



Republic of the Philippines
Department of Education

FEB 0 1 2012

DepEd O R D E R
No. **11**, s. 2012

AUTHORITY AND GUIDELINES ON THE HIRING OF LEGAL CONSULTANTS

To: Undersecretaries
Assistant Secretaries
Regional Directors
Schools Division/City Superintendents
All Others Concerned

1. The Department of Education (DepEd), being the biggest government organization in the Philippines, administers seventeen (17) regions, two hundred (200) divisions, forty-three thousand two hundred four (43,204) public elementary and secondary schools and more than one thousand (1,000) personnel in the Central Office (CO). Due to the volume of legal and legislative works and the difficulty in filling-up of the Legal Officer item in the CO, the Regional Offices (ROs), and the Division Offices (DOs), Office of the Secretary (OSec), Undersecretaries (USecs), Assistant Secretaries (ASecs), Regional Directors (RDs) and Schools Division/City Superintendents (SDSs) are hereby authorized to hire legal consultants, subject to the enclosed guidelines.
2. All other previous and existing orders/memoranda inconsistent with this Order are amended.
3. All Contracts of Legal Consultancy and Services shall be treated with the highest degree of confidentiality.
4. Immediate dissemination of and strict compliance with this Order is directed.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:

As stated

Reference:

DECS Order: No. 15, s. 1999

To be indicated in the Perpetual Index
under the following subjects:

AUTHORITY
OFFICIALS
POLICY
QUALIFICATIONS

GUIDELINES ON THE HIRING OF LEGAL CONSULTANTS

1. The authorized number of legal consultants are found below:
 - a. The Secretary, as well as, the Undersecretaries and the Assistant Secretaries of DepEd may hire as many legal consultants as may be approved by the Secretary;
 - b. The Regional Director (RD) may hire one (1) Legal Consultant for the Regional Office (RO); and
 - c. The Schools Division Superintendent (SDS) may hire one (1) Legal Consultant for the Division Office (DO).

2. The minimum Qualification Standard (QS) of a legal consultant are the following:
 - a. member of the Philippine Bar;
 - b. member of the Integrated Bar of the Philippines (IBP) of good standing;
 - c. five (5) years experience in the practice of law;
 - d. two (2) years experience in trial practice; and
 - e. a resident of the region where the DepEd office to be served is located.

3. Services to be rendered by a legal consultant are as follows:
 - a. renders legal opinion and advice on all matters affecting the government and proprietary functions of the government;
 - b. acts as legal adviser and/or hearing officer to assist in fact-finding and/or formal investigation committees conducting hearings on administrative cases and other cases involving third parties over which the Department has supervision;
 - c. prepares and submits comments on reports of hearings on cases within the jurisdiction of the Department;
 - d. monitors, assists and coordinates with the Office of the Solicitor-General in cases filed by or against the Department and its officials before the court and administrative tribunals, and appears as counsel of the Department or its officials before the said courts and tribunals with deputization from the said office;
 - e. attends and participates in periodic and special meetings and conferences called by the Secretary;
 - f. prepares and reviews contracts or Memorandums of Agreements (MOAs) for the Secretary, USecs and Asecs, RDs, SDSs;
 - g. does legal research study/work on matters assigned to him/her for legal opinion and prepares communications for the Secretary, Undersecretaries, Assistant Secretaries, Regional Directors and Schools Division/City Superintendents;
 - h. submits a Monthly Report of Accomplishment to the Department; and
 - i. performs such other related functions and duties as may be assigned from time to time by the Head of the DepEd Office concerned.

4. Time to Render and Limitations on External Practice by a legal consultant

The legal consultant shall devote substantial time in the service of the DepEd Office concerned and may only undertake limited external employment with the express consent of the DepEd Office concerned.

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5. Remuneration and Travelling Allowance

- a. The remuneration to be paid on a monthly basis to a legal consultant shall be as follows:

DepEd Office	Remuneration
Offices of the Secretary, Undersecretaries and Assistant Secretaries	PhP30,000 to PhP50,000/mo.
Office of the Director DepEd Regional Office	PhP20,000 to PhP35,000/mo.
Office of the Schools Division/City Superintendent	PhP15,000 to PhP25,000/mo.

- b. The consultants' remuneration shall be inclusive of all benefits accruing for the services rendered. Thus, they shall not be entitled to any other benefits otherwise accruing to a regular personnel of the government.
- c. The remuneration prescribes the minimum and maximum amount to be paid to a legal consultant depending on his/her work experiences, workload and assigned tasks, substantial time rendered in the performance of his/her duties and functions and the quality of services rendered.
- d. Reasonable travelling allowances shall be allowed in the performance of the legal consultant's assigned tasks.

Payment of remuneration and travelling allowance of legal consultants in the Central Office (CO) shall be subject to availability of funds as certified by the Budget Division, while those in the Regional and Division Offices shall be charged to their respective Maintenance and Other Operating Expenses (MOOE), subject to existing accounting and auditing rules and regulations.

6. Contract Period

The contract period for legal consultancy and service shall be six (6) months from the date when the contract is approved by the Secretary/RD/SDS unless sooner terminated by either party subject to a thirty (30) day notice, and may be renewed subject to the discretion of the hiring authority of the DepEd Office concerned.

7. Pro-forma Contract

The Contract for Legal Consultancy and Service contained in Enclosure No. 2 shall also be the contract form to be used for hiring a legal consultant.

8. Condition Precedent in the Hiring of Legal Consultants

Prior to the hiring of a legal consultant, the Central Office, RO and DO of the Department shall ensure at all times that the directive stated in the Commission on Audit (COA) Circular No. 98-002 dated June 9, 1998 is strictly complied with.

The written conformity and acquiescence of the Solicitor General shall first be secured before the hiring of a legal consultant in the CO, RO, and DO.

9. Procedure to be followed for the approval of the Contract for Legal Consultancy and Service are as follows:

a. In the DepEd Central Office (CO)

- (1) The Office of the Secretary (OSec) through the Office of the USec for Legal and Legislative Affairs shall accept, screen and choose the applicant for legal consultant;
- (2) The USec for Legal and Legislative Affairs shall review the contract and the qualifications of the applicant and recommend the approval/disapproval of said contract to the Secretary and/or the USec for Finance and Administration;
- (3) The USec for Legal and Legislative Affairs, the USec for Finance and Administration and the chosen applicant, with two (2) instrumental witnesses, shall sign five (5) copies of the Contract for Legal Consultancy and Service; and
- (4) The USec for Legal and Legislative Affairs shall retain copies of the signed Contract for Legal Consultancy and Service, duly notarized, together with the bio-data of the applicant and transmit a copy to the Personnel Division and the Office of the Secretary for ready reference.

b. In the Regional and Division Offices:

- (1) The RD/SDS shall accept, screen and choose the applicant for legal consultant;
- (2) The RD/SDS shall review the contract and the qualifications of the applicant for legal consultant;
- (3) The RD/SDS and the chosen applicant, with two (2) instrumental witnesses, shall sign five (5) copies of the Contract for Legal Consultancy and Service; and
- (4) The RD/SDS shall retain copies of the signed Contract for Legal Consultancy and Service, duly notarized, together with the bio-data of the applicant and transmit a copy thereof to the Personnel Division and the Office of the Secretary for ready reference.

-nothing follows-