



Republic of the Philippines  
 DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT  
 REGION XIII (Caraga Region)  
 1559 MATIMCO Bldg., Km. 4, Brgy. Libertad, Butuan City  
 Tel Nos. (085) 342-2134; (085) 342-2045; 341-1976  
 Website: caraga.dilg.gov.ph / Email: official@caraga.dilg.gov.ph

CITY OF BUTUAN  
 OFFICE OF THE MAYOR  
**RECEIVED**  
 DATE: 3/1/16  
 TIME: 1:15 AM/PM  
 BY: [Signature]  
 REGION XIII

DILG 13 Legal Opinion No. 2016-008  
 February 26, 2016

ATTY. REGIE T. MAG-USARA  
 City Administrator  
 Butuan City

file

DILG - REGION XIII  
**RELEASED**  
 DATE: FEB 29 2016  
 TIME: 2:24 pm  
 BY: [Signature]

Dear Atty. Mag-usara:

This refers to your letter seeking legal opinion as to whether or not as City Administrator, you can be allowed to practice your profession as a lawyer.

Section 7(b)(2) of RA 6713 prohibits public officials and employees, during their incumbency, from engaging in the private practice of their profession unless authorized by the Constitution or law, provided that such practice will not conflict or tend to conflict with their official functions. This is the general law which applies to all public officials and employees.

Corollary thereto, Section 12, Rule XVIII of the Revised Civil Service Rules provides:

*"Sec. 12. No officer or employee shall engage directly in any private business, vocation, or profession or be connected with any commercial, credit, agricultural, or industrial undertaking without a written permission from the head of the Department. Provided, That this prohibition will be absolute in the case of those officers and employees whose duties and responsibilities require that their entire time be at the disposal of the Government; Provided, further, That if an employee is granted permission to engage in outside activities, time so devoted outside of office hours should be fixed by the agency to the end that it will not impair in any way the efficiency of the officer or employee: And provided, finally, that no permission is necessary in the case of investments, made by an officer or employee, which do not involve real or apparent conflict between his private interests and public duties, or in any way influence him in the discharge of his duties, and he shall not take part in the management of the enterprise or become an officer of the board of directors." (emphasis supplied)*

A lawyer in government service who is not prohibited to practice law and whose responsibilities do not require his time to be fully at the disposal of the government can

[Signature]  
 2/29/16

engage in the private practice of law only with the written permission of the head of the department concerned. (*Catu vs. Rellosa, A.C. 5738, February 19, 2008*)

This opinion is rendered without prejudice to any contrary opinion of competent higher authorities and the courts.

We hope to have sufficiently assisted your good office in this matter.

Truly yours,

  
LILIBETH A. FAMACION, CESO III  
Regional Director 

cc: *Romeo A. Solis*  
*City Director*  
*Butuan City*