

MEMORANDUM ORDER NO. 152

**AMENDING MEMORANDUM ORDER NO. 143, DATED JULY 9, 2004 AND
DELINEATING THE DUTIES AND FUNCTIONS OF CERTAIN OFFICIALS IN
THE OFFICE OF THE PRESIDENT**

WHEREAS, Section 16, Article III of the 1987 Constitution guarantees the right of all persons to a speedy disposition of cases before all judicial, quasi-judicial and administrative bodies;

WHEREAS, in the interest of public service and in order to establish clear lines of authority to promote efficiency and proper coordination of work for the speedy and immediate resolution and disposition of cases appealed to the Office of the President, there is a need for a mechanism that will coordinate operations, systems and processes involved therein and to delineate the duties and functions of senior legal officials in the Executive Office, Office of the President;

WHEREAS, the President needs the service of legal counsel to advise her on matters she has to sign or to decide on, or to draft legal orders she desires to issue;

NOW, THEREFORE I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me under the Constitution and existing laws, do hereby order:

SECTION 1. The Chief Presidential Legal Counsel (CPLC) shall advise and provide the President with legal assistance on matters requiring her action, including matters pertaining to legislation.

The CPLC shall have the following duties and functions:

- a. Exercise administrative supervision over the Office of the CPLC;
- b. Review and/or draft legal orders referred to her by the President on the following matters that are subject of decisions of the President:
 1. Executive Orders, proclamations, administrative orders, memorandum orders, and other legal documents initiated by the President;
 2. Decisions on investigations involving Cabinet Secretaries, agency heads, or Presidential appointees with the rank of Secretary conducted by the Presidential Anti-Graft Commission (PAGC);



- c. Perform such other duties and functions as the President may assign from time to time, or as may be provided by an appropriate issuance or directive.

SECTION 2. The Senior Deputy Executive Secretary for Legal Affairs (SDESLA) shall advise and provide legal assistance on matters requiring legal action, including matters pertaining to legislation, to the Executive Secretary.

The SDESLA shall have the following duties and functions:

- a. Exercise administrative supervision over the Legal Office in the Office of the President under the management of the Deputy Executive Secretary for Legal Affairs (DESLA);
- b. Review and/or draft decisions for the consideration and approval of the Executive Secretary and/or the President on the following matters elevated to the Office of the President for review and final administrative resolution:
 1. Decisions resolving appeals from Orders, Resolutions or actions, or resolutions of departments, agencies, or offices before the Office of the President; and
 2. Decisions on administrative investigations of employees or officials from the rank of assistant bureau director and above, excluding administrative investigations involving Cabinet Secretaries, agency heads, or Presidential appointees with the rank of Secretary conducted by the PAGC.
- c. Perform such other duties and functions as the Executive Secretary and/or the President may assign from time to time, or as may be provided by an appropriate issuance or directive.

SECTION 3. In addition to the SDESLA, the following senior officials in the Executive Office are hereby directed to assist in the review and resolution of legal matters elevated to the Office of the President enumerated in Section 2, b above:

- a. Senior Deputy Executive Secretary Waldo Q. Flores;
- b. Deputy Executive Secretary for Legal Affairs Manuel B. Gaité;
- c. Undersecretary Enrique D. Perez

The assignment/reassignment of cases to be reviewed and/or resolved by the foregoing senior legal officials pursuant to this Memorandum Order shall be the responsibility of the SDESLA, upon approval of the Executive Secretary.

SECTION 4. The SDESLA and the senior officials in Section 3 hereof, upon clearance from the Executive Secretary, shall have the authority to sign, "By Authority of the Executive Secretary," decisions, resolutions and orders:



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1. Affirming *in toto* the decisions, resolutions, or orders of the departments, agencies or offices;
2. Denying/dismissing motions for reconsideration of previous Office of the President decisions, resolutions and orders which affirmed *in toto* the decisions, resolutions, or orders of the departments, agencies or offices;
3. Dismissing appeals filed out of time;
4. Dismissing appeals on matters over which the Office of the President has no jurisdiction;
5. Dismissing appeals on the mutual agreement of the parties;
6. Referring appeals and motions for reconsideration for mediation;
7. Declaring a decision, resolution or order in an appealed case as final and executory and/or remanding the records of the case to the relevant department, agency or office; and
8. Approving the withdrawal of an appeal.

The foregoing authority under Sections 3 and 4 hereof shall be valid from date hereof until December 31, 2004, unless sooner revoked or extended by an appropriate issuance or directive from the Executive Secretary.

SECTION 5. Recommended decisions for the reversal and/or modification of decisions, resolutions, orders or actions of the departments, agencies or offices elevated to the Office of the President shall be immediately forwarded to the Executive Secretary for disposition, through the SDESLA. Notwithstanding the foregoing, the SDESLA shall have the authority to sign decisions for the reversal and/or modification of decisions, resolutions, orders or actions elevated to the OP, upon clearance with the Executive Secretary. Likewise the CPLC shall have the authority to review the same on matters deemed to be especially sensitive and/or strategic.

SECTION 6. Among matters deemed to be especially sensitive and/or strategic for purposes of authority for the CPLC to review are the following:

1. Grant of, suspension, cancellation or modification of licenses, permits and other privileges
2. Decisions reversing or modifying the decisions, resolutions or orders of Department Secretaries; and
3. Other matters that, in the judgment of the CPLC, take on a sensitive and/or strategic nature because current events give them a high profile.

SECTION 7. The Executive Secretary shall take such measures as may be necessary to effectively carry out this delegation of authority and to ensure an orderly distribution and disposition of cases.

SECTION 8. The foregoing authority shall not preclude the Executive Secretary from exercising his functions and duties pursuant to the provisions of Sections 25, 26 and 27, Title III, Book IV of the Administrative Code of 1987.



SECTION 9. Memorandum Order No. 143 dated July 9, 2004 is hereby amended and modified accordingly. All other issuances, rules and regulations or parts thereof which are inconsistent with this Memorandum Order are hereby repealed, amended or modified accordingly.

SECTION 10. This Memorandum Order shall take effect immediately.

City of Manila. 26 October 2004.

Gloria Arroyo



By the President:

Eduardo R. Ermita

EDUARDO R. ERMITA
Executive Secretary



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