

[REPUBLIC ACT NO. 6028, August 04, 1969]

AN ACT TO PROMOTE HIGHER STANDARDS OF EFFICIENCY AND JUSTICE IN THE ADMINISTRATION OF THE LAWS AS WELL AS TO BETTER SECURE THE RIGHT OF THE PEOPLE TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES, CREATING THEREFOR THE OFFICE OF THE CITIZEN'S COUNSELOR.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. This Act may be cited as the "Citizen's Counselor Act of 1969".

SEC. 2. The purposes of this Act are:

- (a) to protect and better safeguard the constitutional right of the people to petition the government for redress of grievances; and
- (b) to promote higher standards of efficiency in the conduct of government business and in the administration of justice for better service to the citizens.

SEC. 3. To carry out the purposes of this Act, there is hereby created an office to be known as the Office of the Citizen's Counselor to which the President, with the consent of the Commission on Appointments, shall appoint an officer to be known as the Citizen's Counselor, hereinafter referred to as the Counselor. The Citizen's Counselor shall be assisted by two (2) Associate Citizen's Counselors, hereinafter referred to as the Associate Counselors, who shall also be appointed by the President of the Philippines with the consent of the Commission on Appointments.

SEC. 4. No person may be appointed Counselor unless he has been a member of the Supreme Court or of the Court of Appeals.

No person may be appointed Associate Counselor unless he is a citizen of the Philippines, at least forty years of age and has for ten (10) years or more been a judge of a court of record or engaged actively in the practice of law.

No person may serve as Counselor or Associate Counselor (a) within two (2) years of the last day on which he served as a member of Congress; (b) while he is a candidate for or holds any other public office; or (c) while he is actively engaged in any other calling for profit or reward.

No Counselor or Associate Counselor shall be a candidate for any public office within two (2) years from the last day on which he served as Counselor or Associate Counselor.

SEC. 5. Before entering upon the exercise of the duties of their office, the Counselor and Associate Counselors shall take an oath that they will not, except for the purpose of giving effect to this Act, divulge any information received by them under this Act.

SEC. 6. The term of the Counselor and Associate Counselors shall be six (6) years. They may be reappointed but may not serve more than two (2) terms.

SEC. 7. The Counselor shall have an annual compensation of thirty-six thousand pesos (P36,000.00) and the Associate Counselors shall receive an annual compensation of thirty thousand pesos (P30,000.00) each in addition to any pension or retirement benefits to which they may be entitled to.

SEC. 8. No Counselor or Associate Counselor shall be removed from office except upon a verified complaint filed by an aggrieved party with the Office of the President on grounds of serious misconduct or inefficiency. Upon filing of the complaint, the President shall constitute a board to be composed of three (3) former justices of the Supreme Court and/or Court of Appeals which shall conduct an investigation of the charges stated in the complaint and upon a finding of guilt after due notice and hearing, the board shall recommend to the President the removal of the Counselor or Associate Counselor concerned. The President may, upon such recommendation, remove from office the Counselor or Associate Counselor concerned.

SEC. 9. In case the Counselor dies, resigns, is removed from office, or in the event of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Counselor designated by the President until another Counselor is appointed and has qualified or until such disability is removed.

SEC. 10. The Associate Counselors shall not be removed from office except in the manner prescribed for the removal of the Counselor in Section 8 hereof.

The Counselor shall appoint, subject to the Civil Service Law, such other subordinate officers and employees as may be necessary for the efficient performance of the duties and functions of his office. The compensation of such other subordinate officers and employees shall be exempt from the position classification as determined by the Wage and Position Classification Office (WAPCO).

SEC. 11. *For the purpose of this Act;*

(1) "administrative act" shall mean any action, omission, practice, procedure, decision, or recommendation;

(2) "government agency" shall include any government entity, department, organization, or institution, and any officer, employee, or member thereof acting or purporting to act in the exercise of his official duties, except (a) the President; (b) Members of the Senate and the House of Representatives; and, (c) judges of any court of the Philippines, regardless of whether such court is constitutional or statutory.

SEC. 12. The Office of the Citizen's Counselor shall have jurisdiction to investigate, on a complaint by any person or on his own motion, any administrative act of a government agency when he has reasons to believe that such act may be:

- (1) unreasonable, unjust, oppressive, or improperly discriminatory, even though in accordance with law;
- (2) under a mistake of law or fact, partly or wholly;
- (3) without adequate statement of reasons;
- (4) based on grounds that are improper or irrelevant;
- (5) done inefficiently;
- (6) in conflict with law; or
- (7) otherwise erroneous.

SEC. 13. The Office of the Citizen's Counselor, in its discretion, may refuse to investigate or may cause to investigate any complaint if:

- (1) an adequate remedy already exists; or
- (2) it is trivial, frivolous, vexatious, or is not made in good faith.

In every case where the Counselor decides not to investigate or that he will cease to investigate any complaint, he shall inform the complainant of such decision.

SEC. 14. Where, after investigation, the Counselor is of the opinion that:

- (1) a matter should be further considered by the agency;
- (2) an administrative act should be modified or cancelled ;
- (3) a law or regulation on which an administrative act is based should be altered;
- (4) reasons should be given for an administrative act; or (5) any other action should be taken by the government agency; the Counselor shall report his opinion with his reason/s therefor to the government agency concerned with such recommendations as he may think fit and, where he so recommends, he may request the government agency concerned to notify him, within a reasonable time, what the said agency proposes to do thereon.

Where the government agency concerned, after the lapse of such reasonable time, does not act upon the recommendations of the counselor, or refuses to act thereon, or acts in a manner unsatisfactory to the Counselor, he may send a copy of his opinion and recommendations, with any comment he may wish to add thereto, to Congress, to the President, to the public, or to any of these, including with such copy any reply made by the government agency to such opinion and