



Republic of the Philippines
OFFICE OF THE SECRETARY
Department of Agriculture
Elliptical Road, Diliman
Quezon City 1100, Philippines

July 9, 2019

GENERAL MEMORANDUM ORDER (GMO) NO. 01

Series of 2019

SUBJECT: 2019 AMENDED RULES ON THE LEGAL DEFENSE FUND

PREFATORY STATEMENT

These rules shall govern the manner of utilization and availment by the officials and employees of the Department of Agriculture of the Legal Defense Fund created under the 2016 General Appropriations Act (GAA) which sets aside the utilization of the Legal Defense Fund for FY 2016 and succeeding years under the Miscellaneous Personnel Benefits Fund in the amount of Two Hundred Million Pesos (PhP 200,000, 000.00) for the use of all government personnel who will be incurring expenses in their defense of administrative, criminal, or civil cases filed against them as a result of the performance of their official duties. These rules are issued in compliance with and to supplement, reiterate and amplify the guidelines set forth in National Budget Circular (NBC) No. 566 dated December 15, 2016 of the Department of Budget and Management (DBM) which forms an integral part of this Order.

SECTION 1. APPLICATION

These Rules shall be used in processing claim applications filed in the DA- Central Office Claims Board (DCCB) and in the Regional Claims Board (RCB), insofar as it is applicable to the latter.

SECTION 2. COVERAGE

The Legal Defense Fund (LDF) is available to qualified personnel of the Department (consisting of the Department Proper, the Bureaus, and the Regional Field Offices)¹, and Attached Agencies and their respective regional offices. The LDF shall be utilized for the defense of administrative, civil, or criminal cases actually filed in court or those under the supervision of the Supreme Court, arising from official or regular acts performed at the time of employment or tenure.

Availment of the LDF of officials and employees of attached corporations is subject to the provisions of their respective charters. Claim applications of personnel of corporations under the control and supervision of the DA, as shown in its charter, may be lodged in the DA.

¹ Book III (Office of the President), Title IV (Agriculture), Chapter 1 (General Provisions), Section 4 (Organizational Structure), EO 292

Cases filed before the Office of the Ombudsman (OMB), Civil Service Commission (CSC) and other quasi-judicial agencies are not covered by the LDF. However, cases decided originally by the OMB, CSC and other quasi-judicial agencies when elevated to the Court of Appeals and/or Supreme Court will be covered by the LDF.

The Fund may only be used for the payment of actual legal expenses incurred by the claimant during the same year.

SECTION 3. QUALIFIED PERSONNEL

Any incumbent, separated, or retired official or employee with plantilla position may avail of the LDF.

SECTION 4. AUTHORIZED EXPENSES AND DOCUMENTARY REQUIREMENTS

The Fund may be used for the payment of any or all of the following legal expenses incurred during the same year:

PAYEE	TYPE OF EXPENSE	MAXIMUM AMOUNT INCLUSIVE OF TAXES	REQUIREMENTS
Claimant	Bail Bond	Payment of bond premiums. No reimbursement of cash bond shall be allowed.	<ul style="list-style-type: none"> • Court Order indicating amount of bail to be posted • Official Receipt (original or certified true copy)
Claimant	Transportation expenses for every hearing, appearance, meeting or conference with the claimant's lawyer	Amount supported by receipts, Certificate of Appearance, Court Issuances evidencing Dates of Hearings and subject to the following: (i) travel authority by the head of agency or his duly authorized representative; and (ii) for meetings and conferences, limited to four (4) in a month; and (iii) compliance with accounting and auditing rules and regulations.	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy) • Original or certified true copy of summons, any document showing date of hearing • Certificate of Appearance (Original or certified true copy)

Claimant	Expenses for photocopying of documents, required certifications and transcript of stenographic notes.	Photocopying expenses shall be based on the actual amount incurred while the other expenses shall be based on the prescribed legal fees under Rule 141 of the Rules of Court as amended, but not to exceed a total amount of Ten Thousand Pesos (P10,000) for every case.	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy)
Claimant	Fees to be paid to private counsel for the preparation or filing of pleadings and/or motions, excluding Motions to Reset Hearing and for Extension of Time.	Total amount not to exceed Twenty Thousand Pesos (P20,000) per case.	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy) • Original or certified copy of pleading
Claimant	Acceptance and/or attorney's fee to be paid to private counsel.	Total amount not to exceed Fifty Thousand Pesos (P50,000) per case	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy) • Legal services agreement (original or certified true copy)
Claimant	Appearance fee to be paid to private counsel for every hearing or appearance before a court	Amount based on the prescribed minimum rates of the local Integrated Bar of the Philippines (IBP) chapter, or if not available, the rates of the nearest IBP chapter where the case is being heard or tried. If the IBP rates are not available, the appearance fee shall not be more than Five Thousand Pesos (P5,000) per hearing.	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy) • Court summons evidencing date of hearing

Government Legal Counsel	Transportation and other travel expenses for every hearing or appearance before any court and for interviews with client or preparation of documents.	For transportation expenses, the amount supported by Certificate of Appearance, receipts and subject to the following: (i) travel authority by the head of agency or his duly authorized representative; and (ii) for meetings and conferences limited to four (4) in a month; and (iii) compliance with accounting and auditing rules and regulations. For Other Travel Expenses those provided under EO No. 77, s. 2019 (Prescribing Rules and Regulations and Rates of Expenses and Allowances for Official Local and Foreign Travels of Government Personnel) and any amendments and guidelines hereto.	<ul style="list-style-type: none"> • Official Receipt (original or certified true copy) • Certificate of Appearance • Travel Authority
Government Legal Counsel	Appearance Fee	Amount authorized for Special Counsel Allowance under the General Provisions of the annual GAA	<ul style="list-style-type: none"> • Court summons showing date of hearings • Certificate of Appearance

Claim/s with the corresponding documentary requirements shall be submitted with the following:

1. Written request addressed to the Chairperson and filed with the Secretariat
2. Certified true copy of latest appointment paper and/or Certified Service Record showing plantilla status
3. Brief statement of nature of case and of defense/s, with name and address of lawyer
4. Summary of type/duration/amount of claims
5. Copy of the complaint

The maximum allowable amounts above shall be applied per case, and consolidated cases shall be considered as one case.

SECTION 5. DA LDF CLAIMS BOARD

There shall be DA-Central Office Claims Board (DCCB) and Regional Claims Board (RCB) which shall process claim applications of qualified officials and employees.

5.1 Jurisdiction

5.1.1 DA- Central Office Claims Board

1. DA –Central Office
2. Bureaus and its Regional Offices
3. Attached Agencies and its Regional Offices
4. Attached Corporations subject to its Charter
5. Regional Executive Directors (REDs), Regional Technical Directors (RTDs), Assistant Directors (ADs)
6. Regional Field Office (RFO) employees charged together with REDs, RTDs, ADs
7. Members of the RCB

5.1.2 Regional Claims Board

1. RFO employees

5.2 Composition of the DCCB and RCB

5.2.1 DCCB

Chairperson	:	Undersecretary, preferably a member of the Philippine Bar
Vice-Chairperson	:	Director, Legal Service
Members	:	Director, Administrative Service Director, Financial and Management Service President, DAEA-Central Office

5.2.2 RCB

Chairperson:	Regional Executive Director
Vice-Chairperson :	Chief, Administrative and Finance Division
Members	: A representative each from the: <ul style="list-style-type: none">• Planning, Monitoring and Evaluation Division• Field Operations Division• DAEA

5.2.3 The Vice-Chairperson and Members of the DCCB/RCB shall assign their respective alternates in the Claims Board. They may name up to two (2)

alternates who occupy plantilla positions, preferably Division Chief or Assistant Division Chief.

- 5.2.4 Alternate members shall have voting rights except on decisions involving novel issues in which case only the principal members have the right to vote.

5.3 Duties and Responsibilities

- 5.3.1 Decide all claims against the Legal Defense Fund;
- 5.3.2 Determine the initial and continuing eligibility of the covered official or employee;
- 5.3.3 Determine if availment amount is within the prescribed limits and if the legal expense is allowed;
- 5.3.4 Monitor status of the Legal Defense Fund;
- 5.3.5 Coordinate with offices and agencies to ensure the timely release of financial assistance through the Legal Defense Fund;
- 5.3.6 Ensure compliance with the requirements of DBM National Budget Circular No 566 dated December 15, 2016, as well as the provisions of this General Memorandum Order;
- 5.3.7 Perform such other tasks as may be required by the Secretary necessary for the proper use and availment of the Legal Defense Fund.

5.4 Meetings

The Claims Board shall hold its regular meeting every month. The exact date of regular meeting shall depend on the availability of the members. Special Meeting may be called by the Chairperson.

The Board shall carry out its business by a majority vote of the members present. However, all decisions shall be arrived at by a majority vote of the all the members.

SECTION 6. SECRETARIAT

- 6.1 The DCCB secretariat shall be chaired by the Legal Service and assisted by four (4) personnel, two (2) each from the Legal Service and from Accounting Division.
- 6.2 The RCB secretariat shall be composed of members designated by the RED to provide staff work.
- 6.3 Duties and Responsibilities
 - 6.3.1 Receive all claim applications for action of the Legal Defense Fund Claims Board;

- 6.3.2 Review completeness of the documents submitted in support of claim applications;
- 6.3.3 Prepare letters, memorandum, order requesting claimants to submit lacking documents. The head of the secretariat shall sign the correspondence requesting submission of requirements;
- 6.3.4 Prepare draft Resolutions recommending the approval or disapproval of claim applications for the Board's final action/decision and signature;
- 6.3.5 Prepare minutes of the Board's regular and special meetings;
- 6.3.6 Coordinate and schedule the Board's regular and special meetings;
- 6.3.7 Repository of all records pertaining to the DA Legal Defense Fund.

SECTION 7. PROCEDURES FOR PROCESSING OF CLAIMS

- 7.1 The applicant shall file a written request addressed to the Chairperson of the Claims Board with complete supporting documents and submitted to the Board Secretariat. The Secretariat shall review claim applications for completeness and authenticity of supporting documents. In case of incomplete requirements, applicants shall be notified to comply with lacking requirements.
- 7.2 Upon review of the claim application and supporting documents, the Secretariat shall prepare a draft Resolution containing the recommended action, that is, approving or disapproving the claim. The Resolution shall be presented to the Board in the next scheduled meeting for its final action/decision.
- 7.3 The Claims Board shall deliberate on the Resolutions and shall make a decision by a simple majority vote of all of its members.
- 7.4 The DA Secretary shall submit a request before the DBM supported by a favorable decision of the Claims Board.

SECTION 8. APPROVAL FOR AVAILMENT

The DA Claims Board shall decide all claims against the Legal Defense Fund in which any favorable Decision shall be final and executory. Claim applications disapproved by DCCB and by RCB, whether total or partial, shall be appealable to the Office of the President.

In case of denial of claim, whether total or partial, it shall be appealable to the Office of the President. A claim application which was denied by the Regional Claims Board shall be appealed directly to the Office of the President.

SECTION 9. VIOLATIONS

Any misrepresentation or the failure to comply with the requirements of this General Memorandum Order, as well as the provisions of DBM NBC No. 566 dated December 15, 2016 shall be ground for disqualification for availing the LDF. Moreover, a return of all fund releases without prejudice to the commencement of the proper administrative, civil, or criminal actions against the employee shall be imposed in case of misrepresentation.

SECTION 10. SEPARABILITY CLAUSE

Any part of this Order which shall be declared unconstitutional, contrary to laws, or violative of DBM NBB No. 566 dated December 15, 2016 shall be invalid. However, such portions unaffected by such invalidity shall remain in full force and effect.

SECTION 11. EFFECTIVITY

This Order shall take effect immediately.

EMMANUEL F. PIÑOL
Secretary

APPROVED

By the Authority of the Secretary:


WALDO R. CARPIO
Officer-in-Charge

7/26/19



DEPARTMENT OF AGRICULTURE

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