

January 14, 2008

ATTY. TEOPISTO F. YAP, JR.
Siaton
6219 Negros Oriental

Dear Atty. Yap:

This has reference to your letter dated January 09, 2008, on the continued practice of the appointed Secretary to the Sangguniang Bayan of Siaton of his profession as a lawyer.

It is provided in Rule X, Section 1 of the Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees that no government official or employee shall “engage in the private practice of his profession” unless authorized by the Constitution, law or regulation, provided that such practice will not conflict or tend to conflict with his official functions. Relative thereto, Section 12, Rule XVIII of the Revised Civil Service rules specifically provides –

“Sec. 12. No officer or employee shall engage directly or indirectly in any private business, vocation or profession to be connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the head of the department.”

On September 16, 1998, the Department of the Interior and Local Government through SILG Ronaldo V. Puno, issued Circular No. 98-17 otherwise known as “GUIDELINES FOR REQUESTING AUTHORITY TO PRACTICE LAW PROFESSION.” It provides –

“The Civil Service Commission thru its Resolution No. 93-2203, dated June 21, 1993, has impliedly stated that government lawyers could engage in the practice of their profession upon prior authority from the head of the agency or its representative. Henceforth, the following shall be observed by all concerned for seeking such authority:

- I. A written request from concerned lawyer shall be submitted to his/her immediate superior for consideration;
- II. If the immediate superior interposes no objection to the request, he/she shall indorse the same to the head of the agency or its representative, for the issuance of an authority;
- III. In the event the immediate superior interposes an objection to the request, he/she must clearly state the reasons for his action and elevate the matter to the head of the agency or its representative for further and final consideration;
- IV. It is understood that the authority granted herein shall not prejudice public service more particularly in the performance of the applicant's public duties. In case of conflict of schedule, the former shall take precedence.

The aforementioned DILG Memorandum has not been superseded.

Truly yours,

PEDRO A. NOVAL, JR.
Regional Director

.ord/legal