



Republika ng Pilipinas  
Kagawaran ng Katarungan  
Tanggapan ng Manananggol Pambayan  
**PUBLIC ATTORNEY'S OFFICE**

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**Memorandum Circular No. \_\_\_\_\_**  
**Series of 2010**

**CODE OF CONDUCT FOR PUBLIC ATTORNEYS  
AND EMPLOYEES OF THE PUBLIC ATTORNEY'S OFFICE**

**Section 1. Purpose.** – This Code of Conduct is issued to set forth, define and consolidate the policies and rules of conduct to be observed by Public Attorneys and other employees of the Office in providing legal assistance pursuant to the Public Attorney's Office mandate and in dealing with the public.

**Section 2. Coverage.** –The Code of Conduct for Public Attorneys shall apply to all public attorneys performing their duties in providing legal assistance pursuant to the mandate of the Public Attorney's Office. On the other hand, the Code of Conduct for other employees shall apply to all those who hold a permanent or temporary appointment, including contractual, co-terminus and detailed employees as a guide in discharging their respective functions of assisting the Office in carrying out its mandate.

The provisions of this Code shall be supplementary to the existing laws, rules and regulations governing the conduct, responsibilities and accountabilities of public officials and employees.

**MISSION:** The Public Attorney's Office exists to provide the indigent litigants, the oppressed, marginalized and underprivileged members of the society free access to courts, judicial and quasi-judicial agencies, by rendering legal services, counseling and assistance in consonance with the Constitutional mandate that "free access to courts shall not be denied to any person by reason of poverty" in order to ensure the rule of law, truth and social justice as components of the country's sustainable development.

**VISION:** A government agency that is God-centered and dynamic bureaucracy that is responsive to the ever-growing legal needs of the indigents and oppressed led by highly competent, world- class, development-oriented, honest, dedicated and nationalistic leaders and lawyers.

**Section 3. Core Values**

Respect for the rule of law, human rights and dignity of human being

Commitment to public service

Public interest over and above personal interest

Honesty, integrity and competence

Courtesy, sincerity and candidness

Prompt and effective delivery of legal assistance

Non-discrimination as to creed, religion, politics, sexual orientation, marital status or age

Frugal use and responsible management of government resources

**Section 4. Declaration of Policies.** – To promote a high standard of conduct and ethics in providing legal services to qualified individuals, all Public Attorneys and employees of this Office shall discharge their duties with utmost responsibility, integrity and competence.

**Section 5. Definition of Terms.** – As used in this Code, the term:

a. “*Office*” refers to the Public Attorney’s Office;

b. “*Employee*” shall refer to all personnel, including public attorneys, holding a permanent or temporary appointment including contractual, co-terminus and those detailed from other government agencies;

c. “*Client*” shall refer to any person to whom the Office renders legal services/assistance;

d. “*Gift*” shall refer to a thing or a right to dispose gratuitously or any act of liberality in favor of another who accepts it, including a simulated sale or an ostensibly onerous disposition thereof from a person who has been a client of PAO;

e. “*Receiving any gift*” shall refer to the act of accepting, directly or indirectly, a gift from a client who is not a member of his family or relative;

f. “*Conflict of Interest*” shall refer to the Office’s representation at the same time of inconsistent interest of two or more opposing parties in the same case/s;

g. “*OB Slips*” – refer to permits issued to the employees before leaving the Office on official business.

**Section 6. Norms of Conduct of Public Attorneys and Employees.** – Every Public Attorney and employee shall observe the following standards of personal conduct in the discharge and execution of official duties:

**A. Standards of Personal Conduct:**

a. *Commitment to free legal services* – All public attorneys shall strictly adhere to their duty of providing free legal assistance and/or representation to indigent and

qualified persons in civil, criminal administrative and quasi-judicial cases at all times;

b. *Professionalism.*- Public Attorneys shall perform and discharge their functions promptly and effectively in accordance with the lawyer's oath and their oath of office. They shall be courteous, respectful and professional in their dealings toward their clients, members of the bar, the bench and the public;

c. *Justness and sincerity.*- Public Attorneys shall uphold the interest of their clients and shall be candid with them at all times; upholding the rule of law and what is fair, just and equitable under the circumstances;

d. *Integrity and Moral Uprightness.*- Public Attorneys' integrity, morality and conduct shall be beyond reproach;

e. *Non-discrimination.* - Employees of the Office shall provide free legal service to litigants in accordance with existing rules and regulations without discrimination, directly or indirectly against any person on grounds of race, color, ethnic or national origin, gender, marital status, sexual orientation, disability, age, political predilections or religion.

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f. *Confidentiality.*- Information obtained from and communications had with the clients are privileged and shall be kept confidential at all times even after termination of lawyer-client relationship; maintaining and respecting the fiduciary relations between lawyer and client all the time;

g. *Preparedness.*- Public Attorneys shall appear for trial adequately prepared on the law and facts of the case, the evidence to be adduced and the order of preference. They shall be ready with the original documents for comparison with the duplicate or photocopy thereof; and should file pleadings, memoranda and briefs on time;

h. *Simple living.*- Public Attorneys shall lead modest lives avoiding ostentatious display of wealth in any manner;

i. *Responsibility and frugality.*- Public Attorneys shall be the role model for others on how to be responsible and frugal in the management and use of government resources;

j. *Neutrality and Independence.* – All employees shall maintain professional independence and shall not allow this to be compromised by undue influence.

k. *Unity in Information Dissemination.* To preserve the integrity of the office and to ensure the preservation of national security and interest involving PAO cases, Public Attorneys and employees shall refrain from conducting press conferences and media interviews without prior authority of the Chief Public Attorney or his duly authorized representative.

**B. Prohibited Acts/Practices:**

- a. Public Attorneys shall refrain from encouraging or doing acts contrary to law, good morals, custom, public policy and public order; and shall avoid any act, utterances or circumstances that can cause intrigue and sow dissension and division in the Office;
- b. Public Attorneys are strictly prohibited from representing conflicting interests. They shall therefore refrain from accepting, assisting or representing the opposing party of any of the Office's clients which could prejudice the latter's interest. Thus, once there appears to be a conflict of interest or a risk thereof, public attorneys shall immediately inform the client about the said conflict and cease to act for and in his behalf; and, refer the latter to a law office or any of the organizations providing free legal service;
- c. Public Attorneys shall be strictly prohibited from engaging in private law practice except in cases involving immediate members of their family; and, provided that a written authorization of the Chief Public Attorney is first obtained;
- d. Public Attorneys shall not allow or assist a witness to lie or circumvent facts, and/or misrepresent himself;
- e. Public Attorneys shall not browbeat or harass a witness;
- f. Public Attorneys shall not testify on behalf of their clients, except –
  - a. on formal matters such as, among others, mailing and authentication or custody of an instrument; and
  - b. on substantial matters where the testimony is crucial and indispensable in serving the ends of justice; in which event, the trial of the case shall be entrusted to another counsel during their testimony.
- g. Public Attorneys and employees shall not take custody or possession of cash or valuable of a client or any valuable which is the object/subject of settlement. Should there be fees to be paid, the client shall be advised to make the payment directly to the cashier of the appropriate court or quasi-judicial body;
- h. Public Attorneys shall not coerce or pressure a client to plead guilty where it is not warranted by the facts and circumstances surrounding the case;
- i. Public Attorneys shall not appear in court where they are not assigned except upon prior approval of the Chief Public Attorney, Regional Public Attorney or the District Public Attorney;
- j. Public Attorneys are strictly prohibited from soliciting or accepting gifts from any person in connection with the performance of their official duties; or enter into any transaction that would prejudice the interest of their clients or that of the Office;

- k. Public Attorneys shall not directly or indirectly be interested, financially or materially, in any property, right, privilege or transaction of the Office's clients;
- l. Public Attorneys shall faithfully attend to their inquest duties and jail visitation as directed;
- m. Public Attorneys are prohibited from representing and assisting persons not qualified for legal assistance subject to exceptions provided under PAO MC No. 18, Series of 2002 and Section 3 of RA 9406;
- n. Public Attorneys shall not unduly delay or cause the delay of the case and/or impede the execution of judgment;
- o. Public Attorneys and employees shall not engage in rumor mongering, sowing intrigue and dissention against superiors or co-employees;
- p. Public Attorneys and employees shall at all times during office hours be at their respective designated areas of work and shall not wander around idling and/or chatting with other persons on matters not covered by their official duties and responsibilities;
- q. Public Attorneys and employees shall not be absent without filing an application for leave in accordance with CSC rules and regulations unless they have suffered illnesses which requires medical attention; and,
- r. Public Attorneys and employees shall not engage in other analogous circumstances in violation of existing laws, rules and regulations.

**Section 7. Duties of Public Attorneys and Employees.** – In the performance of their duties, all Public Attorneys and employees shall follow the provisions of the Citizen's Charter of the Office. In addition thereto, they are under obligation to observe the following:

- a. Act promptly on letters and requests, and comply with the fifteen (15) day working period from receipt of such letter or request to respond to the same;
- b. Submit performance reports. – In the submission of the said reports, the following periods shall be observed:
  - 1. For Monthly Reports – within the first three (3) days of the succeeding month;
  - 2. For Performance Evaluation Reports – at the end of every semester, within fifteen (15) days from the start of the succeeding semester; and
  - 3. For Year- End Reports and Inventory of Cases – within the first ten (10) days of the succeeding year;
- c. Process documents and papers expeditiously;
- d. Act immediately on the public's personal transactions. – All Public Attorneys and employees must attend to any qualified person who wants to avail of the services of the Office and must act promptly and expeditiously;

- e. Make documents accessible to the public. – All public documents must be made accessible to, and readily available to the public, within reasonable working hours, except those covered by the confidentiality and privileged communication rules;
- f. Faithfully attend jail visitations and inquest duties;
- g. Secure permission or OB slips before leaving the office during office hours;
- h. Observe, follow and uphold all laws, rules and regulations;
- i. Observe, follow and uphold all office issuances, including but not limited to the *PAO Operations Manual*

**Section 8. Duties of Public Attorneys.** – Subject to existing rules and regulations, Public Attorneys shall assist or represent free of charge, indigent persons and other qualified clients in all civil, criminal, administrative and quasi-judicial cases. In addition thereto, Public Attorneys shall:

- a. Endeavor to maintain relationships with the legal profession and other agencies in the criminal justice system based on courteousness, mutual respect and professionalism;
- b. Maintain and respect the fiduciary relationship which exists between lawyer and client. All Public Attorneys shall not misuse their position or information acquired in the course of their duties to further their interest or that of others;
- c. All Public Attorneys shall not refuse to advise, assist or represent a client because of the nature of the allegation of the client or because of the Public Attorneys' personal views;
- d. Appear for trial adequately prepared on the law and facts of their cases, the evidence they will adduce, and the order of its preference. They should also be ready with the original documents for comparison with duplicate or photocopies thereof;
- e. Observe strictly the rule on forum shopping;
- f. To file pleadings, memoranda or briefs on time;
- g. Perform such other duties and responsibilities as may be assigned by their immediate superiors or as the circumstances may warrant in the interest of justice.

**Section 9. Punctuality and attendance.** – All Public Attorneys and employees shall be punctual in reporting to office. They shall faithfully observe the regular eight working hours as well as hours prescribed for inquest duties and custodial investigation assistance. Infractions of the same shall be administratively sanctioned in accordance with the CSC Resolutions stated hereunder:

- a. CSC Resolution 10-1357. Policy on undertime
  - 1. Any officer or employee who incurs undertime regardless of the number of minutes/hours, ten (10) times a month for at least two months in a semester shall be liable for simple misconduct and/or conduct prejudicial to the best interest of the service, as the case may be; and,

2. Any officer or employee who incurs undertime, regardless of the number of minutes/hours, ten (10) times a month for at least two consecutive months during the year shall be liable for simple misconduct and/or conduct prejudicial to the best interest of the service, as the case may be.

b. CSC Resolution no. 10-1358. Policy on half-day absence

1. Any officer or employee who is absent in the morning is considered to be tardy and is subject to the provisions on habitual tardiness; and,
2. Any officer or employee who is absent in the afternoon is considered to have incurred undertime, subject to the provisions on undertime.

**Section 10. *Sanctions.*** – Any violation of the provisions of this Code shall be dealt with in accordance with the applicable laws, jurisprudence and Civil Service Rules and Regulations.

**Section 11. *Amendment.*** – The provisions of this Code may be amended or modified as may be deemed necessary and to conform to the prevailing laws, rules, regulations and conditions in the service.

**Section 12. *Employee's Undertaking.*** - Each Public Attorney and employee shall be furnished a copy of this Code. Furthermore, each of the said employee shall sign a confirmation receipt indicating the date on which he received a copy of this Code of Conduct. Each of them shall acknowledge that he has read the provisions of this Code, undertake to abide by it at all times and keep abreast of any amendments to the same.

**Section 13. *Repealing Clause.*** - The Code of Conduct shall be suppletory in character to the Public Attorney's office (PAO) Operations Manual. All other issuances inconsistent hereto are likewise repealed, amended or modified accordingly.

**Section 14. *Effectivity.*** – This Code shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Signed in Cebu City for Manila, Metro Manila on the 27<sup>th</sup> of August 2010.

**PERSIDA V. RUEDA-ACOSTA**  
Chief Public Attorney