

H. No. 5921
S. No. 2171

Republic of the Philippines
Congress of the Philippines
Metro Manila

Thirteenth Congress

Third Regular Session

— — —
Begun and held in Metro Manila, on Monday, the twenty-fourth day of
July, two thousand six.

[REPUBLIC ACT NO. 9406]

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:

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

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

- (1) Department Proper;
- (2) Office of the Government Corporate Counsel;
- (3) National Bureau of Investigation;
- (4) Public Attorney's Office (as an attached agency);
- (5) Board of Pardons and Parole;
- (6) Parole and Probation Administration;
- (7) Bureau of Corrections;
- (8) Land Registration Authority;
- (9) Bureau of Immigration; and
- (10) Commission on the Settlement of Land Problems."

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

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

"The PAO shall be an independent and autonomous office, but attached to the Department of Justice in accordance with Section 38(3), Chapter 7 of Book IV of this Code for purposes of policy and program coordination.

"The PAO shall be the principal law office of the Government in extending free legal assistance to

indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.”

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

“SEC. 14-A. *Powers and Functions.* – The PAO shall independently discharge its mandate to render, free of charge, legal representation, assistance, and counselling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases. In the exigency of the service, the PAO may be called upon by proper government authorities to render such service to other persons, subject to existing laws, rules and regulations.”

SEC. 4. Section 15, Chapter 5, Title III, Book IV of Executive Order No. 292, as amended, is hereby further amended to read as follows:

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

“(1) Office of the Chief Public Attorney and two (2) Deputy Chief Public Attorneys to serve as a ‘Deputy Chief Public Attorney for Administration’ and placed in charge of three divisions, namely: Administrative; Financial Planning and Management; and Executive Division, while the other to serve as ‘Deputy Chief Public Attorney for Operations’ and shall be responsible for special and appealed cases; legal research; and field services and statistics upon the designation by the Chief Public Attorney. One of the deputies shall be designated as Deputy Chief Public Attorney for Luzon and the other Deputy Chief Public Attorney for Visayas and Mindanao.

“(2) Six (6) line divisions in the Central Office, namely: Administrative; Financial Planning and Management; Special and Appealed Cases; Legal Research and Statistics; Field Services and Statistics; and Executive Divisions.

“(3) Regional, Provincial, City and Municipal District Offices.”

SEC. 5. Section 16, Chapter 5, Title III, Book IV of Executive Order No. 292, as amended, is hereby further amended to read as follows:

“SEC. 16. *The Chief Public Attorney and Other PAO Officials.* – The PAO shall be headed by a Chief Public Attorney and shall be assisted by two (2) Deputy Chief Public Attorneys. Each PAO Regional Office established in each of the administrative regions of the country shall be headed by a Regional Public Attorney who shall be assisted by an Assistant Regional Public Attorney. The authority and responsibility for the exercise of the mandate of the PAO and for the discharge of its powers and functions shall be vested in the Chief Public Attorney.

“The Office of the Chief Public Attorney shall include his/her immediate staff, the six (6) line divisions in the Central Office, the Deputy Chief Public Attorneys and the Regional, Provincial, City and Municipal District Offices.

“The Chief Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the Chief State Prosecutor of the National Prosecution Service. The Deputy Chief Public Attorneys shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of the

Assistant Chief State Prosecutor of the National Prosecution Service.

“The services herein created shall each be headed by a staff director who shall have the same qualifications for appointment, rank, salaries, allowances and privileges as those of staff director of the National Prosecution Service.

“Each of the PAO Regional Offices shall be headed by a Regional Public Attorney who shall be assisted by an Assistant Regional Public Attorney. The regional offices shall have such provincial, city, and municipal district offices as may be necessary.

“The Regional Public Attorney and the Assistant Regional Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances, and retirement privileges as those of a Regional State Prosecutor and the Assistant Regional State Prosecutor of the National Prosecution Service, respectively.

“The Provincial Public Attorney, City Public Attorney and the Municipal District Public Attorney shall have the same qualifications for appointment, rank, salaries, allowances and retirement privileges as those of a Provincial Prosecutor and City Prosecutor as the case may be, of the National Prosecution Service, respectively.

“The other administrative personnel in the PAO shall have the rank and salaries equivalent to their counterpart in the National Prosecution Service.”

SEC. 6. New sections are hereby inserted in Chapter 5, Title III, Book IV of Executive Order No. 292 to read as follows:

“SEC. 16-A. *Appointment.* – The Chief Public Attorney and the Deputy Chief Public Attorneys shall be appointed by the President. The Deputy Chief Public Attorneys and Regional Public Attorneys shall be appointed by the President upon the recommendation of the Chief Public Attorney. The Chief Public Attorney, Deputy Chief Public Attorneys and Regional Public Attorneys shall not be removed or suspended, except for cause provided by law: *Provided,* That the Deputy Chief Public Attorneys, the Regional Public Attorneys and the Assistant Regional Public Attorneys, the Provincial Public Attorneys the City Public Attorneys, and the Municipal District Public Attorneys shall preferably have served as Public Attorneys for at least five (5) years immediately prior to their appointment as such. The administrative and support personnel and other lawyers in the Public Attorney’s Office shall be appointed by the Chief Public Attorney, in accordance with civil service laws, rules and regulations.”

“SEC. 16-B. *Vacancy of Office.* – In case of death, permanent incapacity, removal or resignation of the incumbent Chief Public Attorney, Deputy Chief Public Attorneys or Regional Public Attorneys or vacancy thereof, the President shall appoint a new Chief, Deputy Chief or Regional Public Attorney or shall designate one, as the case may be, in an acting capacity until a new one shall have been appointed.

“In case of temporary absence of the Chief Public Attorney, the latter may designate an Officer-in-Charge to be a caretaker of the Office.”

“SEC. 16-C. *Incumbent Officials and Personnel.* – The incumbent officials and personnel of the Public Attorney’s Office shall continue holding his/her position without the need of new appointment.

“SEC. 16-D. *Exemption from Fees and Costs of the Suit.* – The clients of the PAO shall be exempt from payment of docket and other fees incidental to instituting an action in court and other quasi-judicial bodies, as an original proceeding or on appeal.

“The costs of the suit, attorney’s fees and contingent fees imposed upon the adversary of the PAO clients after a successful litigation shall be deposited in the National Treasury as trust fund and shall be disbursed for special allowances of authorized officials and lawyers of the PAO.”

“SEC. 16-E. *Local Government Support.* – Local government units, subject to their capabilities, are authorized to extend financial and other support in the form of honoraria, free office space, equipment, furniture, stationery, and manpower to the PAO.”

“SEC. 16-F. *Franking Privilege.* – The PAO may transmit through ordinary mail and/or registered mail with return card, free of charge, all official communications and papers directly connected with the conduct of its duties, functions and/or its exercise of administrative supervision over its personnel.

“The envelope or wrapper of the privileged mail matter shall bear on the left upper corner ‘Public Attorney’s Office’ together with its address and on the right upper corner, the word ‘Private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both.’”

SEC. 7. *Ratio of Public Attorney’s Position to an Organized Sala.* - There shall be a corresponding number of public attorney’s positions at the ratio of one public attorney to an organized sala and the corresponding administrative support staff thereto.

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

“SEC. 41. *Officers Authorized to Administer Oaths.*
– The following officers have general authority to administer oaths: President; Vice President, Members and Secretaries of both Houses of Congress; Members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of court; registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; PAO lawyers in connection with the performance of duty; and notaries public.”

“Sec. 42. *Duty to Administer Oaths.* – Officers authorized to administer oaths, with the exception of notaries public, municipal judges and clerks of courts are not obliged to administer oaths or execute certificates save in matters of official business or in relation to their functions as such; and with the exception of notaries public, the officer performing the service in those matters shall charge no fee, unless specifically authorized by law.”

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

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

SEC. 10. *Effects of Subsequent Salary Increases.* - Upon implementation of any subsequent increases in the salary rates provided under Republic Act 6758, as amended, all special allowances granted under Section 9 hereof shall be considered as an implementation of the said salary increases as may be provided by law. The special allowance equivalent to the increase in the basic salary as may be provided by law shall be converted as part of the basic salary.

SEC. 11. *Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current fiscal year's appropriations under the budget of the PAO. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 12. *Implementing Rules and Regulations.* - Within ninety (90) days from the approval of this Act, the DBM and the PAO shall adopt and issue the rules and regulations for the effective implementation of this Act.

SEC. 13. *Repealing Clause.* - All laws, executive orders, presidential decrees, presidential proclamations, letters of implementation, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

SEC. 15. *Effectivity.* - This Act shall take effect upon its approval fifteen (15) days following its publication in the *Official*

Gazette or in two newspapers of general circulation in the Philippines.

Approved,

MANNY VILLAR
President of the Senate

JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 5921 and Senate Bill No. 2171 was finally passed by the House of Representatives and the Senate on February 8, 2007.

OSCAR G. YABES
Secretary of the Senate

ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

Approved:

GLORIA MACAPAGAL-ARROYO
President of the Philippines