

[PRESIDENTIAL DECREE NO. 478, June 04, 1974]

DEFINING THE POWERS AND FUNCTIONS OF THE OFFICE OF THE SOLICITOR GENERAL

WHEREAS, the Office of the Solicitor General, as law office of the Government of the Republic of the Philippines, performs a vital role in the program of the administration, particularly in the handling of constitutional and other important litigations before the Supreme Court and other courts or tribunals;

WHEREAS, statutory provisions defining the powers, functions, and duties of the Office of the Solicitor General are scattered in a proliferation of amendatory laws, charters of government agencies, other statutes, Rules of Court and executive orders enacted over the years;

WHEREAS, there is a need to clarify and codify the existing provisions defining the powers, functions, duties and other aspects of the Office of the Solicitor General;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Republic of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree the following into law:

OFFICE OF THE SOLICITOR GENERAL

SECTION 1. *Functions and Organization.*—The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

- a. Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party.
- b. Investigate, initiate court action, or in any manner proceed against any person, corporation or firm for the enforcement of any contract, bond, guarantee, mortgage, pledge or other collateral executed in favor of the Government. Where proceedings are to be conducted outside of the Philippines the Solicitor General may employ counsel to assist in the discharge of the aforementioned responsibilities.
- c. Appear in any court in any action involving the validity of any treaty, law, executive order or proclamation, rule or regulation when in his judgment his intervention is necessary or when requested by the court.
- d. Appear in all proceedings involving the acquisition or loss of Philippine citizenship.
- e. Represent the Government in all land registration and related proceedings. Institute actions for the reversion to the Government of lands of the public

domain and improvements thereon as well as lands held in violation of the Constitution.

- f. Prepare, upon request of the President or other proper officer of the National Government, rules and guidelines for government entities governing the preparation of contracts, making of investments, undertaking of transactions, and drafting of forms or other writings needed for official use, with the end in view of facilitating their enforcement and insuring that they are entered into or prepared conformably with law and for the best interests of the public.
 - g. Deputize, whenever in the opinion of the Solicitor General the public interest requires, any provincial or city fiscal to assist him in the performance of any function or discharge of any duty incumbent upon him, within the jurisdiction of the aforesaid provincial or city fiscal. When so deputized, the fiscal shall be under the control and supervision of the Solicitor General with regard to the conduct of the proceedings assigned to the fiscal, and he may be required to render reports or furnish information regarding the assignment.
 - h. Deputize legal officers of government departments, bureaus, agencies and offices to assist the Solicitor General and appear or represent the Government in cases involving their respective offices, brought before the courts and exercise supervision and control over such legal officers with respect to such cases.
 - i. 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 his tasks. Departments, bureaus, agencies, offices, instrumentalities and corporations to whom the Office of the Solicitor General renders legal services are authorized to disburse funds from their sundry operating and other funds for the latter Office. For this purpose, the Solicitor General and his staff are specifically authorized to receive allowances as may be provided by the Government offices, instrumentalities and corporations concerned, in addition to their regular compensation.
 - j. Represent, upon the instructions of the President, the Republic of the Philippines in international litigations, negotiations or conferences where the legal position of the Republic must be defended or presented.
 - k. Act and represent the Republic and/or the people before any court, tribunal, body or commission in any matter, action or proceeding which, in his opinion, affects the welfare of the people as the ends of justice may require; and
 - l. Perform such other functions as may be provided by law.
2. The Office shall be headed by a Solicitor General who shall be assisted by a Legal Staff composed of such number of Assistant Solicitors General, Solicitors and trial Attorneys as may be provided by law. It shall have such other staffs and operating units as are now or may be provided by law. The Investigation and Recovery Office provided hereafter shall be under the Office of the Solicitor General.

SEC. 2. *Qualifications and Appointments.*— (1) The Solicitor General shall have the same rank, qualifications for appointment, and salary as an Associate Justice of the Court of Appeals. The Assistant Solicitors General shall have the same rank, qualifications for appointment and salary as the judges of Courts of First Instance. No person shall be appointed Solicitor unless he is a citizen of the Philippines, a