



Republic of the Philippines

CITY OF BACOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

AN ORDINANCE REORGANIZING THE OFFICE OF THE CITY LEGAL SERVICE OF THE CITY OF BACOR, TRANSFERRING CERTAIN POSITIONS IN THE SAID OFFICE TO THE CITY SOCIAL WELFARE AND DEVELOPMENT OFFICE (CSWDO), AND FOR OTHER RELATED PURPOSES.

CITY ORDINANCE NO. CO 29-2016

Series of 2016

Sponsored by:

Sponsored by: **Hon. Miguel N. Bautista, Hon. Rowena B. Mendiola, Hon. Venus De Castro, Hon. Reynaldo M. Fabian, Hon. Victorio Guerrero, Jr., Hon. Robert R. Javier, Hon. Gaudencio P. Nolasco, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, and Hon. Reynaldo D. Palabrica,**

WHEREAS, the Office of the City Legal Service was created by virtue of Section 36 of Republic Act No. 10160 (the "Charter of the City of Bacoor") and was mandated under the said law to provide legal services to the people of the city and to the various departments and units of the city government.

WHEREAS, a number of laws and city ordinances have not been properly implemented because of the lack of lawyers under the employ of the city government who can provide effective, timely, and reliable legal advise and support to the various departments and units under the Office of the City Mayor.

WHEREAS, the Office of the City Legal Service, as presently constituted, is undermanned and is improperly organized thereby making it ineffective in fully implementing its above-mentioned mandate.

WHEREAS, Section 16 of Republic Act No. 7160 (the "Local Government Code of 1991") provides that: "every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

WHEREAS, Section 76 of RA 7160 empowered local government units to design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission (CSC).



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WHEREAS, the reorganization of the Office of the City Legal Service shall make it a more effective instrument of the city government in upholding law and order in the city and in the delivery of quality legal services to its constituents.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod in regular session duly assembled THAT:

ARTICLE I

Preliminary Provisions

Section 1. Short Title. This Ordinance shall be referred to and cited as the "**City Legal Services Reorganization Ordinance of 2016**".

Section 2. City Government Policy. It shall be the policy of the city government to provide high-quality, effective, and free legal services to all of its constituents, provide effective legal support to various city government departments and units in the implementation of various laws and ordinances, and root out inefficiency and corruption in the city government through the effectual implementation of the legal mandate of the Office of the City Legal Service (the "Office") under the Charter of the City of Bacoor.

Section 3. Definition of Terms. The following words, terms and phrases shall be defined as follows:

(a) "**Confidential information**" means any information, relative to any case, suit, controversy, meeting or conference expressly intended by the source of such information not to be disclosed, or obtained under circumstances that would create a reasonable expectation on behalf of the source that the information shall not be disclosed. It shall include (1) communication, oral or written, made in dispute resolution proceedings, including any memoranda, notes or work product of the neutral party or non-party participant in such proceedings; (2) an oral or written statement made or which occurs during mediation or for purposes of considering, conducting, participating, initiating, continuing or reconvening mediation or retaining a mediator; and (3) pleadings, motions, manifestations, witness statements, reports filed or submitted in an arbitration or for expert evaluation;

(b) "**Conflict of Interest**" as used in this Ordinance, shall refer to any situation where a lawyer under the employ of the Office of the City Legal Service (the "Office"): [1] is related up to the fourth civil degree by affinity or consanguinity to any party in a dispute, case, or legal action to be handled, or being handled, by the said counsel, [2] is the kumpadre, kumadre, ninong, or ninang of any of the parties in a dispute, case, or legal action to be handled, or being handled, by the said counsel, [3] have worked for, or on behalf of, any party in a dispute, case, or legal action to be handled, or being handled, by the said counsel, [4] have gone into business with any party in a dispute, case, or legal action to be handled, or being handled, by the said counsel, [5] have any pecuniary interest, or would realize such



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pecuniary interest, from the outcome of a dispute, case, or legal action to be handled, or being handled, by the said counsel, [6] belongs to the same fraternity or sorority as any party to a dispute, case, or legal action to be handled, or being handled, by the said counsel, [7] any situation analogous to the foregoing that hinders or affects the impartiality or objectivity of such legal counsel.

(c) **"Private Legal Practice"** is the engagement or participation of any lawyer under the employ of the Office in any case, dispute, suit, action, or legal controversy -- with or without any compensation or remuneration -- that does not involve the city government or any of its officials or employees in their official capacity including taking on the practice of a notary public.

Section 4. Rules on Interpretation. In case a conflict in the interpretation hereof arises between the English version of this ordinance and its Filipino translation, the provisions of this ordinance and its annexes appearing in English shall prevail.

The following rules shall be observed in the interpretation of this ordinance:

4.1. Words used in singular also include the plural. The reverse is also true;

4.2. Words used in the present tense shall also include the past tense. The reverse is also true;

4.3. The words "must", "shall", "will" and "may not" as used in this ordinance are mandatory;

4.4. The word "may" is permissive while "should" is advisory and not mandatory or required;

4.5. When used with numbers, "Up to X," "not more than X" and "a maximum of X" all include X;

4.6. Words or phrases not defined herein shall be interpreted in the context it was used in this ordinance and in consideration of the reason why the Sangguniang Panlungsod used the said terms;

4.7. In interpreting words and phrases not defined herein, the meaning of the said terms as popularly understood at the time the ordinance was approved shall be used;

4.8. Any word, phrase, or term not enumerated above but used in this ordinance shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2015 edition of Merriam-Webster Dictionary; and

4.9. Unless otherwise specified, any reference to the male gender in any provision of this ordinance shall also include the female



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gender and vice versa.

Section 5. Date of Effectivity. This Ordinance shall take effect immediately after it has been published at least once in a newspaper of general circulation and after the Sangguniang Panlalawigan of the Province of Cavite has approved it.

Section 6. Automatic Review. The Sangguniang Panlungsod shall automatically review this Ordinance once every three (3) years after its approval or whenever the need for such review arises.

Section 7. Repeal Clause. All ordinances, resolutions, executive orders, memoranda and other issuances in conflict with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 8. Separability Clause. Any provision of this Ordinance nullified by any court of law shall not affect the validity of the remaining provisions hereof not affected by the said judicial declaration.

ARTICLE II

The Reorganization of the Office of the City Legal Service

Section 9. Transfer of Two Attorney III Positions to the City Social Welfare and Development Office. The two (2) positions of Attorney III under the plantilla of the Office of the City Legal Service are hereby laterally transferred to the City Social Welfare and Development Office (CSWDO) without any loss of benefits or seniority rights to the employees who may have been appointed to the said positions at the time of effectivity hereof. The said transfer shall take effect upon the date of effectivity of this Ordinance.

Section 10. Duties and Responsibilities of Lawyers Occupying the Position of Attorney III Transferred to the CSWDO. The lawyers presently occupying the Attorney III positions to be transferred to the CSWDO shall have the following duties and responsibilities:

10.1. Courteously give free legal advice and other legal services to any person who seeks assistance from the CSWDO;

10.2. Represent for free, any natural person, duly referred or assigned by the CSWDO, in cases or legal controversy arising from, or in relation to, the implementation of Republic Act No. 9262, Republic Act No. 7610, Republic Act No. 8505, and any other law or ordinance affecting children, women, or gender equality rights before any court, office, or tribunal;

10.3. Provide timely, effective, and proper legal advice to the Head of the CSWDO on any legal matter or controversy affecting her/his office;



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10.4. Refrain from disclosing, sharing, reproducing, or selling any confidential information to any third party-- with the exception of the Head of the CSWDO and the City Legal Officer -- without the written consent of the person being represented, or the parent/s or guardian/s of any child or mentally incapacitated person, they are representing;

10.5. Refrain from charging, collecting, demanding, requesting, receiving, or accepting any fee or remuneration from any person who may have received, or would receive, any legal advice or legal service from them;

10.6. Refrain from engaging in any private legal practice without the prior express written consent of the Head of the CSWDO. **Provided**, that the Head of the CSWDO may allow the said lawyers to engage in private legal practice subject to the following limitations:

a. The said lawyers must first obtain the prior express written permission of the Head of the CSWDO on a per case basis before they can engage in any private legal practice, or those cases not referred by the CSWDO, or represent any person not employed by the city government;

b. The said lawyers shall not attend more than one hearing per week in relation to any of the cases they are handling in relation to their private legal practice;

c. The said lawyers shall submit a monthly report on the private cases they are handling including the hearing dates of the subject case/s, the titles and case numbers of the said cases, as well as the venue thereof to the Head of the CSWDO and to the City Legal Officer;

d. They shall prioritize the cases and tasks referred to them by the Head of the CSWDO over the cases they are handling as part of their private legal practice;

e. They shall not use the offices, equipment, personnel or office supplies of the CSWDO, or that of the City Government, in the furtherance of their private legal practice;

f. They shall not accept or handle any case where a conflict of interest situation exists as defined in this Ordinance;

g. They shall not do anything in relation to their private legal practice that may adversely affect the operation or public image of the CSWDO in particular and the city government in general; and

h. They shall regularly report for work from 8:00 o'clock in the morning up to and until 5:00 o'clock in the afternoon from Monday through Friday unless they will attend a court hearing or other field



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work or appearance duly assigned and with prior written approval by the CSWDO or the City Legal Officer, as the case may be.

10.7. Report at least once a month to the City Legal Officer on the status of the various cases referred to them by the Head of the CSWDO and comply with any written directive given to them by the City Legal Officer on how to handle or prosecute the said cases;

10.8. Submit written and signed status reports to the Head of the CSWDO and to the City Legal Officer within two (2) working days after any hearing, meeting or conference they attended in relation to any case referred to them by the CSWDO;

10.9. Perform any other task or duty assigned to them by the City Mayor or by the Sangguniang Panlungsod by way of an ordinance; and

10.10. Promptly comply with any task assigned to them by the Head of the CSWDO in relation to the performance of the foregoing duties and responsibilities.

Section 11. Creation of Various Positions. The following **coterminous** positions are hereby created under the Office of the City Legal Service:

Position Title	No. of Positions Created	Salary Grade	Minimum Qualifications
Attorney IV	1	23	Graduate of Bachelor of Laws from a reputable university or college, member of the Philippine Bar in good standing, with at least two (2) years of court litigation practice, with updated Mandatory Continuing Legal Education (MCLE) units, have not been previously convicted of any crime involving moral turpitude, of good moral



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			character
Attorney III	5	21	Graduate of Bachelor of Laws from a reputable university or college, member of the Philippine Bar in good standing, with at least one (1) year of court litigation practice, with updated Mandatory Continuing Legal Education (MCLE) units, have not been previously convicted of any crime involving moral turpitude, of good moral character

Section 12. Passing Competitive Examinations Requisite for Hiring.

Aside from passing the requirements of the Personnel Selection Board (PSB), the lawyers to be hired for the positions created under the preceding section must also pass written competitive examinations to be given, checked, and reviewed by the City Legal Officer, the HRDMD Manager, and the City Administrator before he/she can be appointed by the City Mayor.

Section 13. Duties of the Lawyer to be Appointed as Attorney IV. The lawyer who shall be appointed to the position of Attorney IV as created under Section 11 hereof shall have the following duties:

13.1. Perform the duties of the City Legal Officer in the event of the latter's absence, leave, incapacity, resignation, retirement, or termination;

13.2. Monitor the attendance in hearings and mandatory conferences of all lawyers under the Office of the City Legal Service and all other lawyers assigned to other departments and units of the city government -- with the exception of the Sangguniang Panlungsod Secretary -- who have been tasked to handle any case, dispute, or legal controversy involving the city government, city government employee/s or official/s, or any client of any city government department or unit such as the City Environment and Natural Resources Office (CENRO), among others;



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13.3. Review, receive, collate, and file all written status reports submitted by all lawyers under the Office of the City Legal Service and all other lawyers assigned to other departments and units of the city government -- with the exception of the Sangguniang Panlungsod Secretary -- who have been tasked to handle any case, dispute, or legal controversy involving the city government, city government employee/s or official/s, or any client of any city government department or unit;

13.4. Report or bring to the attention of the City Legal Officer, any matter that may affect the performance of the duties of the Office of the City Legal Service or the interests of the city government or of any of the latter's departments, units, employees, or officials;

13.5. Schedule weekly case conferences to be attended by the City Legal Officer, all the lawyers under the Office of the City Legal Service, and all other lawyers assigned to other departments and units of the city government -- with the exception of the Sangguniang Panlungsod Secretary -- who have been tasked to handle any case, dispute, or legal controversy involving the city government, city government employee/s or official/s, or any client of any city government department or unit;

13.6. Review and edit all pleadings drafted by all the lawyers under the Office of the City Legal Service, and all other lawyers assigned to other departments and units of the city government -- with the exception of the Sangguniang Panlungsod Secretary -- who have been tasked to handle any case, dispute, or legal controversy involving the city government, city government employee/s or official/s, or any client of any city government department or unit before the said pleadings are filed and submit the edited/revised version of the said pleadings for final approval by the City Legal Officer;

13.7. Assist the City Legal Officer in monitoring, assessing, and rating the performance of all the lawyers under the Office of the City Legal Service, and all other lawyers assigned to other departments and units of the city government -- with the exception of the Sangguniang Panlungsod Secretary -- who have been tasked to handle any case, dispute, or legal controversy involving the city government, city government employee/s or official/s, or any client of any city government department or unit; and

13.8. Perform any other task or function that may be assigned to him/her by the City Legal Officer, the City Mayor, or by the Sangguniang Panlungsod by way of an ordinance.

Section 14. Duties of Lawyers to be Appointed as Attorney III Under the City Legal Services Office. The lawyers who shall be appointed in a coterminous capacity to the position of Attorney III under the Office of the City Legal Service by virtue of Section 11 hereof shall have the following duties:



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14.1. Courteously give free legal advice and other legal services to any person who seeks assistance from the any department or unit of the city government;

14.2. Represent for free any city government employee or official who may face any suit or legal controversy arising from the implementation of any law or ordinance before any court, office, or tribunal;

14.3. Provide timely, effective, and proper legal advice to the Head of any department or unit of the city government on any legal matter or controversy affecting her/his office;

14.4. Refrain from disclosing, sharing, reproducing, or selling any confidential information to any third party without the written consent of the person who disclosed the said information in relation to a case, suit, or legal controversy brought to the attention, recounted to, being handled by, or that was handled by the said lawyer in relation to the discharge of his official duties;

14.5. Assist the Head of any unit or department of the city government in the implementation of any law or ordinance particularly in the drafting and service of notices of violation, in the enforcement of such laws or ordinances, in training the personnel of such department/s or unit/s in the proper implementation or enforcement of various laws or ordinances, in the filing of the complaints related to such enforcement or implementation before the proper legal venue, and in the prosecution of any person who violates any law or ordinance in the proper legal forum;

14.6. Refrain from charging, collecting, demanding, requesting, receiving, or accepting any fee or remuneration from any person who may have received, or would receive, any legal advice or legal service from them;

14.7. Refrain from engaging in any private legal practice without the express written consent of the City Legal Officer. **Provided**, that the City Legal Officer may allow the said lawyers to engage in private legal practice subject to the following limitations:

a. The said lawyers must first obtain the prior express written permission of the City Legal Officer on a per case basis before they can engage in any private legal practice or represent any person not employed by the city government;

b. The said lawyers shall not attend more than one hearing per week in relation to any of the cases they are handling in relation to their private legal practice;

c. They shall submit a monthly report of the private case/s they are handling including the hearing dates of the subject case/s, the



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titles and case numbers of the said cases, as well as the venue thereof to the City Legal Officer;

d. They shall prioritize the cases and tasks referred to them by the City Legal Officer or by the Head of any department or unit to which they have been assigned over the cases they are handling as part of their private legal practice;

e. They shall not use the offices, equipment, personnel or office supplies of the Office of the City Legal Service or of any department or unit of the city government in the furtherance of their private legal practice;

f. They shall not accept or handle any case where a conflict of interest situation exists as defined in this Ordinance; and

g. They shall not do anything in relation to their private legal practice that may adversely affect the operation or public image of the Office of the City Legal Service in particular and the city government in general.

h. They shall regularly report for work from 8:00 o'clock in the morning up to and until 5:00 o'clock in the afternoon from Monday through Friday unless they will attend a court hearing or other field work or appearance duly assigned and with prior written approval by the City Legal Officer.

14.8. Report at least once a month to the City Legal Officer on the status of the various cases assigned to them by the Head of the Department or Unit assigned to them or by the City Legal Officer and comply with any written directive given to them by the City Legal Officer on how to handle or prosecute the said cases;

14.9. Submit written and signed status reports to the City Legal Officer within two (2) working days after any hearing, meeting or conference they attended in relation to any case referred to them by the City Legal Officer or by the Head of the department or unit to which they have been assigned;

14.10. Perform any other task or duty assigned to them by the City Mayor or by the Sangguniang Panlungsod by way of an ordinance; and

14.11. Promptly comply with any task assigned to them by the City Legal Officer or by the Head of the department or unit of the city government to which they have been assigned in relation to the performance of the foregoing duties and responsibilities.

Section 15. City Legal Officer to Create Department/Unit Clusters and Assign Necessary Legal Personnel. In order to maximize the effectiveness of



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the Office of the City Legal Service in assisting the various departments and units of the city government in the enforcement of various laws and ordinances, the City Legal Officer is hereby empowered to form clusters from the various departments and units of the city government that have been given enforcement powers by law or ordinance. The City Legal Officer is also hereby authorized to assign any of the lawyers to be appointed to the position of Attorney III as created under Section 11 hereof to any of the said clusters. **Provided**, that no other lawyer from the Office of the City Legal Service shall be assigned to the CSWDO by virtue of Sections 9 and 10 hereof.

Section 16. Abolition of the position of the Supervising Administrative Officer. In line with the reorganization of the Office of the City Legal Service and by reason of the creation of the position of Attorney IV pursuant to the provisions of Section 13 hereof, the position of the Supervising Administrative Officer, as appearing in the current plantilla of position of the Office of the City Legal Service, is hereby being declared abolished.

Section 17. Retention of All Other Permanent Positions Under the Plantilla of the Office of the City Legal Service. The following positions existing under the plantilla of the Office of the City Legal Service, and the persons who have been validly appointed to the said positions at the time of approval of this Ordinance, are hereby retained:

- 17.1. Administrative Officer II – SG 11
- 17.2. Legal Assistant I – SG 10 (4 positions)
- 17.3. Legal Aide – SG 5 (2 positions)
- 17.4. Administrative Aide III (Driver II) – SG 3
- 17.5. Administrative Aide II (Messenger) – SG 2

Article III

Penal Provisions

Section 18. Administrative Penalties. The following administrative penalties shall be imposed against any person who violates any provision of this Ordinance subject to pertinent civil service rules and regulations and the requirements of due process:

First Offense

Written warning and thirty (30) day suspension without pay

Second Offense

Termination from service



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APPROVED this 23rd day of June 2016 during the 17th special session of the Sangguniang Panlungsod at the City of Bacoor, Cavite.

DISTRICT I COUNCILORS

ABSENT

HON. AVELINO B. SOLIS

ABSENT

HON. EDWIN G. GAWARAN


HON. MIGUEL N. BAUTISTA


HON. ROWENA B. MENDIOLA


HON. REYNALDO M. FABIAN


HON. VENUS D. DE CASTRO

DISTRICT II COUNCILORS


HON. REYNALDO D. PALABRICA

ABSENT

HON. HERNANDO C. GUTIERREZ


HON. GAUDENCIO P. NOLASCO


HON. BAYANI M. DE LEON


HON. LEANDRO A. DE LEON


HON. ROBERT R. JAVIER


HON. VICTORIO GUERRERO, JR.
ABC President



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I hereby certify that the foregoing Ordinance have been duly approved by the Sangguniang Panlungsod and that all of its contents are true and correct.

Certified by:

HON. REYNALDO D. PALABRICA
Acting Presiding Officer/
President Pro-Tempore

Attested by:

ATTY. KHALID A. ATEGA JR.
Sangguniang Panlungsod Secretary

Approved by:

HON. CATHERINE S. EVARISTO
Acting City Mayor

Date of Approval: JUN 29 2016