in the practice of law in the Philippines.
31

32 The GCC, DGCC and AGCC shall be appointed by the President of the Philippines. The
33 other members of the legal and administrative personnel shall be appointed by the GCC.
34 The DGCC and AGCC shall be appointed on a permanent status upon compliance with
35 the prescribed qualification standards under this Act and existing civil service rules and
36 regulations.
37

38 The GCC may appoint, on a coterminous status, two (2) lawyers with the same
39 qualifications, rank, salary, allowances and other benefits of an AGCC and two (2)
40 lawyers with the same qualifications, rank, salary, allowances and other benefits of a
41 GCA IV, who shall form part of the confidential staff of the GCC.
42

43 **SEC. 6. Compensation.** – The salary grades for the basic monthly compensation of
44 the OGCC legal personnel shall be as follows:
45

POSITION	SALARY GRADE
Government Corporate Counsel	31
Deputy Government Corporate Counsel	30
Assistant Government Corporate Counsel	30
Government Corporate Attorney IV	29
Government Corporate Attorney III	28
Government Corporate Attorney II	27
Government Corporate Attorney I	26

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1 The non-legal personnel shall have the same salaries and benefits as that of their
2 counterparts in the Office of the Solicitor General.

3
4 Unless otherwise provided by law, the salaries, benefits and privileges of the legal
5 and non-legal personnel of the OGCC shall be automatically increased whenever there is
6 an increase in the salary, benefits and privileges of their respective counterparts in the
7 Judiciary and the Office of the Solicitor General.

8
9 **SEC. 7. *Personnel benefits and privileges.*** – Provisions of other laws to the contrary
10 notwithstanding, and subject to availability of funds, the OGCC may provide its
11 employees the following benefits:

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

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

35
36 **SEC. 9. *Retirement Benefits.*** – Consistent with Section 5 of this Act, the retirement
37 benefits and privileges of the GCC, DGCC, AGCC, and GCA IV shall be the same as the
38 retirement benefits and privileges of their counterparts in the Judiciary.

39
40 **SEC. 10. *Attorney's Fees and Special Assessment.*** – The OGCC is authorized to
41 receive twenty percent (20%) of the money claims collected by, awarded or adjudged to
42 government corporations, in addition to the attorney's fees awarded by a court, tribunal,
43 or panel, including awards or judgements stipulated under court-approved compromise
44 agreements. The OGCC is hereby authorized to use such awards and attorney's fees to
45 meet contingencies, obligations and undertakings or for employee benefits and
46 incentives, necessary or proper to promote efficiency in the service as determined by the
47 GCC.

48
49 The GCC is likewise authorized to make special assessments upon government
50 corporations, disburse and use the same for such contingencies, obligations, and
51 undertakings, and to provide for employees' benefits and incentives allowed under the
52 law.

1 All awards, attorney's fees and special assessments shall be deposited in an
2 authorized government depository and shall be made available for expenditure without
3 the need for a cash disbursement ceiling for purposes of meeting obligations and
4 contingencies, upgrading facilities and equipment, granting of employees' benefits and
5 incentives and defraying such other expenses not provided for in the General
6 Appropriations Act, subject to accounting and auditing procedures.
7

8 **SEC. 11. *Franking Privilege.*** - All official mail matters and written correspondence,
9 telegrams and other official communication of the OGCC directly connected with the
10 conduct of its duties and functions and addressed for delivery within the Philippines shall
11 be transmitted, delivered and received free of charge.
12

13 **SEC. 12. *Appropriations.*** - The amount necessary for the implementation of this Act
14 shall be charged against the available appropriations of the OGCC under the current
15 General Appropriations Act. Thereafter, such sums as may be necessary for its continued
16 implementation shall be included in the annual General Appropriations Act.
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18 **SEC. 13. *Implementing Rules and Regulations.*** - Within sixty (60) days from the
19 approval of this Act, the Secretary of Justice and the Government Corporate Counsel
20 shall, in consultation with the Secretary of Budget and Management, promulgate the
21 necessary rules and regulations for the effective implementation of this Act.
22

23 **SEC. 14. *Separability Clause.*** - If any provision or part of this Act is declared invalid
24 or unconstitutional, the remaining parts or provisions not affected shall remain in full
25 force and effect.
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27 **SEC. 15. *Repealing Clause.*** - All laws, rules, regulations, orders, circulars and other
28 issuances or parts thereof, which are inconsistent with the provisions of this Act are
29 hereby repealed, amended or modified accordingly.
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31 **SEC. 16. *Effectivity.*** - This Act shall take effect fifteen (15) days after its publication
32 in the Official Gazette or in a newspaper of general circulation.
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34 Approved,
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