



Republic of the Philippines
DEPARTMENT OF ENERGY
(Kagawaran ng Enerhiya)

DEPARTMENT ORDER NO. DO2023-06-0017

**AUTHORIZING THE DEPARTMENT OF ENERGY (DOE) LAWYERS TO APPEAR
IN COURT PROCEEDINGS TO ASSIST THE OFFICE OF THE SOLICITOR
GENERAL (OSG), PROSECUTORS, OR PROVIDE LEGAL REPRESENTATION
TO THE DEPARTMENT OR ITS PERSONNEL**

WHEREAS, Section 12 (e), Paragraph (2) of Republic Act (RA) No. 7638 or An Act Creating the Department of Energy, Rationalizing the Organization and Functions of Government Agencies Related to Energy, and for Other Purposes declared that the Office of the Legal Counsel shall, among others, provide legal counseling services in cases where the DOE is a party and shall also handle administrative cases against any personnel of the DOE and submit recommendations pertaining to them;

WHEREAS, Section 35, Paragraph (9) of Book IV, Title III, Chapter 12 of Executive Order No. 292, or the Administrative Code of 1987 in relation to Section 1(i) of Presidential Decree No. 478¹ or Defining the Powers and Functions of the Office of the Solicitor General declared that the OSG shall call on any department bureau, office, agency or instrumentality of the Government for such service, assistance and cooperation as may be necessary in fulfilling its functions and responsibilities and for this purpose enlist the services of any government official or employee in the pursuit of its tasks;

WHEREAS, it is incumbent upon the DOE lawyers to assume the duties of a legal officer for each appearance or attendance to court hearings to assist the OSG, prosecutors, or represent the agency or its personnel, as the case may be;

WHEREAS, the Special Counsel Allowance (SCA) is an authorized personnel benefit pursuant to the General Appropriations Act (GAA)² granted to government lawyers assigned in the legal staff of the agencies, subject to the following conditions:

- (a) The government lawyer has been deputized by the OSG or authorized by the head of agency to assist the OSG, prosecutors, or provide legal representation to the agency or its personnel as its counsel, as the case may be;
- (b) The court appearance is not pursuant to motions for extension or postponement of hearing; and
- (c) The aggregate allowance per month shall not exceed fifty percent (50%) of the government lawyer's monthly basic salary.

¹ Republic Act No. 9417, as amended.

² Section 60 of RA 11936 or the General Appropriations Act of 2023.

WHEREAS, the DOE Department Order (DO) No. DO2023-03-0011³ was issued to modify or amend the existing guidelines on the Delegation of Authority for administrative and financial efficiency in the DOE.


NOW, THEREFORE, in consideration of the aforementioned premises, the following are hereby ordered for compliance of all concerned:

1. All DOE-Legal Services (LS) lawyers are hereby authorized to assist the OSG, prosecutors, or provide legal representation to the DOE or its personnel, as the case may be, in court proceedings involving DOE, its interests or its personnel, including those that may be filed hereafter.
2. Lawyers from the DOE-Field Offices (FOs) may appear in court proceedings involving the DOE, its interests or its personnel, upon authority from the Supervising Undersecretary of LS, duly endorsed by the concerned FO Director and LS Director.
3. All DOE lawyers appearing in court must submit a case update to the LS Director for monitoring purposes.
4. The LS Director is tasked to monitor the assignment of cases and appearances of all DOE lawyers in court. The LS Director shall, from time to time, and as may be necessary, update the Office of the Secretary on the cases being handled by the DOE lawyers.
5. Corollary, as duly authorized counsel of the Department, all DOE lawyers shall be entitled to remuneration, chargeable against LS funds or respective FOs funds, as the case may be, subject to the usual government accounting and auditing rules and regulations.

This DO shall take effect immediately and shall remain in force and effect unless and until modified or otherwise revoked in writing by the undersigned or any competent authority.

All other orders and issuances inconsistent with this DO are hereby repealed or amended accordingly.

Issued this ____ day of June 2023 at DOE, Energy Center, Rizal Drive cor. 34th Street, Bonifacio Global City, Taguig City.


RAPHAEL P. M. LOTILLA
Secretary



JUN 05 2023

³ Titled "Delegation of Authority" and promulgated on 22 March 2023.