



DEC 16 2020

URGENT MEMORANDUM

TO : All Regional Executive Directors
DENR CAR, 1 to 13, except NCR

ATTN: All PENR Officers
All CENR Officers

FROM : The Undersecretary
Legal, Administration, Human Resources, and Legislative Affairs

SUBJECT : GUIDELINES ON THE HIRING OF LAWYERS UNDER
CONTRACTS OF SERVICE OR RENEWAL OF CONTRACTS OF
SERVICE OF LAWYERS IN THE CENR AND IMPLEMENTING
PENR OFFICES FOR JANUARY TO JUNE 2021

The following provides guidance on the hiring/renewal of contracts of service of lawyers assigned in the CENR Offices (CENROs) and Implementing PENR Offices (PENROs):

1. Hiring/Renewal of Contracts

CENROs/Implementing PENROs shall require all lawyers with existing contracts to signify in writing their intention to continue services in the DENR from January to June to determine whether or not recruitment should be initiated for hiring in the first semester.

Vacancies shall be posted by the Chiefs of the Management Services Division (MSD) in the PENROs from 04 January to 15 January 2021 using all available media. Regional Offices may seek the assistance of the Personnel Division on recruitment. Deadline for submission of applications for contracts is on 15 January 2021.

All applicants will be required to submit the following documents to the CENROs or Implementing PENROs:

1. Duly accomplished Personal Data Sheet or PDS (CSC Form 212 rev 2017);
2. Certificate of Good Standing issued by the Integrated Bar of the Philippines (IBP) issued not earlier than three (3) months prior to the date of application;
3. Mandatory Continuing Legal Education (MCLE) Compliance Certificate for the current period for those who are members of the bar for a period of three (3) years or more. Otherwise, such lawyer-applicant shall submit a document showing proof of the year he/she passed the bar examination;
4. Disclosure of Conflict of Interest; and
5. Proof of life and accident insurance coverage during the six (6)-month period of engagement.

Screening and interview will be conducted by the CENROs/Implementing PENROs. Results of the assessment and recommendation shall be forwarded by the CENROs to the PENROs which in turn shall submit to the Regional Executive Director (RED), through the Chief of Legal Division, of the Regional Office. The Regional Office shall make the final selection/approval of hiring.

2. Renewal

Lawyers who signified their intention to continue their engagement with the DENR shall be evaluated by the CENR Officer/Implementing PENR Officer concerned based on their performance in the second semester covering July to December of CY 2020. On such basis, the CENR Officers/Implementing PENR Officers will decide on the renewal of contract of service:

Lawyers whose contract will be renewed shall be required to submit to the CENRO/Implementing PENRO concerned the following "*updated*" documents:

1. Duly accomplished Personal Data Sheet (PDS) per CSC Form 212 rev 2017;
2. Mandatory Continuing Legal Education (MCLE) Compliance Certificate for the current period for those who are members of the bar for a period of three (3) years or more. Otherwise, such lawyer-applicant shall submit a document showing proof of the year he/she passed the bar examination;
3. Status Report of Cases previously handled, if any;
4. Proof of life and accident insurance coverage during the six (6)-month period of engagement;
5. Accomplishment Reports for the previous contract.

Those whose contract will not be renewed shall be given a written notice not later than 22 December 2020.

3. The Office of the Solicitor General's (OSG's) written conformity and acquiescence, OSG deputation, and Commission on Audit's (COA's) written concurrence

COA Circular No. 95-011, as amended by COA Circular No. 98-002, requires the written conformity and acquiescence of the OSG, and the written concurrence of COA before the renewal of private lawyers. Further, OSG Memorandum dated 15 December 2015 on the Revised Guidelines on the Deputation of Private Lawyers and Special Attorneys states that a private lawyer must be deputized by the OSG in order for such private lawyer to assist the OSG and appear or represent the Government in cases involving the DENR brought before the courts.

I. *OSG conformity and acquiescence* - The OSG expressed its conformity and acquiescence to the DENR's hiring of private lawyers in a Letter dated 30 August 2017 of Solicitor General Jose Calida of the OSG to Undersecretary Ernesto D. Adobo, Jr. of the DENR.

II. *OSG deputation* - OSG Memorandum dated 15 December 2015 of Solicitor General Florin Hilbay addressed to all government agencies sets forth the following requirements:

- a. Request for original deputation with the following:
 1. Curriculum Vitae (CV) or PDS;
 2. MCLE Certificate for the current compliance period;
 3. IBP Certificate of Good standing for the current year;
 4. Copy of the proposed Contract of Service (for the private lawyers); and
 5. Letter request for deputation of private counsel must also state the reason of the need to engage their services.

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5. Letter request for deputation of private counsel must also state the reason of the need to engage their services.

b. Request for original deputation with the following:

1. Updated MCLE Certificate, if applicable;
2. Integrated Bar of the Philippines (IBP) Certificate of Good standing for the current year;
3. Status Report of Cases previously handled, if any; and
4. Copy of the proposed Contract of service.

III. *COA concurrence* – In the 1st Endorsement dated 30 May 2018 of Dir. Mileguas Leyno of the COA's National Government Sector (NGS), Cluster 8 for Agriculture and Environment, the COA required the following:

a. In Case of New Contracts:

1. Notarized Contracts duly signed by both parties and attested to by witnesses;
2. Conformity and acquiescence from the ODG;
3. Certificate Availability of Funds (CAF) duly verified by Audit Team Leader; and
4. Current MCLE Certificate of Compliance by Legal Retainer

b. In case of Renewal:

1. Same requirements from Nos 1 to 4 above;
2. Accomplishment Report of the Legal Retainer for the previous contract

4. Processing of Contracts

I. Submission to the Regional Executive Director (RED)

The Chief of the MSD in the PENROs shall be responsible for the initial evaluation and checking of documentary requirements of applicants. The PENR Officers shall submit to the RED, through the Chief of Administrative Division, of the Regional Office the names of all lawyers, together with the contracts and complete documents both required for deputation by the OSG, and for subsequent written concurrence by the COA, not later than the end of business day of 15 January 2020.

II. Request for OSG Deputation

The REDs, through the Chiefs of Administrative Division, shall endorse the contracts and complete documentary requirements to the OSG on or before 22 January 2021, copy furnished the Director for Legal Affairs Service (LAS) of the DENR Central Office. Once the deputation order/s from the OSG has/have been secured by the Regional Offices, the REDs, through the Chiefs of Legal Division, shall furnish the Director for LAS a copy of the said deputation order/s.

III. Execution of Contract

Immediately upon receipt of the deputation order/s from the OSG, the REDs shall inform the PENR Officers for the signing of the contract of service covering the date indicated in the deputation order to 30 June 2021. The PENR Officers shall ensure that the contract shall be signed by the party, attested to by the witnesses, notarized, and transmitted to the RED.

IV. Request for COA Concurrence

The REDs, through the Chiefs of Administrative Division, shall subsequently submit to the resident COA in the Region the following documents: 1) copy of the deputation order/s from OSG, 2) documentary requirements previously enumerated and mentioned in the 1st Endorsement dated 30 May 2018 of Dir. Leyno of the COA National Government Sector, Cluster 8 for Agriculture and Environment, and 3) letter-request for a written concurrence of the COA, copy furnished the Director for LAS. Attached is the checklist of requirements for the written concurrence of COA.

Once the written concurrence from COA has been secured by the Regional Office, the REDs, through the Chiefs of Legal Division, shall furnish the Director for LAS a copy of the said written concurrence.

5. Training

Newly-hired lawyers will undergo orientation and other learning and development interventions, which will be conducted by the Human Resource Development Section of the Regional Office, in partnership with the Legal Division. A standard module will be prescribed by the LAS.

Lawyers whose contracts have been renewed shall continue to participate in learning and development activities as needed in the performance of their responsibilities under the contract.

6. Remuneration

The lawyers shall be paid a monthly salary in the amount not exceeding **Php47,779.00**. They shall also be entitled to claim actual transportation expenses, subject to the usual accounting and auditing rules and regulations.

As basis for payment, the lawyers shall submit proof of services rendered during office hours and field work to be certified by the CENR Officer/Implementing PENR Officer concerned and report of status of cases assigned. Proof of attendance may be in the form of Daily Time Record (DTR), logbook, travel orders (TOs), certification signed by the CENR Officer/Implementing PENR Officer concerned and other such official records of services rendered.

Funding for the contracts of service shall be charged against the Natural Resources Management Arrangement/Agreement and Permit Issuances, FY 2020 General Appropriations Act (GAA) of the Region concerned.

7. Work Assignment

The CENR Officer or the Implementing PENR Officer concerned shall directly supervise the lawyers on the day-to-day operations of the office and shall determine the lawyer's workload, which shall not go beyond the scope of work provided under the Contract of Service.

Within five (5) days from completion of a work month, each lawyer shall prepare a report which specifies his/her accomplishments, including but not limited to, documents evaluated, legal advice rendered, personnel assisted, and movements in cases handled. This accomplishment report shall be submitted to the CENR Officer/Implementing PENR Officer concerned, copy furnished the Chief of Legal Division.

The RED, through the Chief of Legal Division, shall then submit a consolidated monthly report of accomplishments to the Director of Legal Affairs Service not later than the 15th of the succeeding month, using the prescribed format.

8. Court Cases

The Chiefs of Legal Division shall have direct control and supervision over the prosecution and monitoring of all court cases that the lawyers will handle. The latter shall ensure that the former has timely access to all notices, pleadings, and other court processes.

Only lawyers with deputation order from the OSG shall be authorized to appear in court to represent the Department.

The lawyers shall submit reports on the status of cases they are handling to the Chief of Legal Division on the date prescribed by the latter.

The lawyers shall coordinate directly with the Chief of Legal Division on all legal matters affecting the CENROs or Implementing PENROs.

9. Termination of Contract of Service

The contract of service may be pre-terminated only for causes provided under existing laws, rules and regulations.

The lawyers may request the voluntary pre-termination of the contract by serving a written notice to the First Party within fifteen (15) days prior to the date of termination, and upon submission of a clearance and endorsement from the CENR Officer/Implementing PENR Officer concerned.

Any dispute arising out of or in connection with the contract of service (including any question regarding its existence, validity or termination), which is not settled amicably by the Parties within thirty (30) days from receipt of a written notice of dispute, shall give the parties the right to file an appropriate action with the courts having jurisdiction over the matter.

Please be guided accordingly.

ATTY. ERNESTO D. ADOBO JR., CESO I / 