

giving every one his due have been carried over, enshrined, and deeply embedded in the Civil Code for a purpose. Therefore, a piece of legislation runs amuck when it contains a provision in contravention of these rudimentary principles. Indeed, acts done in contravention of mandatory provisions of law are null and void.

The solution suggested is an equitable right of redemption, and if the assignee happens to suffer loss or damage, recovery may be made from whoever is the proximate cause thereof. Due to the quasi-contract resulting from the three-party set-up of the SPV Act, the SPV is beholden, as the assignee-trustee in an implied trust, to reconvey the credits to the borrower through the exercise of the right of redemption or other similar equitable arrangement.

Similarly, while Article 1634 of the Civil Code is made applicable to the SPV Act, thereby allowing reimbursement of the transfer price as a recourse to extinguish the assignment, this was made subject to the requirement that it may only be availed of by those with cases pending litigation. The provision may be challenged as unconstitutional and violative of the equal protection clause, discriminating as it does against borrowers who have not gone to court in favor of those who have. Furthermore, because it also encourages litigation, it is therefore void for being contrary to public policy against barratry. Finally, it frustrates both the policy against unjust enrichment on the part of the assignee or buyer of the credit and the policy to protect the borrower by allowing him to pay only the amount which the creditor is willing to accept.

In light of the above considerations, the substantive and procedural requirements should be met in order to perfect and implement the assignment of credit; the provisions should be placed in line with elementary legal norms; and, the creditor banks must abide by the highest fiduciary standards of good faith and extraordinary diligence in the assignment of credits.

Office of the Government Corporate Counsel: The Statutory Legal Counsel

By Government Corporate Counsel Agnes VST Devanadera*

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I. INTRODUCTION

It took 70 years for the Office of the Government Corporate Counsel (hereinafter OGCC) to evolve into the institution that it is now. Its powers and duties were shaped through time by laws and jurisprudence.

From a mere division of the Department of Justice, the OGCC has grown into an autonomous and separate legal institution whose principal duty is to act as the statutory legal counsel of all government-owned and controlled corporations (hereinafter GOCCs).

The OGCC is also mandated to exercise effective control and supervision over legal departments maintained by GOCCs to ensure that their corporate and other objectives are aligned with those of the national government.

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II. CREATION OF THE OGCC

The OGCC started as a Corporate Counsel Division within the Department of Justice by virtue of a Memorandum Order issued in 1946.¹ At that time, the growth of government corporations was characterized by legal battles affecting their interests and endangering their existence. The situation gave rise to a necessity of conceiving a specific legal body that would exclusively oversee and protect their legal concerns.

In 1951, the OGCC was transferred to the Office of the Solicitor General by virtue of Executive Order No. 400.² But in 1959, Republic Act No. 2327³ declared the position of the Government Corporate Counsel (hereinafter GCC) to be distinct and separate from that of the Solicitor General. The GCC was appointed by the President with the consent of the Commission on Appointments, and was vested with full control and supervision over all legal divisions of GOCCs with respect to handling all legal matters. This law was amended by Republic Act Nos. 3834⁴ and 6000⁵ which affirmed the OGCCs capacity to act as a legal counsel of GOCCs by providing it with the necessary legal machinery.

III. OGCC AS MEDIATOR

The OGCC's role as a mediator or arbitrator of disputes between or among GOCCs began when President Ferdinand Marcos issued Presidential Decree

1. Department of Justice, Memorandum Order, July 17, 1946.
2. Transferring the Office of the Government Corporate Counsel to the Office of the Solicitor General [E.O. No. 400] (1951).
3. An Act to Declare the Position of Government Corporate Counsel Distinct and Separate from that of the Solicitor General, Provide for His Appointment and Salary, and Appropriate the Necessary Funds Therefore, and for Other Purposes, Republic Act No. 2327 (1959), as amended by Republic Act No. 3838 (1963), as further amended by Republic Act No. 6000 (1969).
4. An Act to Amend Certain Sections of Republic Act Numbered Two Thousand Three Hundred Twenty-Seven, Entitled "An Act to Declare the Position of Government Corporate Counsel Distinct and Separate from that of the Solicitor General, Provide for His Appointment and Salary and Appropriate the Necessary Funds Therefore, and For Other Purposes," Republic Act No. 3838 (1963).
5. An Act to Amend Certain Sections of Republic Act Numbered Two Thousand Three Hundred Twenty-Seven as Amended by Republic Act Numbered Three Thousand Thirty Eight, Entitled "An Act to Declare the Position of Government Corporate Counsel Distinct and Separate from that of the Solicitor General, Provide for His Appointment and Salary and Appropriate the Necessary Funds Therefore, and For Other Purposes," Republic Act No. 6000 (1969).

No. 242⁶ in 1973. Section 3 of the decree states that, "disputes, claims or controversies between or among GOCCs involving mixed questions of law and fact must be filed and settled or adjudicated by the OGCC."⁷

The reason, as the law says, is to protect public interest. Borrowing the words of the said decree, "... in the ultimate analysis, there is but one real party in interest — the Government ..."⁸ Pursuant to this, the Department of Justice, through Department Order No. 121,⁹ laid down the rules for the administrative settlement or adjudication of disputes, claims, and controversies between or among government offices, agencies, and instrumentalities, including GOCCs.

6. Prescribing the Procedure for Administrative Settlement or Adjudication of Disputes, Claims and Controversies Between or Among Government Offices, Agencies and Instrumentalities, Including Government-Owned or Controlled Corporations, and for Other Purposes, Presidential Decree No. 242 (1973).
7. *Id.* § 3. Cases involving mixed questions of law and of fact or only factual issues shall be submitted to and settled or adjudicated by:
 - The Solicitor General, with respect to disputes or claims controversies between or among the departments, bureaus, offices and other agencies of the National Government;
 - The Government Corporate Counsel, with respect to disputes or claims or controversies between or among the government-owned or controlled corporations or entities being served by the Office of the Government Corporate Counsel; and
 - The Secretary of Justice, with respect to all other disputes or claims or controversies which do not fall under the categories mentioned in paragraphs (a) and (b).
8. *Id.* One of the WHEREAS clauses provides:

WHEREAS, it is necessary in the public interest to provide for the administrative settlement or adjudication of disputes, claims and controversies between or among government offices, agencies and instrumentalities, including government-owned or controlled corporations, to avoid litigation in court where government lawyers appear for such litigants to espouse and protect their respective interests although, in the ultimate analysis, there is but one real party in interest the Government itself in such litigations;
9. Department of Justice, Department Order No. 121, July 25, 1973.

IV. LAWS GOVERNING THE OGCC

Laws continued to transform the OGCC's role and authority. Presidential Decree No. 1415¹⁰ further defined the powers and functions of the OGCC, and adjusted the rates and range of the compensation of its personnel. Section 1 states that "the Office of the Government Corporate Counsel shall be the principal law office of all government owned and controlled corporations, without exception, including their subsidiaries."¹¹ Section 2 of the same law provides that the GCC has the rank, emoluments and privileges of an Associate Justice of the Court of Appeals and is assisted by six Assistant Government Corporate Counsels who have the same rank, qualifications for appointment, emoluments, and privileges of Judges of the Regional Trial Courts.¹²

Thereafter, Letter of Instruction No. 1096¹³ came. Then President Marcos ordered all heads of ministries, bureaus, offices, agencies, and instrumentalities of the National Government, including GOCCs, to submit all contracts to the GCC for review.¹⁴ The law refers to two kinds of contracts: (1) those contracts entered into by any bureau, office, agency, or instrumentality of the National Government with any foreign or multinational corporation, partnership, firm, entity, or association, involving 50 million pesos and above or the equivalent thereof in foreign currency, and (2) where the contracting party is the Republic of the Philippines through a ministry, bureau, office, agency, or instrumentality of the National Government involving Php500,000 and above or the equivalent thereof in foreign currency or where the contracting party is a government-owned or controlled corporation or a subsidiary thereof.¹⁵ Once reviewed, such contracts shall be forthwith transmitted by the GCC to the Office of the President for consideration or approval.¹⁶ Contracts would not be valid and binding and shall not be approved by Commission on Audit and/or the Department of Budget and Management without such approval.¹⁷

10. Defining the Powers and Functions of the Office of the Government Corporate Counsel, Adjusting the Compensation of Personnel and for Other Purposes, Presidential Decree No. 1415 (1978).

11. *Id.*

12. *Id.*

13. Office of the President, Letter of Instructions No. 1096, Review of All Government Contracts by the Government Corporate Counsel Prior to Approval of the President, Dec. 16, 1980.

14. *Id.*

15. *Id.* ¶ 1.

16. *Id.*

17. *Id.* ¶ 2.

The same Letter of Instruction also provides that failure to secure the necessary approval will give rise to a corresponding liability on the part of the official or employee concerned:

Any officer or employee of any ministry, bureau, office of agency or instrumentality of the National Government, or of any government-owned or controlled corporation or a subsidiary thereof, who fails/refuses to secure the review/approval required herein, shall be *prima facie* presumed to have entered into a contract or transaction manifestly and grossly disadvantageous to the Government for purposes of his prosecution under Republic Act No. 3019, as amended.¹⁸

When Batas Pambansa Blg. 129¹⁹ abolished the Intermediate Appellate Court and the Court of First Instance and created in substitution thereof the Court of Appeals and the Regional Trial Courts, Executive Order No. 878²⁰ was passed to change the status and rank of the GCC and the Assistant Government Corporate Counsels, conformably with the pertinent provisions of Batas Pambansa Blg. 129. Section 5 of said Executive Order No. 878 authorized the GCC to reorganize his legal and administrative or support staff as he may deem proper to promote the efficiency of the service.²¹ In addition, Section 6 provides that when the exigency of the service so requires, any member of the legal staff of the OGCC may be assigned or designated in a concurrent capacity to act as a corporate officer of any of the GOCCs, subject to the approval of the GCC.²²

Section 6. When the exigency of the service so require, any member of the legal staff of the OGCC may be assigned or designated in a concurrent capacity to act as a corporate officer of the government owned or controlled corporations being serviced by the OGCC, provided that the GCC approves the assignment or designation. Whenever any member of the legal staff of the OGCC is assigned or designated to perform additional or special task in any of the client corporations, he is allowed to receive such additional compensation and privileges as may be granted them by the government corporations concerned.

18. Office of the President, Letter of Instructions No. 1096, Review of All Government Contracts by the Government Corporate Counsel Prior to Approval of the President, ¶ 3, Dec. 16, 1980.

19. An Act Reorganizing the Judiciary, Appropriating Funds Therefore, and for Other Purposes, Batas Pambansa Blg. 129 (1994).

20. Reorganizing the Office of the Government Corporate Counsel, Executive Order No. 878 (1983).

21. *Id.* § 5.

22. *Id.* § 6.

As to the clients of the OGCC, Presidential Decree No. 2029²³ clearly identified them as those stock or non-stock corporations, whether performing governmental or proprietary functions, which are directly chartered by a special law or if organized under the general corporation law, are owned or controlled by the government directly or indirectly through a parent corporation or subsidiary corporation, to the extent of at least a majority of its outstanding capital stock or of its outstanding voting capital stock. There are currently more than six hundred GOCCs being served by the OGCC.

The OGCC's legal duty to act as the statutory legal counsel of GOCCs was further underscored when the Commission Audit released Circular 86-255²⁴ which stated that "payment out of public funds of retainer fees to private law practitioners who are hired or employed without the prior written conformity and acquiescence of the Government Corporate Counsel, with respect to GOCCs, as well as the written concurrence of the Commission on Audit shall be disallowed in audit and the same shall be the personal liability of the officials concerned."²⁵

Book IV, Title III, Chapter 3, Section 10 of Executive Order No. 292,²⁶ otherwise known as Administrative Code of 1987, captured all the previous issuances and rulings in the past on the powers and duties of the OGCC. It declared that the OGCC is the principal law office of all GOCCs and that it shall exercise control and supervision over all legal departments maintained separately by the GOCCs.²⁷

Section 10. *Office of the Government Corporate Counsel* - The Office of the Government Corporate Counsel (OGCC) shall act as the principal law office of all government-owned or controlled corporations, their subsidiaries, other corporate offsprings and government-acquired asset corporations and shall exercise control and supervision over all legal departments or divisions maintained separately and such powers and functions as are now or may hereafter be provided by law. In the exercise of such control and supervision, the Government Corporate Counsel shall promulgate rules and regulations to effectively implement the objectives of the Office.

23. Defining Government-Owned or Controlled Corporations and Identifying Their Role in the Government, Presidential Decree No. 2029 (1986).

24. Commission on Audit, Circular No. 86-255, Inhibition against employment by government agencies and instrumentalities, including government-owned and controlled corporations, of private lawyers to handle their legal cases, Apr. 2, 1986, available at http://www.coa.gov.ph/COA_hm/Rules.htm (last accessed July 30, 2006).

25. *Id.*

26. Instituting the Administrative Code of 1987, Executive Order No. 292 (1987).

27. *Id.* ch. 3, § 10.

The OGCC is authorized to receive attorney's fees adjudged in favor of their client government-owned or controlled corporations, their subsidiaries and other corporate offsprings and government-acquired asset corporations. These attorney's fees shall accrue to a special fund of the OGCC and shall be deposited in an authorized government depository as a trust liability. This fund shall be made available for expenditure without the need for a cash disbursement ceiling, for purposes of upgrading facilities and equipment, granting of employees' incentive pay and other benefits, and defraying such other incentive expenses not provided for in the General Appropriations Act as may be determined by the GOCC.

Executive Order No. 292 was followed by Executive Order No. 299²⁸ issued by then President Corazon Aquino, which modified Executive Order No. 878. Section 1 of Executive Order No. 299 states:

The Office of the Government Corporate Counsel shall be headed by the Government Corporate Counsel whose rank, emoluments, and privileges shall be the same as those of the Presiding Justice of the Court of Appeals. He shall be assisted by a Deputy Government Corporate Counsel whose rank, emoluments and privileges shall be the same as those of an Associate Justice of the Court of Appeals, and ten (10) Assistant Government Corporate Counsels whose rank emoluments and privileges shall be the same as those of a Regional Trial Judge of the Regional Trial Courts.

The Government Corporate Counsel, Deputy Government Corporate Counsel, and Assistant Government Corporate Counsels must be officers learned in law, of recognized competence, with experience in the practice of law for at least ten (10) years, and at least thirty-five (35) years of age.

The incumbent Government Corporate Counsel, Deputy Government Corporate Counsel, and Assistant Government Corporate Counsels shall be entitled to the rights, emoluments and privileges vested upon them as of the time of their appointments, without need of new appointments.

Thereafter, President Aquino, through Executive Order No. 21,²⁹ ordered the Department of Budget and Management to prepare a new

28. Modifying Executive Order No. 878, dated Mar. 4, 1983, Executive Order No. 299 (1987).

29. Directing the Department of Budget and Management to Prepare a New Position and Compensation Plan for the Department of Justice, the Office of the Solicitor General and the Office of the Government Corporate Counsel, Providing Funds for Such New Position and Compensation Plan, and for Other Purposes, Executive Order No. 261 (1987). Section 1 of which provides:

The Department of Budget and Management is hereby authorized to provide for a new position and compensation plan for the Department of Justice, the Office of the Solicitor General, and the Office of the Government Corporate Counsel, taking into account the qualifications required for the positions therein: Provided, That this be accomplished

position and compensation plan for the Department of Justice, the Office of the Solicitor General, and the OGCC.

Then, Administrative Order No. 130³⁰ was passed. This delineated the functions and responsibilities of the Office of the Solicitor General and the Office of the Government Corporate Counsel. This was followed by Memorandum Circular No. 9³¹ issued by then President Joseph Ejercito Estrada on 27 August 1998. The Memorandum prohibited GOCCs from referring their cases and legal matters to the Office of the Solicitor General, private legal counsel or law firms and directed the GOCCs to refer their cases and legal matters to the OGCC, unless otherwise authorized under certain exceptional circumstances.³²

V. INSTITUTIONALIZING THE OGCC

What institutionalized OGCC's position in the legal system is the 2005 Supreme Court decision in the case of *Land Bank of the Philippines v. Teresita Panlilio-Luciano*.³³ The Supreme Court, citing Section 10, Book IV, Title III, Chapter 3 of the Administrative Code of 1987, said that the OGCC and not the Land Bank of the Philippines Legal Department is the principal law office of the Land Bank of the Philippines (hereinafter LBP). This provision established "the proper hierarchical order in the LBP Legal Department which according to the Supreme Court remains under the control and supervision of the OGCC."³⁴ Thus:

within the existing appropriations of the Department and the Offices; Provided, further, That the constitutional provision on standardization of salaries be followed; and Provided, finally, That the new position and compensation plan be subject to the approval of the President.

30. Delineating the Functions and Responsibilities of the Office of the Solicitor General and the Office of the Government Corporate Counsel, Administrative Order No. 130 (1994).
31. Office of the President, Memorandum Circular No. 9 Prohibiting Government-Owned or Controlled Corporations (GOCCs) from Transferring their Cases and Legal Matters to the Office of the Solicitor General, Private Legal Counsel or Law Firms and Directing the GOCCs to Refer Their Cases and Legal Matters to the Office of the Government Corporate Counsel, Unless Otherwise Authorized Under Certain Exceptional Circumstances, Aug. 27, 1998.
32. *Id.*
33. *Land Bank of the Philippines v. Teresita Panlilio-Luciano*, G.R. No. 165428, July 13, 2005, <http://www.supremecourt.gov.ph/resolutions/2nd/2005/2jul/165428.htm> (last accessed July 30, 2006).
34. *Id.*

[a]t the same time, the existence of the OGCC does not render the LBP Legal Department a superfluity. We do not doubt that the LBP Legal Department carries out vital legal services to LBP. However, the performance of such functions cannot deprive OGCC's role as overseer of the LBP Legal Department and its mandate of exercising control and supervision over all GOCC legal departments.³⁵

It was also stressed that the OGCC is not just the principal legal counsel of GOCCs but is an overseer of all the legal departments of GOCCs. The wisdom behind this is to ensure that the legal positions of all the GOCCs will be in accord with that of the rest of the GOCCs.

Since the jurisdiction of the OGCC includes all GOCCs, its perspective is less myopic than that maintained by any particular legal department of a GOCC. It is not inconceivable that left to its own devices, the legal department of a given GOCC may adopt a legal position inconsistent with or detrimental to other GOCCs. Since GOCCs fall within the same governmental framework, it would be detrimental to have GOCCs foisted into adversarial positions by their respective legal departments.³⁶

This ruling also emphasized that the OGCC, as the principal legal counsel of GOCCs such as the LBP, is authorized to receive attorney's fees that will accrue to the special fund of the OGCC.

It should also be noted that the aforementioned Section 10, Book IV, Title III, Chapter 3 of the Administrative Code of 1987 authorizes the OGCC to receive the attorney's fees adjudged in favor of their client GOCCs, such fees accruing to a special fund of the OGCC. Evidently, the non-participation of the OGCC in litigations pursued by GOCCs would deprive the former of its funding as authorized by law.³⁷

It is also significant to note that this ruling affirmed the 2003 Supreme Court decision in the case of *Phividec Industrial Authority v. Capitol Steel Corporation*³⁸ where the Supreme Court reviewed the laws involving the role of the OGCC as the official counsel of all GOCCs from the time the office was made separate and distinct from the Office of the Solicitor General.

The Court said the review is "necessary to determine the nature and extent of the OGCC's legal representation in behalf of GOCCs and the public policy, if any, as regards the engagement by GOCCs of the services of private lawyers."³⁹

35. *Id.*

36. *Id.*

37. *Id.*

38. *Phividec Industrial Authority v. Capitol Steel Corporation*, 414 SCRA 327 (2003).

39. *Id.* at 330.

As the Court went through the laws and administrative orders pertaining to OGCC, it found that when President Fidel Ramos issued Administrative Order No. 130, the exclusive mandate of OGCC was strengthened because it effectively removed from the GOCCs the opportunity to engage the services of private lawyers.⁴⁰ Section 1 of Administrative Order No. 130 reads:

All legal matters pertaining to government-owned or controlled corporations, their subsidiaries, other corporate offsprings and government-acquired asset corporations shall be exclusively referred to and handled by the Office of the Government Corporate Counsel, unless their respective Charters expressly name the Office of the Solicitor General as their legal counsel. When authorized by the President, or by the head of the office concerned and approved by the President, the OSG shall also represent GOCCs.⁴¹

The general rule laid down by Administrative Order No. 130 was amended when President Joseph Estrada enacted Memorandum Circular No. 9 on 27 August 1998. Several exceptions were allowed as provided in Section 3 thereof, which states:

GOCCs are likewise enjoined to refrain from hiring private lawyers or law firms to handle their cases and legal matters. But in exceptional cases, the written conformity and acquiescence of the Solicitor General or the Government Corporate Counsel, as the case may be, and the written concurrence of the Commission on Audit shall first be secured before the hiring or employment of a private lawyer or law firm.⁴²

The decision identified the indispensable conditions precedent before any hiring of private lawyer could be effected, as follows:

First, private counsel can be hired only in exceptional cases. Second, the GOCC must first secure the written conformity and acquiescence of the Solicitor General or the Government Corporate Counsel, as the case may

40. *Id.* at 333.

41. *Id.* (citing Delineating the Functions and Responsibilities of the Office of the Solicitor General and the Office of the Government Corporate Counsel, Administrative Order No. 130 § 1).

42. *Id.* at 333-34 (citing Office of the President, Memorandum Circular No. 9 Prohibiting Government-Owned or Controlled Corporations (GOCCs) from Transferring their Cases and Legal Matters to the Office of the Solicitor General, Private Legal Counsel or Law Firms and Directing the GOCCs to Refer Their Cases and Legal Matters to the Office of the Government Corporate Counsel, Unless Otherwise Authorized Under Certain Exceptional Circumstances, § 3).

be, before any hiring can be done. And third, the written concurrence of the COA must also be secured prior to the hiring.⁴³

Primarily, as the ruling explained, the circular shows a strong policy bias against the hiring of private counsels by GOCCs. One of the reasons is to curtail unnecessary spending of public funds which happens when a private lawyer charges legal fees against GOCCs. The reason is anchored on a strong belief that "OGCC lawyers are imbued with a deeper sense of fidelity to the government's cause and more attuned to the need to preserve the confidentiality of sensitive information."⁴⁴

VI. CONTINUOUS DEVELOPMENT OF THE OGCC

The principles and the policies behind all these rulings, laws and decisions were taken into consideration when the OGCC published its Implementing Rules and Regulations this year.⁴⁵ The OGCC Rules, which were promulgated on 28 February 2006, mainly defined the powers of the OGCC and provided for the procedures and policies in handling cases and alternative dispute resolutions.

Through its publication, the OGCC intends to make its own contribution in refining its statutory role in the effective delivery of legal services to its client corporations. And pursuant to Part III of the OGCC Rules which covers Alternative Dispute Resolution (hereinafter ADR), the OGCC, as principal legal counsel and overseer, intends to develop its expertise on ADR as a method of settling or resolving disputes between or among GOCCs. This objective is at once apparent in the Declaration of Policy, which states:

It is hereby declared the policy of the Office of the Government Corporate Counsel (OGCC) to efficiently discharge its functions and powers as principal law office of all Government Owned or Controlled Corporations (GOCCs), their subsidiaries, other corporate offsprings and government acquired asset corporations as well as to promote and encourage the resolution and settlement of disputes, claims and controversies between or among government offices, agencies and instrumentalities, including GOCCs, through the appropriate mode such as arbitration, negotiation and/or mediation/conciliation, even if there is a private person or entity involved, always bearing in mind that in the ultimate analysis, there is only

43. *Id.* at 334.

44. *Phividec Industrial Authority v. Capitol Steel Corporation*, 414 SCRA 327, 334 (2003).

45. Office of the Government Corporate Counsel, Rules Governing the Exercise by the Office of the Government Corporate Counsel (OGCC) of its Functions and Powers as Principal Law Office of All Government Owned or Controlled Corporations, Feb. 28, 2006.

one predominant real party-in-interest namely, the Government that is instituted to serve the welfare of the Filipino people.⁴⁶

After a series of transformations brought about by the enactment of laws, the Office of the Government Corporate Counsel has become an institution adaptive and pro-active to change. Its past, present, and future are geared towards the fulfillment of its mandate as the statutory legal counsel of government-owned or controlled corporations – unless the President or Congress finds it necessary to again redefine its role.

46. *Id.* Rule II.

Doctrine of Equivalentents and Its Equivalence in the Philippines

Ferdinand M. Negre* and Jonathan Q. Perez**

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I. INTRODUCTION

Patent infringement is ordinarily understood to mean the unauthorized replication or use of a patented invention or process. In the Philippines, the legal framework for determining patent infringement is that defined in

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Cite as 51 ATENEO L.J. 301 (2006).

Reference is made to jurisprudence from the United States of America (hereinafter U.S.) because the Philippines adheres to the same legal principles as that of the U.S. on patent infringement and patents in general. Thus, the Philippine Supreme Court cites U.S. jurisprudence in its decisions relating to patent issues.