



REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES

KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS
DEPARTMENT OF EDUCATION, CULTURE AND SPORTS

DECS Complex, Manila Avenue
Pasig, 1500



Sama-Sama
sa DECS

Tanggapan ng Kalihim
Office of the Secretary

February 18, 1999

DECS ORDER
No. 15, s. 1999

AUTHORITY AND GUIDELINES IN HIRING LEGAL CONSULTANTS

To: Undersecretary
Assistant Secretaries
Regional Directors
Schools Division Superintendents

1. Authority to Hire Legal Consultants

Due to the volume of legal work in the Department and the difficulty in filling-up Legal Officer items, the Undersecretary and Assistant Secretary for Legal Affairs, the Regional Directors and Schools Division Superintendents are hereby authorized to hire legal consultants subject to the guidelines herein stipulated.

2. Guidelines in Hiring Legal Consultants

a. Authorized Number of Legal Consultants

- 1) The Offices of the Undersecretary and the Assistant Secretary for Legal Affairs may hire as many legal consultants as may be approved by the Secretary.
- 2) The Regional Director may hire one (1) Legal Consultant for the Regional Office.
- 3) The School Division Superintendent may hire one (1) Legal Consultant for the Division Office.

b. Minimum Qualification Standards of a Legal Consultant

- 1) Member of the Philippine Bar;
- 2) Member of the Integrated Bar of the Philippines in good standing;
- 3) Five (5) years experience in the practice of law;
- 4) Two (2) years experience in trial practice; and
- 5) A resident of the place where the DECS office to be served is located.

c. **Services to be Rendered by a Legal Consultant**

- 1) To render legal opinion and advice to the DECS Office concerned on all matters affecting its governmental and proprietary functions;
- 2) To act as legal adviser to Fact-Finding Investigation Committees and/or Formal Investigation Committees conducting hearings on administrative cases involving personnel of the DECS Office concerned or those involving private schools and their clients under the supervision of the DECS Office concerned;
- 3) To prepare comments on reports of hearings on administrative cases conducted within the DECS Office concerned;
- 4) To monitor, coordinate and assist the legal staff of the Office of the Solicitor General (OSG) in cases filed by or against the DECS Office concerned and its officials before the courts and administrative tribunals; and, with deputation from the OSG, to appear as regular counsel or lawyer of the DECS Office concerned or its officials before the trial and appellate courts;
- 5) To attend and participate in periodic meetings and conferences called by the DECS Undersecretary and Assistant Secretary for Legal Affairs involving legal and administrative problems posed by cases involving DECS;
- 6) To submit a monthly report of accomplishment to the Office concerned, copy furnish the Assistant Secretary for Legal Affairs, and;
- 7) To perform such other functions and duties as may be directed by the Head of the DECS Office concerned.

d. **Time to Render and Limitation on External Practice by a Legal Consultant**

The Legal Consultant shall devote substantial time in the service of the DECS Office concerned and must undertake limited external employment with the expressed consent of the DECS Office concerned.

e. **Honorarium and Travelling Allowance**

- 1) The Honorarium to be paid to a Legal Consultant shall be as follows:

DECS Office	Honorarium
Offices of the Undersecretary and Assistant Secretary for Legal Affairs.	P5,000 to P20,000/mo

Office of the Director
DECS Regional Office P5,000 to P15,000/mo.

Office of the Schools
Division Superintendent P5,000 to P10,000/mo.

- 2) Reasonable travelling allowances shall be allowed in the performance of the Legal Consultant's assigned tasks.
- 3) The expense account for the honorarium and allowances shall be: 3-01-700 - Consultants and Specialists' Fees and Allowances.

f. Contract Period

The contract for legal consultancy and service shall be for a period of one (1) year from date the contract is approved by the Office of the Secretary, unless sooner terminated.

g. Pro-forma Contract

The pro-forma contract for legal consultancy and service attached herein as Annex "A" shall be the contract form to be used for the hiring of a Legal Consultant.

h. Procedure to be followed for the approval of the contract for Legal Consultancy and Service

- 1) The Head of the DECS Office concerned shall screen and choose the applicant for Legal Consultant.
- 2) The Head of the DECS Office concerned and the chosen applicant shall sign five (5) copies of the contract for Legal Consultancy and Service.
- 3) The Head of the DECS Office concerned shall transmit all the copies of the signed contract for Legal Consultancy and Service together with the bio-data of the applicant to the Office of the Secretary through the Office of the Assistant Secretary for Legal Affairs.
- 4) The Assistant Secretary for Legal Affairs shall review the contract and the qualifications of the applicant and recommend the approval/disapproval of said contract to the Secretary.
- 5) The Secretary shall sign the copies of the contract, if he approves the same or leaves them unsigned, if he disapproves the same and shall return the contract to the Office of the Assistant Secretary for Legal Affairs.
- 6) The Office of the Assistant Secretary of Legal Affairs shall retain a copy of the contract and shall transmit the contract to the Head of the DECS Office concerned.

- 7) The Head of the DECS Office concerned shall cause the contract to be notified and shall furnish the Office of the Assistant Secretary for Legal Affairs with a duplicate original for its file.

This Order takes effect immediately.

Andrew Gonzalez
ANDREW GONZALEZ, FSC
Secretary

Incl.:
As stated

Reference:
None

Allotment: 1—(D.O. 50-97)

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

AUTHORITY
OFFICIALS
POLICY
QUALIFICATIONS



Tanggapan ng Katatnan
Office of the Secretary

REPUBLIKA NG PILIPINAS
REPUBLIC OF THE PHILIPPINES
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DEPARTMENT OF EDUCATION, CULTURE AND SPORTS
DECS Complex, Meo Nue Avenue
Pasig City, Philippines



Sama-Sama
sa DECS

ANNEX "A"

CONTRACT FOR LEGAL CONSULTANCY AND SERVICE

KNOW ALL MEN BY THESE PRESENTS:

This CONTRACT for Legal Consultancy and Service entered into by and between the Department of Education, Culture and Sports (DECS), represented herein by _____ (Concerned Office);

(Name of Head of Concerned Office)

(Position title)

of legal age, with post office address at _____

(Office Address)

hereinafter referred to as the First Party and _____

(Name of Consultant)

of legal age, Filipino, with residence and postal address at _____

hereinafter referred to as the Second Party.

WITNESSETH:

A. That the Second Party shall, for a period beginning the date this contract is approved by the Office of the Secretary until one (1) year after, unless sooner terminated, render to the First Party the following services:

1. To render legal opinion and advice to the First Party on all matters affecting its governmental and proprietary functions.
2. To act as legal adviser to Fact-Finding Investigation Committees and/or Formal Investigation Committees conducting hearings on administrative cases involving personnel of the First Party or those involving private schools and their clients under the supervision of the First Party.
3. To prepare comments on reports of hearings on administrative cases conducted by the First Party.
4. To monitor, coordinate and assist the legal staff of the Office of the Solicitor General (OSG) in cases filed by or against the First Party and its officials before the courts and administrative tribunals, and, with deputation from the OSG, to appear as regular counsel or lawyer of the First Party or its officials before the trial and appellate courts.
5. To attend and participate in periodic meetings and conferences called by the DECS Undersecretary and Assistant Secretary for Legal Affairs involving legal and administrative problems posed by cases involving the First Party.

6. To submit a monthly report of accomplishment to the First Party; copy furnish the Assistant Secretary for Legal Affairs; and

7. To perform such other functions and duties as may be directed by the First Party.

B. That the Second Party agrees to devote his professional and/or legal knowledge, training, expertise and skill in the employ of the First Party as Legal Consultant for the sum of _____ (P _____) PESOS payable monthly within five (5) days after the last day of each month, as HONORARIUM.

C. That the Second Party shall devote substantial time in the service of the First Party and hereby undertakes limited external employment with the express consent of the First Party.

D. That the Second Party shall be allowed the reasonable use of motor vehicles and/or gasoline allowance and such other facilities in the performance of his/her assigned tasks.

E. That either party may terminate this contract by giving notice in writing at least one (1) month before the date of the termination of the contract. The Second Party shall present a certification from the proper office clearing him/her of all property and money accountabilities.

IN WITNESS WHEREOF, the parties hereunto set their hands this _____ day of _____ 1999 at _____ Philippines.

First Party

Second Party

By

Authorized Representative

RECOMMENDING APPROVAL

BARTOLOME S. CARALE
Undersecretary

EMMANUEL M. MARANO
Assistant Secretary

APPROVED

ANDREW GONZALEZ, FSC
Secretary

Signed in the presence of:

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)

) S.S.

BEFORE ME, this _____ at _____
Philippines, appeared _____ with Com. Tax Cert. No. _____
Issued on _____ at _____ and _____
_____ with Com. Tax Cert. No. _____ issued on _____
at _____ all known to me to be the same persons who executed the foregoing instrument,
and they acknowledged to me that the same is their free and voluntary act and deed. This instrument
consists of three (3) pages including this page on which this acknowledgment is written.

WITNESS MY HAND AND SEAL

NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of 1999