

NOTICE

TO : **ALL CONCERNED**

FROM : **OFFICE OF THE GENERAL COUNSEL**

SUBJECT : **INTERIM GUIDELINES FOR THE LIMITED MANUAL OPERATIONS OF OFFICE OF THE GENERAL COUNSEL DURING THE PERIOD OF STATE OF NATIONAL EMERGENCY DUE TO COVID-19 PANDEMIC, AS AMENDED**

DATE : **03 JULY 2020**

I. BACKGROUND

Pursuant to Resolution No. 40 of the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (the "IATF Resolution") placing the National Capital Region (NCR) under General Community Quarantine, the Office of the General Counsel ("OGC" or the "Office") shall resume limited manual operations under a Skeleton Workforce and Work-From-Home Arrangement in accordance with the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines, as amended, and all relevant rules and regulations issued by the Civil Service Commission (CSC).

Similarly, in accordance with the directive of the Office of the President to undertake appropriate measures to curtail and eliminate the COVID-19 threat, the Office shall ensure the health and safety of all its employees and personnel without compromising its commitment to continuously deliver quality public service consistent with the SEC core value of accountability.

Considering the foregoing, the Office shall adopt and implement these Interim Guidelines for the Limited Manual Operations of Office of the General Counsel During the Period of State of National Emergency Due to COVID-19 Pandemic (the "Covered Period").

II. SCOPE AND COVERAGE

These interim guidelines shall cover all services provided by and transactions with the OGC under the 2016 SEC Rules of Procedure and all other relevant rules and regulations during the period of State of National Emergency due to COVID-19 pandemic.

To ensure and afford reasonable protection to the public and to the employees, the OGC will continue to implement measures where there is minimal face-to-face transactions in the following services:

1. Receiving of documents (Petition, Memorandum of Appeal; pleadings, orders and decisions from courts or other quasi-judicial agencies; proof of payment; and all other documents);
2. Releasing of certified true copies of records; and
3. Releasing of orders, decisions, resolutions, and legal opinions.

Other than the receiving of documents, the manual operations shall only cater to those requests of service that have already been assessed and approved during online processing.

III. LIMITED MANUAL OPERATIONS OF OGC

During the Covered Period, the OGC will resume its limited manual operations from Monday to Thursday between 9:00 AM – 3:00 PM in OGC's Main Office located at 3rd Floor, Secretariat Building, PICC, Pasay City. Personnel who are not part of the skeleton workforce shall work from home. Cut-off time for receiving of physical documents shall be at exactly 2:00 PM. Meanwhile, emails received beyond 3:00 PM will be processed/entertained on the next business day.

A. Public Assistance on Walk-in/Phone-in Legal Queries

1. During the Covered Period, walk-in and phone-in consultations of legal queries will be temporarily unavailable.

Alternatively, the public is highly encouraged to present questions or inquiries through email at ogc_picc@sec.gov.ph. The cut-off time for purposes of reckoning the date of receipt of emails in a particular day shall be at 3:00 PM. Emails received beyond the cut-off time will be considered received on the next business day.

B. Request for Certified True Copy (CTC) or Plain Copy of Documents Related to Cases

General Requirements:

1. Letter Request
2. Proof of Payment

Fee: PHP 50.00 + PHP 30.00 Document Stamp Tax (DST) + PHP 10.00 per page

Guidelines:

1. The Client shall prepare a formal Letter Request and send it through email to ogc_picc@sec.gov.ph.

The cut-off time for purposes of reckoning the date of receipt of Letter Request in a particular day shall be at 3:00 PM. Letter Request received beyond the cut-off time will be considered received on the next business day.

2. Once the Letter Request is approved, the Client will receive an email reply with an advice to proceed with the payment of the CTC fee.
3. Should the Client wish to proceed with his or her request, the Client must notify through email. Once the notification is received, a copy of the Payment Assessment Form (PAF) will be sent to Client's email address.
4. Upon receipt of the PAF, the Client shall print the form and proceed to pay the assessed amount at any of the SEC Cashiers located at the following areas:

SEC MAIN OFFICE – CASHIER

Location: Ground Floor, Secretariat Building, PICC Complex, Roxas Boulevard, Pasay City

Telephone No.: (02) 8-818-5825

SEC ORTIGAS - CASHIER

Location: SEC Ortigas Building, Ground Floor, EDSA, Mandaluyong City

Telephone No.: (02) 8-584-9772

5. A copy of the official receipt shall be sent to ogc_picc@sec.gov.ph as proof of payment. The Client shall receive an update on the requested service.
6. The original copy of the official receipt will serve as the Client's claim stub in receiving the certified true copies of the documents.

C. Filing of Request for Legal Opinion

General Requirements:

1. Letter Request with supporting documents
2. Proof of Payment (If subject of the request is determined to be proper subject of a Legal Opinion pursuant to Memorandum Circular No. 15, s. 2003)

Fee: PHP 10,000.00

Guidelines:

1. The Client shall prepare a formal Letter Request, along with its supporting documents, and send it through email to ogc_picc@sec.gov.ph for initial assessment.

The cut-off time for purposes of reckoning the date of receipt of Letter Request in a particular day shall be at 3:00 PM. Letter Request received beyond the cut-off time will be considered received on the next business day.

2. After the determination that the Letter Request pertains to specific questions of law and complies with SEC Memorandum Circular No. 15 s. 2003 (MC No. 15, s.2003), the OGC shall send a reply to the Client through email with an advice to proceed with the payment of opinion fee in the amount of PHP 10,000.00.

Otherwise, the OGC shall inform the Client that the Letter Request does not pertain to specific questions of law and not compliant with MC No. 15, s.2003, and is thus not opinionable.

3. Should the Client wish to proceed with his or her request, the Client must notify through email. Once the notification is received, a copy of the Payment Assessment Form (PAF) will be sent to Client's email address.
4. Upon receipt of the PAF, the Client shall print the form and proceed to pay the assessed amount at any of the SEC Cashiers located at the following areas:

SEC MAIN OFFICE - CASHIER

Location: Ground Floor, Secretariat Building, PICC Complex, Roxas Boulevard, Pasay City

Telephone No.: (02) 8-818-5825

SEC ORTIGAS - CASHIER

Location: SEC Ortigas Building, Ground Floor, EDSA, Mandaluyong City

Telephone No.: (02) 8-584-9772

5. A copy of the official receipt shall be sent to ogc_picc@sec.gov.ph as proof of payment. The Client shall receive an update on the requested service.

The issuance and release of the opinion shall be on a first-in, first-out basis, and shall depend on the number, difficulty and novelty of the question presented therein.

6. The original copy of the official receipt will serve as the Client's claim stub in receiving the original copy of the opinion.

D. Filing of Petition and Appeal

General Requirements:

- a. Verified petition or appeal with supporting documents
- b. Proof of Payment

Fee: PHP 3,030.00

Guidelines:

1. The Client may file its verified petition or appeal through any of the following modes: **(a)** Manual Filing; **(b)** Registered Mail or Private Courier; or **(c)** Electronic Filing.

(a) Manual Filing

Manner

The Client must fill-out the Request Form provided by OGC. Six (6) legible copies of the petition or memorandum of appeal with supporting documents shall be sealed in an envelope and shall be left at the designated place provided by the Office. The Client will be receiving a temporary acknowledgment receipt from OGC.

Date of Filing

Date of filing shall be the date indicated on the official receipt issued to the Client upon payment of the filing fee.

(b) Registered Mail or Private Courier

Manner

Six (6) legible copies of the petition or memorandum of appeal with supporting documents shall be sealed in an envelope, together with the postal money order for the payment of the filing fee, and sent through registered mail or private courier addressed to:

**OFFICE OF THE GENERAL COUNSEL
Securities and Exchange Commission
3rd Floor, Secretariat Building
PICC Complex, Pasay City**

Date of Filing

Date of filing shall be the date of the mailing, as shown by the post office stamp on the envelope or the registry receipt or the acknowledgement receipt issued by the private courier company.

(c) Electronic Filing

Manner

Copy of the petition or appeal with supporting documents may be filed electronically by sending an electronic mail to ogc_picc@sec.gov.ph with a subject title: **FILING OF APPEAL_CASE TITLE**.

Scanned copies of the printed or hard copies of the documents may be sent in Portable Document Format (PDF). For documents that have annex/es, a **separate scanned file for each annex** must be filed by the party using the prescribed file name. (*Ex. Appeal - Annex "A"; Appeal - Annex "B"; and so forth*)

Date of Filing

Date of filing shall be the date indicated on the official receipt issued to the Client upon payment of the filing fee.

2. In compliance with public health standards for the mitigation of the COVID-19 threat, the physical documents received by the OGC shall be subject to sanitation procedures and initial assessment of the OGC as to the completeness of the petition or memorandum of appeal.
3. Within a period of not exceeding three (3) working days from submission (*i.e. manual filing or electronic filing*), the OGC shall send a reply to the Client through email confirming the completeness of the petition or memorandum of appeal with supporting documents.

The OGC shall also advise the Client for the payment of filing fee in the amount of PHP 3,030.00.

4. Should the Client wish to proceed with its request, the OGC shall send a copy of the Payment Assessment Form (PAF) for payment. Upon receipt of the PAF, the Client shall print the form and proceed to pay the assessed amount at any of the SEC Cashiers located at the following areas:

SEC MAIN OFFICE - CASHIER

Location: Ground Floor, Secretariat Building, PICC Complex, Roxas Boulevard, Pasay City

Telephone No.: (02) 8-818-5825

SEC ORTIGAS - CASHIER

Location: SEC Ortigas Building, Ground Floor, EDSA, Mandaluyong City

Telephone No.: (02) 8-584-9772

5. A copy of the official receipt shall be sent to ogc_picc@sec.gov.ph as proof of payment. Upon receipt of the proof of payment, the OGC shall proceed with the docketing and raffling of the petition or memorandum of appeal. The Client shall receive an update on the requested service.

The original copy of the official receipt may be sent to OGC's office via registered mail or any other private courier.

6. **Filing of Responsive Pleadings and Other Documents**

- a. The Commission may order the submission of additional documents based on the allegations in the petition or memorandum.

b. **Responsive Pleadings**

The party in any case pending before the OGC or the Commission En Banc may file its responsive pleading through any of the following modes: **(a)** Manual Filing; **(b)** Registered Mail or Private Courier; and **(c)** Electronic Filing.

Manual Filing

The party or its representative, or through its counsel must fill-out the Request Form provided by OGC. Copy of the responsive pleading shall be sealed in an envelope and shall be left at the designated place provided by the Office.

Registered Mail or Private Courier

Copy of the responsive pleading shall be sealed in an envelope and may be sent through registered mail or private courier addressed to:

**OFFICE OF THE GENERAL COUNSEL
Securities and Exchange Commission**
3rd Floor, Secretariat Building
PICC Complex, Pasay City

Electronic Filing

Copy of the responsive pleading may be filed electronically by sending an electronic mail to ogc_picc@sec.gov.ph with a subject title: **CASE NUMBER_CASE TITLE_TYPE OF DOCUMENT**.

Scanned copies of the printed or hard copies of the documents may be sent in Portable Document Format (PDF). For documents that have annex/es, a **separate scanned file for each annex** must be filed by the party using the prescribed file name. (*Ex. Comment - Annex "A"; Comment - Annex "B"; and so forth*)

If applicable, proof of service¹ to the operating departments or other parties must be included in the attachments before a party can file the document/s covered under this item.

The cut-off time for purposes of reckoning the date of receipt of emails in a particular day shall be at 3:00 PM. Emails received beyond the cut-off time will be considered received on the next business day.

c. **Other Pleadings and Documents**

Filing of other pleadings and documents, as stated below, shall be done electronically using the manner of electronic filing stated under item **D(6)(b)**.

- i. Reply
- ii. Motion to Lift CDO
- iii. Manifestations and Motions
- iv. Rejoinder
- v. Position Paper
- vi. Other Pleadings

¹ See Sec.4-3 (c) of the 2016 Rules of Procedure of the Securities and Exchange Commission.

E. General Receiving of Documents

Guidelines:

1. If the documents to be received by the OGC do not fall within the transactions specified above, the general public is hereby directed to send its letter, document or any correspondence to ogc_picc@sec.gov.ph.

The cut-off time for purposes of reckoning the date of receipt of emails in a particular day shall be at 3:00 PM. Emails received beyond the cut-off time will be considered received on the next business day.

2. a. Alternatively, the general public may opt to send its documents through registered mail or private courier addressed to:

OFFICE OF THE GENERAL COUNSEL
Securities and Exchange Commission
3rd Floor, Secretariat Building
PICC Complex, Pasay City

b. In compliance with public health standards for the mitigation of the COVID-19 threat, the documents received by the OGC through registered mail or private courier shall be subject to sanitation procedures and initial assessment. Within a period of not exceeding three (3) working days from receipt of documents, the OGC shall send a reply to the Client through email confirming the receipt of the documents.


3. The Client shall receive an update regarding the requested service, if any.

IV. EFFECTIVITY

These interim guidelines shall take effect on 06 July 2020 and shall continue to be in force unless modified or recalled by the Office.

FOR THE GUIDANCE OF ALL CONCERNED.

03 July 2020. Pasay City.


Romuald C. Padilla
General Counsel