



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
OFFICE OF THE CHIEF MINISTER

Bangsamoro Government Center, Governor Gutierrez Avenue, Rosary Heights VII, Cotabato City 9600

MEMORANDUM

Circular No. 094
Series of 2024

TO : HEADS OF ALL CONCERNED MINISTRIES AND OFFICES
Bangsamoro Autonomous Region in Muslim Mindanao

SUBJECT : GUIDELINES ON REQUESTS FOR LEGAL OPINION AND LEGAL ADVICE
FROM THE BANGSAMORO ATTORNEY GENERAL'S OFFICE

DATE : 01 Safar 1446 AH | 05 August 2024

WHEREAS, the Bangsamoro Attorney General's Office (BAGO), created by virtue of Republic Act No. 11054 or the "Bangsamoro Organic Law" and whose mandate is defined in Bangsamoro Autonomy Act (BAA) No. 5 or the "Bangsamoro Attorney General's Office Act of 2019", and BAA No. 13 or the "Bangsamoro Administrative Code", through the Bangsamoro Attorney General, is the chief legal counsel of the Bangsamoro Government;

WHEREAS, the BAGO is mandated to, among others, render legal opinions in all legal matters brought to it by the Bangsamoro Parliament, the Chief Minister, and other Ministries of the BARMM, and provide legal advice when called upon by any officials or agents of the BARMM (Section 13 [a], Title II of BAA No. 13 in relation to Section 8 [a], Article II of BAA No. 5);

WHEREAS, the BAGO is further mandated to review, vet, and interpret local, national, and international documents, contracts, and agreements for and on behalf of the Chief Minister (Section 13 [b], Title II of BAA No. 13 in relation to Section 8 [b], Article II of BAA No. 5);

NOW, THEREFORE, pursuant to the mandate to provide efficient and professional legal services to the Bangsamoro Government towards facilitating and promoting, among others, the rule of law and good governance, all parties requesting legal opinion and legal advice from the BAGO are enjoined to be guided by the following:

I – Scope of Legal Service

Section 1. *Legal Opinion.* – Legal opinions shall be made and issued upon inquiries on the proper interpretation of specific provision or provisions of laws, issuances, jurisprudence, and other such instruments as applied to a particular set of circumstances that the requesting ministry, office, or agency is facing or has a reasonable expectation of facing.

Section 2. *Legal Advice.* – Legal advice shall be given on requests for review of contracts, memoranda of agreement or understanding, issuances, bills, and other documents where no specific legal question is submitted by the requesting ministry, office, or agency and where, as part of due diligence of the latter, the comment of the BAGO is requested for the finalization of the document.

Section 3. *Position Paper.* – The official position of the BAGO or the Bangsamoro Government on measures pending before the Bangsamoro Parliament, the House of Representatives, the Senate, or other law- or policy-making instrumentalities of the government shall be issued

in accordance with the requirements of the requesting instrumentality and the demands of the internal processes of the BAGO or the Bangsamoro Government, as the case may be, and are thus not covered by these Guidelines.

II – Issuance of Legal Opinion

Section 4. Letter Request for Legal Opinion. – A letter request for legal opinion must:

- (a) emanate from or be endorsed by the head of the requesting ministry, office, agency, or any of the executive offices of the Office of the Chief Minister (OCM) Proper;
- (b) clearly narrate the relevant facts or context for the query;
- (c) identify and quote the provision of law, issuance, jurisprudence, or other such instrument for which legal opinion or interpretation is sought;
- (d) articulate the question of law propounded, clearly explaining how (b) relates to (c);
- (e) include all materials containing relevant information that may aid the resolution of the query;
- (f) if the ministry, office, or agency has a legal officer or a legal unit, cite and quote the opinion rendered by such legal officer or unit, and attach their full legal opinion as an annex. For purposes of this requirement, the Legal and Legislative Liaison Office (LLLO) of the OCM shall, whenever practicable, render the initial opinion for the executive offices of the OCM Proper;
- (g) indicate the official who is authorized to answer questions, attend clarificatory meetings, and otherwise communicate with BAGO regarding the request; and,
- (h) be sent to the BAGO in physical form through the OCM – Records Division Office and/or via electronic copy through the official email of both the requesting ministry, office, or agency, and the BAGO (bago@bangsamoro.gov.ph)

Section 5. Response to the Letter Request for Legal Opinion. – Within twenty (20) working days from receipt of the letter request and depending on the complexity of the questions asked, the requesting ministry, office, or agency should expect:

- (a) a direct answer to the query;
- (b) a response acknowledging receipt of the letter inquiry, indicating the focal person or handling lawyer from the BAGO who can be contacted for follow-ups, and a note that the full response to the inquiry will be sent to the requesting ministry, office, or agency once all issues are resolved; or
- (c) a letter communicating the decision to deny the request for legal opinion, explaining the reasons therefor.

The response may be signed by the Chief of the Legal Research and Opinion Division of the BAGO.

Section 6. Reasons to Deny Request for Legal Opinion. – BAGO reserves the right to deny the request for legal opinion if it finds that:

- (a) the subject matter of the inquiry is *sub judice*, or is the subject of a pending administrative complaint, or otherwise involves a matter already pending before the BAGO;
- (b) the contents of the letter of inquiry are incomplete and not in accordance with this issuance;
- (c) the query is not legal in nature but involves the exercise of management prerogative;
- (d) the query is too general in scope or hypothetical in character;
- (e) the query involves interpretation of administrative rules and issuances of other ministries, offices, or agencies of the Bangsamoro Government, to which the matter must first be referred for disposition, decision, or opinion;
- (f) there is unjustifiable refusal or failure on the part of the requesting ministry, office,

- or agency to respond to or attend the clarificatory meeting or meetings set by the BAGO; or
- (g) there is a justifiable ground to refuse the issuance of a legal opinion.

Section 7. Opportunity to Resubmit Request for Legal Opinion. – Upon receipt of the request for legal opinion, an initial assessment of its compliance with this Guidelines shall be conducted. Should any of the reasons stated in Section 5 exist, the BAGO shall inform the requesting ministry, office, or agency of the same and allow the latter to resubmit the request within a reasonable amount of time. In such a case, the twenty (20) working days shall be counted from the date of resubmission. Failure to resubmit the request as directed will result in the denial of the request for legal opinion.

Section 8. Clarificatory Meetings. – Depending on the appreciation of the handling lawyer of the complexity of issue or issues involved, the BAGO may call for a clarificatory meeting. In such a case, the requesting ministry, office, or agency must attend the same accompanied by its legal officer or the head of the legal unit, should there be one, and other stakeholders relevant to the resolution of the query.

When a clarificatory meeting is set by BAGO or requested by the requesting ministry, office, or agency, the twenty (20) working days referred to in Section 4 shall be counted from the day after such clarificatory meeting or the original date thereof should the same be cancelled. Should multiple clarificatory meetings be scheduled, the counting shall commence from the last scheduled clarificatory meeting.

Section 9. Finality of the Legal Opinion. – Once issued, the legal opinion serves as the final word of the BAGO on the matter or matters raised. Only one request for reconsideration or clarification of the legal opinion issued shall be entertained by the Bangsamoro Attorney General. Nevertheless, no such request for reconsideration or clarification of the legal opinion issued, nor another letter request covering the same or essentially similar matter or matters, shall be entertained except in extraordinary circumstances not availing at the time of the issuance of the legal opinion and subject to the discretion of the Attorney General, upon recommendation of the Assistant Attorney General, of the propriety thereof.

III – Offer of Legal Advice on Documents for Review

Section 10. Letter Request for Legal Review. – A letter request for legal review of draft contracts, memoranda of agreement or understanding, issuances, bills, and other documents must:

- (a) emanate from or be endorsed by the head of the requesting ministry, office, agency, or any of the executives offices of the OCM Proper;
- (b) include the full text of the document for legal review;
- (c) include all materials containing relevant information that may aid the legal review of the document;
- (d) if the ministry, office, or agency has a legal officer or a legal unit, note that the same has been reviewed by such officer or unit. Otherwise, state the absence of such legal officer or unit in the office. For purposes of this requirement, the LLLO of the OCM shall, whenever practicable, conduct the initial review for the executive offices of the OCM Proper;
- (e) indicate the official who is authorized to answer questions, attend client conferences, and otherwise communicate with BAGO regarding the request; and,
- (f) be sent to the BAGO in physical form through the OCM – Records Division Office and/or via electronic copy through the official email of both the requesting ministry, office, or agency, and the BAGO (bago@bangsamoro.gov.ph)

Section 11. Rendering Legal Advice on the Document for Legal Review. – Within twenty (20)

working days from receipt of the letter request, the BAGO shall call the requesting ministry, office, or agency to a client conference to communicate BAGO's observations, comments, and recommendations on the document and any such legal advice the BAGO might offer to facilitate the finalization of the document.

An official minutes of the client conference outlining the salient points of the discussion shall be released by the BAGO to the requesting ministry, office, or agency within five (5) working days thereafter.

The official minutes, which may be signed by the Legal Research and Opinion Division of the BAGO, shall serve as the legal advice of the BAGO to the requesting ministry, office, or agency.

Section 12. Finalization of the Document. – Only issuances, contracts, memoranda of agreement or understanding, and other such documents that are for the signature of the Chief Minister shall be finalized by the BAGO to completion, when such is requested, following the client conference.

All other documents shall be finalized by the requesting ministry, office, or agency considering the observations, comments, and recommendations of BAGO, without need of further review by the latter.

Section 13. Priority Documents for Legal Review. – Documents that are for the signature of the Chief Minister or the Senior Minister, by authority of the Chief Minister, shall be prioritized by the BAGO for review and revision.

IV – Common Provisions

Section 14. Limitations on the Legal Opinion and Legal Advice of the BAGO. – Depending on the capacity of BAGO to entertain requests from ministries, offices, and agencies, BAGO reserves the right to invoke the relevant provisions of BAA 5 and BAA 13, that limit the request for legal opinion of BAGO to constitutional issues only (Section 21, Title II of BAA No. 13 in relation to Section 15, Article III of BAA No. 5) and the review of documents on matters that are subject to the decision of the Chief Minister only (Section 17, Title II of BAA No. 13 in relation to Section 11 [3a], Article II of BAA No. 5).

Section 15. Summary denial of request. – All other requests for legal opinion or advice that do not conform with this Guidelines, such as walk-in legal queries, shall be forthwith denied.

Section 16. Other Legal Services. – Other legal services that may be requested of the BAGO such as, but not limited to, invitations for lawyers to act as resource persons, to attend meetings, and the like, shall be preceded by a written invitation addressed to the Bangsamoro Attorney General.

All other legal services referred to in BAA 5 and BAA 13 in relation to BAGO that do not fall within the definition of legal opinion or advice herein are not covered by this Guidelines.

Section 17. Transitory Provision. – Except for the reglementary periods, all requests for legal opinion or advice pending before the BAGO upon the issuance of this Guidelines shall be treated in accordance with the provisions hereof.

For this purpose, the BAGO shall, within five (5) working days from the issuance of this Guidelines, communicate to the requesting ministry, agency, or office that:

- (a) the request for legal opinion is substantially compliant with this Guidelines, and the legal opinion shall be issued accordingly;
- (b) the request for legal opinion lacks some requirements provided herein, with a

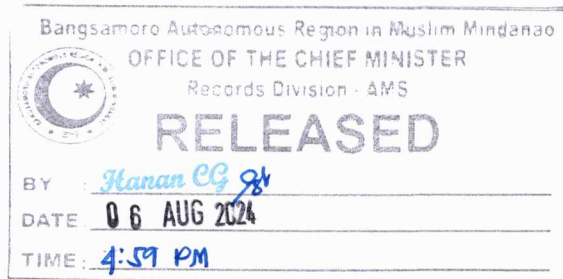
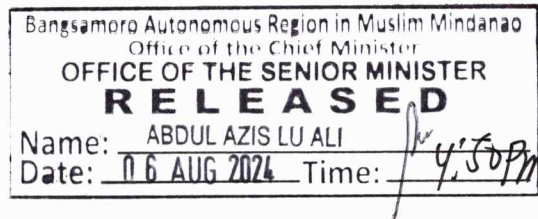
- directive to complete the request within a reasonable amount of time;
- (c) the request for legal advice is substantially compliant with this Guidelines, with notice of the schedule for client conference for the review of the document submitted; or
- (d) the request for legal advice lacks some requirements provided herein, with a directive to complete the request within a reasonable amount of time.

Provided, That the requirements for Sections 4(f) or 10(d) above shall be waived for the requests for legal opinion or advice already pending before the BAGO.

Section 18. *Effectivity.* - This Guidelines shall take effect upon issuance.

By Authority of the Chief Minister
AHOD B. EBRAHIM


ABUNAWAS L. MASLAMAMA
Senior Minister



RECEIVED FOR ROUTING
By: Masnah Time: 4:55
Date: 06 AUG 2024