

19 SEP 23 P5:53

SENATE

Senate Bill No. 1071

RECEIVED BY

Introduced by Senator Juan Miguel F. Zubiri

AN ACT

**PROFESSIONALIZING PARALEGAL PRACTICE IN THE PHILIPPINES,
CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD OF
PARALEGALS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES**

EXPLANATORY NOTE

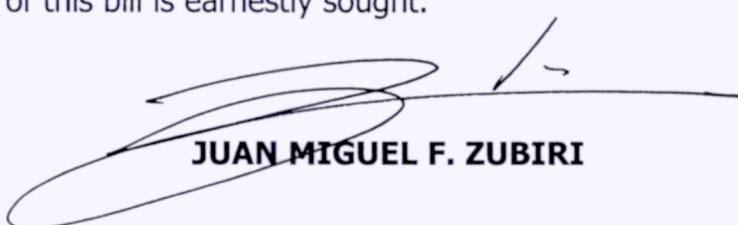
The service rendered by paralegals plays a crucial role in the legal industry, addressing a plethora of tasks that provide support for the lawyers they affiliate themselves with. Often, under the directions issued by a lawyer, paralegals oversee minor legal issues and provide aid in the administration of legal matters.

The educational attainment of paralegals, coupled with the training and experience they amass, are imperative to the legal profession, allowing them to perform substantive legal work that requires the recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.

On the international stage, many countries have formulated a regulatory board to regulate the paralegal profession more formally. In the United Kingdom, paralegals self-regulate through their existing professional paralegal association. In the United States, paralegals are regulated by their Standing Committee on Paralegals, overseen by the American Bar Association. In Japan and South Korea, paralegals are statutorily regulated and need to qualify based on an examination administered by their respective Ministry of Justice. The regulations that have been instituted in these respective countries ensure that the legal and paralegal professions are secured from the risk of unauthorized practice of law.

In the Philippines, paralegals have been given a limited scope of representation in rendering legal services and we have yet to professionalize and regulate the paralegal profession, similar to what other countries have established. This bill seeks to establish and set the baseline for the paralegal profession through the creation of a Regulatory Board for Paralegals, as well as set in place a Licensure Examination that would be overseen by the Board to ensure the security of this profession.

In view of the preceding, the approval of this bill is earnestly sought.


JUAN MIGUEL F. ZUBIRI

19 SEP 23 P5 53

SENATE

Senate Bill No. 1071

RECEIVED BY

Introduced by Senator Juan Miguel F. Zubiri

AN ACT
PROFESSIONALIZING PARALEGAL PRACTICE IN THE PHILIPPINES,
CREATING FOR THIS PURPOSE A PROFESSIONAL REGULATORY BOARD
OF PARALEGALS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES

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

ARTICLE I
Title, Declaration of Policy, and Objectives

SECTION 1. Title. — This Act shall be known as the "Philippine Paralegal Act of 2019."

SEC. 2. Declaration of Policy. — The State recognizes the importance of professional paralegals in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive, and well-rounded professional paralegals whose standards of practice and service shall be excellent and globally competitive through honest, effective, relevant, and credible licensure examinations and through regulatory programs, measures, and activities that foster their professional growth, social responsibility, and development.

SEC. 3. Objectives. — This Act shall govern the following:

- a. National licensure examination, registration of paralegals, and issuance of certificates of registration and professional identification cards;
- b. Supervision, control, and regulation of paralegal practice;
- c. Integration of paralegals under one national organization; and
- d. Development of professional competence of paralegals.

ARTICLE II
**Definition of Terms, and
Scope of Practice**

SEC. 4. Definition of Terms. — As used in this Act, the following terms shall mean:

- 1 a. **Paralegal** – a person, who by education, training, or experience,
2 perform substantive legal work requiring the recognition, evaluation,
3 organization, analysis, and communication of relevant facts and legal
4 concepts usually on behalf of lawyers and attorneys; and
5
6 b. **Paralegal consultant** – a paralegal with specific specialization such as
7 in alternative dispute resolution, real estate, corporate law, litigation,
8 intellectual property, immigration, insurance, and other key areas.

10 **SEC. 5. Scope of the Practice of Paralegal Service.** — Paralegal
11 service shall deal with the performance of the functions of paralegals, which shall
12 include, but not be limited to the following:

- 14 a. Preparation and review of legal documents such as affidavits, motions,
15 and contracts;
16
17 b. Representation on behalf of a party in small claims cases;
18
19 c. Representation on behalf of a party in barangay conciliation
20 proceedings;
21
22 d. Investigation and fact-finding;
23
24 e. Legal research;
25
26 f. Development and review of organizational policies, procedures,
27 programs, and other legal matters;
28
29 g. Coordination with government agencies and courts; and
30
31 h. Legal support for lawyers and attorneys.

34 **ARTICLE III**

35 **Creation of the Professional Regulatory Board for Paralegals**

37 **SEC. 6. Creation and Composition of the Professional Regulatory
38 Board for Paralegals.** — There is hereby created a Professional Regulatory
39 Board for Paralegals, hereinafter called the Board, under the administrative
40 supervision and control of the Professional Regulation Commission (PRC). The
41 Board shall comprise of a Chairperson and four (4) Members of the Board who
42 shall be appointed by the President of the Philippines from among a list of three
43 (3) recommendees for each position submitted by the Commission from among a
44 list of five (5) nominees for each position submitted by the accredited and
45 integrated national professional organization of paralegals who qualify under
46 Section 7 of this Act. The new Board shall be constituted within three (3) months
47 from the effectivity of this Act.

48 **SEC. 7. Qualifications of the Chairperson and Members of the
49 Board.** — The Chairperson and Members of the Board, at the time of their
50 appointment, shall possess the following qualifications:

- 52 a. Must be a natural born citizen and resident of the Philippines;

- 1 b. Must be of good reputation and moral character;
- 2
- 3 c. Must be a paralegal as defined in Section 4 of this Act;
- 4
- 5 d. Must not be a member of the faculty of a university, college, school or
6 institution conferring the academic degree on law, legal management,
7 and paralegal studies or offering review classes for paralegal licensure
8 examination; nor a person who has a direct or indirect pecuniary interest
9 in any such institution; and
- 10
- 11 e. Must not be an incumbent officer of the accredited and integrated
12 national professional organization of paralegals.

13

14 **SEC. 8. Tenure of Office for the Chairperson.** — The Chairperson and
15 the Members of the Board shall hold office for a term of three (3) years from the
16 date of their appointment or until their successors shall have been qualified and
17 appointed: Provided, That the members of the first appointed Board shall hold
18 office for the following terms: one (1) member as Chairperson, to serve for three
19 (3) years; two (2) members, to serve for two (2) years; and two (2) members, to
20 serve for one (1) year. The Chairperson and the Members of the Board may be
21 reappointed for a second term but in no case shall they serve continuously for
22 more than six (6) years. Any vacancy in the Board shall be filled for the unexpired
23 portion of the term of the member who vacated the position. On the constitution
24 of the first Board, the Chairperson and the Members of the Board shall
25 automatically be registered and issued Certificates of Registration and Professional
26 Identification Cards. Each Member of the Board shall take the proper oath of office
27 prior to the assumption of duty.

28

29 **SEC. 9. Meetings of the Board.** - The Board shall have a regular meeting
30 once a month. Special meetings may also be held upon the call of the Chairperson
31 or by request of three (3) of its members. Reasonable notice of all meetings shall
32 be given in the manner prescribed by the rules of the Board.

33

34 **SEC. 10. Compensation and Allowances of the Chairperson and
35 Members of the Board.** — The Chairperson and the Members of the Board shall
36 receive compensation and allowances comparable to the compensation and
37 allowances received by the chairman and the members of existing professional
38 regulatory boards under the Commission, as provided for in the General
39 Appropriations Act.

40

41 **SEC. 11. Powers, Functions, and Duties of the Board.** — The Board
42 shall exercise executive, administrative, rule-making, and quasi-judicial powers in
43 carrying out the provisions of this Act. It shall be vested with the following specific
44 powers, functions, duties, and responsibilities:

- 46 a. Promulgate, administer, and enforce rules and regulations necessary to
47 carry out the provisions of this Act;
- 48
- 49 b. Prepare, adopt, issue or amend the syllabi or terms of specification of
50 subjects for the paralegal licensure examination consistent with the
51 policies and standards set by CHED; and
- 52
- 53 c. Evaluate and approve applications for licensure examination;

- d. Administer oaths, and issue Certificates of Registration and the Professional Identification Card to persons admitted to the practice of the profession of paralegal;
- e. Prescribe guidelines in the Continuing Professional Development (CPD) in coordination with the accredited and integrated national professional organization of paralegals;
- f. Recommend measures necessary for the upgrading, enhancement, development, and growth of the profession of paralegal in the Philippines;
- g. Monitor the conditions affecting paralegal practice, and when necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high ethical, moral, and professional standards for paralegals;
- h. Adopt and prescribe a Code of Professional Ethics and a Code of Technical Standards for paralegals;
- i. Conduct inspection and monitoring of establishments where paralegal is practiced, and of higher educational institutions where paralegal courses are being offered, in coordination with the Commission on Higher Education (CHED), to ascertain that professional standards are complied with;
- j. Ensure, in coordination with the Commission on Higher Education (CHED), that all institutions offering law, legal management, and paralegal studies comply with prescribed standards for curriculum, faculty, and facilities;
- k. Supervise and regulate the registration, licensure, and practice of paralegals in the Philippines;
- l. Adopt a program for the full computerization of the licensure examination for paralegals;
- m. Issue, reinstate, suspend, or revoke the Certificate of Registration and Professional Identification Card or grant or cancel a temporary/special permit;
- n. Issue certificates of recognition for advanced studies, researches and accomplishments that contribute to the enrichment of the profession;
- o. Adopt policies and set the standards for all types of paralegals;
- p. To discharge other powers and duties as the Board may deem necessary for the paralegal practice and the continued growth and development of paralegals and paralegal education in the Philippines.

The policies, resolutions, rules and regulations issued or promulgated by the Board shall be subject to review and approval of the PRC. However, the Board's decision, resolution, or order rendered in administrative cases shall be subject to review only if on appeal.

1 **SEC 12. Removal or Suspension of the Chairperson or Members of**
2 **the Board.** — The Chairperson or any Member of the Board may be suspended
3 or removed upon due notice and hearing by the President of the Philippines, upon
4 the recommendation of the Commission, for neglect of duty; abuse of power;
5 oppression; incompetence; unprofessional, unethical, immoral or dishonorable
6 conduct; commission or toleration of irregularities in the conduct of examination
7 or tampering of the grades therein, or for any final judgment or conviction of any
8 criminal offense involving moral turpitude. The rights of Chairperson and Members
9 to be heard, to defend oneself, and to be assisted by counsel shall be respected
10 in the proper administrative investigation to be conducted for the purpose.

11 **SEC. 13. Supervision of the Board, Custodian of the Records,**
12 **Secretariat, and Support Services.** — The Board shall be under the general
13 supervision and administrative control of the commission. All records of the Board,
14 including applications for examination, examination papers and results, minutes of
15 deliberations, administrative, and other investigative cases involving paralegals,
16 shall be kept by the Commission. The Commission shall designate the secretary of
17 the Board and shall provide the secretariat and other support services to
18 implement the provisions of this Act subject to the usual government accounting
19 and auditing rules and regulations.

20 **SEC 14. Annual Report.** — The Board shall, at the close of each calendar
21 year, submit an annual report to the Commission, giving a detailed account of its
22 proceedings and accomplishments during the year and recommending measures
23 to be adopted with the end-in-view of upgrading and improving the conditions
24 affecting paralegal practice in the Philippines.

25

ARTICLE IV

Licensure Examination and Registration

26 **SEC. 15. Licensure Examination.** — Applicants for registration, except
27 those specifically allowed under Section 20 of this Act, shall be required to undergo
28 a written licensure examination to be given by the Board in such places and dates
29 the Commission may designate subject to compliance with the requirements
30 prescribed by the Commission.

31 **SEC. 16. Qualifications for Examination.** — Applicants for licensure
32 examination must meet the following qualifications at the time of filing of
33 applications:

- 34 a. Citizen and resident of the Philippines: Provided, that citizen of a foreign
35 country may be allowed to take the examination, subject to the
36 requirement of reciprocity pursuant to Section 31 of this Act;
- 37 b. Possesses good moral character and must not have been convicted of
38 any crime involving moral turpitude;
- 39 c. Graduate of a Bachelor's degree conferred by a school, college, or
40 university recognized and duly accredited by CHED: Provided, That six
41 (6) years after the effectivity of this Act, only the graduates of the
42 following degrees shall be allowed to qualify for application to the
43 licensure examination:
44 1. Bachelor of Science in Legal Management;
45 2. Bachelor of Science in Paralegal Studies

1 All applications for examination shall be filed with the Board which shall
2 assess and approve said applications and issue to the qualified examinees the
3 corresponding permits to take such examination.

4

5 **SEC. 17. Scope of Examination.** — The licensure examination shall
6 include, but not be limited to, the following subjects:

- 7 a. Government;
8 b. Judicial system;
9 c. Civil, criminal and quasi-judicial procedures;
10 d. Jurisdiction of local government units;
11 e. Ethical standards of judges, lawyers and civil servants;
12 f. Obligations and commercial contracts;
13 g. Tax and labor law compliance; and
14 h. Rules, regulations and procedures of various administrative agencies

15

16 **SEC. 18. Rating in the Examination.** — To pass the licensure
17 examination, a candidate must obtain a passing rating of seventy five percent
18 (75%) in each subject given during the examination: Provided, however, That an
19 examinee who obtains a passing rating in the majority of the subjects but obtains
20 a rating in the other subjects below seventy five percent (75%) but not lower than
21 sixty percent (60%), shall be allowed to take one removal examination on the
22 subjects where the passing rating was not obtained: Provided, finally, That should
23 the examinee fail to obtain a passing rating in the removal examination, the
24 examinee shall be considered as having failed the entire licensure examination.

25

26 **SEC. 19. Report of Results of Examination.** — The Board shall report
27 to the Commission the results of the examination and the ratings of the examinees
28 within ten (10) days after the examination.

29

30 **SEC. 20. Oath of Profession.** — All successful examinees qualified for
31 registration and all qualified applicants for registration without examination shall
32 be required to take an oath of profession before any Commission Officer, or
33 Member of the Board or any government official authorized to administer oaths,
34 prior to entering into paralegal practice in the Philippines.

35

36 **SEC. 21. Issuance of Certificate of Registration and Professional
37 Identification Card.** — The Commission, on recommendation of the Board, shall
38 issue a Certificate of Registration and Professional Identification Card to each
39 person who passed the licensure examination for paralegals and to those who are
40 registered without examination under this Act and shall enter name of the
41 registered professional in the Roster of Paralegals. The Certificate of Registration
42 shall bear the signature of the Chairperson of the Commission and the Chairperson
43 and Members of the Board, stamped with official seals of the Board and
44 Commission indicating that the person named therein is entitled to the practice of
45 the profession with all the privileges appurtenant thereto. The said Certificate of
46 Registration shall remain in full force and effect until suspended or revoked in
47 accordance with this Act. A Professional Identification Card bearing the name and
48 signature of the registrant, registration number, date of issuance, expiry date, duly
49 signed by the Chairperson of the Commission, shall likewise be issued to every
50 registrant who has paid the prescribed fee.

1 **SEC. 22. Registration Without Examination.** — Upon application and
2 payment of the required fees, the following shall be registered, and shall be issued
3 by the Board and the Commission a Certificate of Registration and a Professional
4 Identification Card without taking the prescribed examination:

- 5 a. Those who, on the date of the effectivity of this Act, have been issued
6 a certificate of completion of the Paralegal Training Program offered by
7 the University of the Philippines Law Center;
- 8 b. Those who, on the date of the effectivity of this Act, hold permanent
9 appointments and have at least ten (10) years of actual experience in
10 providing paralegal services; and
- 11 c. Those who, on the date of the effectivity of this Act, hold permanent
12 appointments and have at least five (5) years of actual experience in
13 providing paralegal consultancy services.

14 Those so exempt under the aforementioned categories shall file their
15 application within two (2) years from the effectivity of this Act: Provided, That the
16 renewal of the professional identification card is subject to the provisions of Section
17 hereof.

18 **SEC. 23. Refusal to Issue Certificate of Registration and**
19 **Professional Identification Card.** — The Board shall not register any successful
20 examinee nor any applicant for registration without examination if one has been
21 convicted by a court of competent jurisdiction of any criminal offense involving
22 moral turpitude or has been found guilty of immoral and dishonorable conduct
23 after investigation of the Board, or has been declared to be of unsound mind. The
24 reason for the refusal shall be set forth in writing.

25 **SEC. 24. Revocation and Suspension of Certificate of Registration**
26 **and Professional Identification Card or Cancellation of**
27 **Temporary/Special Permit.** — The Board has the power, after due notice and
28 hearing, to revoke or suspend the Certificate of Registration or cancel a temporary
29 or special permit of any paralegal on any ground stated under Section 23 of this
30 Act, or for any of the following: unprofessional or dishonorable conduct in paralegal
31 practice; fraud; deceit or falsification in obtaining a certificate of registration,
32 professional identification card, or temporary or special permit; abatement of
33 illegal practice by allowing illegal use of one's Certificate of Registration, or
34 Professional Identification Card, or temporary or special permit; practice of
35 profession during the period of suspension; or any violation of this Act, its
36 Implementing Rules and Regulations, the Code of Ethics or the Code of Technical
37 Standards for Paralegals, or Board policies. The respondent may appeal the
38 Board's decision, order or resolution to the Commission within fifteen (15) days
39 from receipt thereof.

40 **SEC. 25. Reissuance of Revoked Certificate of Registration and**
41 **Replacement of Lost Certificate of Registration and Professional**
42 **Identification Card.** — The Board after two (2) years from the date of revocation
43 of the Certificate of Registration may reissue a certificate upon proper application.
44 A new Certificate of Registration and Professional Identification Card, or temporary
45 or special permit, which has been lost, destroyed or mutilated, may be reissued
46 after payment of the required fee prescribed by the Commission.

SEC. 26. Roster of Paralegals. — The Board, in coordination with the accredited and integrated national organization of paralegals, shall maintain an up-to-date, complete and properly organized Roster containing the following data:

- a. alphabetical list by surname of paralegals with their addresses and license numbers;
 - b. the list of licensees, numerically arranged by license numbers; and
 - c. such other lists which the Board may deem necessary.

Copies of the Roster, which shall be provided to the National Library, the Civil Service Commission, and the accredited national organization of paralegals, shall be kept as permanent record.

ARTICLE IV
Paralegal Practice

SEC. 27. Prohibitions and Limitations in the Paralegal Practice. —

No person shall practice or offer to practice paralegal in the Philippines or offer oneself as a paralegal, or use the title, word, letter, figure, or any sign tending to convey the impression that one is a paralegal or advertise or indicate in any manner whatsoever as qualified to perform the work of a paralegal unless the person satisfactorily passed the licensure examination given by the Board, except as otherwise provided in this Act, and is a holder of a valid certificate of registration and a valid professional license or a valid temporary special permit duly issued by the Board and the PRC.

SEC. 28. Other Prohibited Acts. — No person shall:

- a. Represent oneself as a paralegal during the time that the professional license is not valid, or that the Certificate of Registration has been suspended or revoked, or that the temporary special permit is cancelled;
 - b. Allow another person to use one's Certificate of Registration or professional license or temporary special permit as a paralegal to enable the person to engage in the practice of paralegal;
 - c. Use the Certificate of Registration or professional license or special temporary permit of another paralegal.

SEC. 29. Continuing Professional Development (CPD) Program —

The CPD guidelines shall be prescribed and promulgated by the PRC upon consultation with the Board, which shall consult the integrated APO of paralegals, affiliated association of paralegals, and other concerned sectors. The Board shall create a CPD Council that shall be composed of a Chairperson coming from the Board, a member from the APO of paralegal and a member from the academe.

SEC. 30. Integration of Paralegals — All paralegals shall be integrated into one (1) national organization, which shall be recognized by the Board and by CRC as the one and only integrated APO of paralegals. A paralegal duly registered with the Board shall automatically become a member of the integrated organization of paralegal, and shall receive the benefits and privileges thereto, upon payment of the dues.

payment of the required fees and dues. Membership in the integrated APO shall not be a bar to membership in other associations of paralegals.

SEC. 31. Foreign Reciprocity — No foreign paralegal shall be admitted to the licensure examination, or be given a certificate of registration and a professional license, or be entitled to any of the privileges under this Act, unless the country of which is a subject or citizen specifically permits Filipino paralegal to practice within its territorial limits under the same conditions and an equal basis as its own subjects or citizens.

SEC. 32. Indication of License and Professional Tax Receipt - A paralegal shall be required to indicate the registration/professional number and date of issuance, the duration of validity, including the Professional Tax Receipt number on the documents one signs, or issues in connection with the practice of the profession.

ARTICLE V

Penal and Final Provisions

SEC. 33. Penal Provisions. — Any violation of this Act, including violations of Implementing Rules and Regulations, shall be meted the penalty of a fine of not less than fifty thousand pesos (Php. 50,000.00) but not more than five hundred thousand pesos (Php. 500,000.00) or imprisonment of not less than six (6) months but not more than four (4) years, or both such fine and imprisonment upon the discretion of the court. In case the violation is committed by an unlicensed paralegal, the penalty shall be double the aforesaid fine and imprisonment.

In case the violation is committed by a partnership, corporation, association, or any other juridical person, the partner, president, director, or manager who has committed or consented to or knowingly tolerated such violation shall be held directly liable and responsible for the acts as principal or as a co-principal with the other participants, if any.

SEC. 34. Appropriations. — The Chairperson of the Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act and thereafter.

SEC. 35. Implementing Rules and Regulations. — Within six (6) months after the effectivity of this Act, the Board, subject to the approval of the Commission, shall promulgate, adopt, and issue rules and regulations, and the Code of Ethics and the Code of Technical Standards for Paralegals which shall take effect fifteen (15) days following publication in the official Gazette or newspaper of general circulation.

SEC. 36. Separability Clause. — If any clause, sentence, paragraph, or part of this Act shall be declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SEC. 37. Repealing Clause. — All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, proclamations, charters, rules or regulations and/or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

1
2 **SEC. 38. Transitory Provision.** — All incumbent paralegals in both the
3 public and private sector not otherwise certified as paralegals by virtue of this Act
4 shall be given six (6) years temporary certificates from the time the Board is
5 organized within to qualify as required of this Act and be included in the Roster.

6
7 **SEC. 39. Effectivity Clause.** — This Act shall take effect fifteen (15) days
8 following its publication in the Official Gazette or in two (2) newspapers of general
9 circulation.

10
11 *Approved,*