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1.0 PURPOSE

The purposes for this process are the following:


- 1.1 The Legal Affairs Office provides legal consultations with regard to the implementation of the laws, by-laws, charter, decrees, and other related legal issues which concerns the Commission, and thereby prepare legal opinions, memorandum of agreement, affidavits such as Affidavits of undertaking and affidavit of loss, contracts and other related documents in relation thereto.
- 1.2 The Legal Affairs Office provides, manages and coordinates all legal services for the Commission in positive and professional manner. The Legal Office is committed to render high quality, responsive legal advice within the time frame required by law to facilitate the achievement of the Philippine Sports Commission's objective.

2.0 SCOPE


- 2.1 Provide legal services to PSC departments and bureaus as well as the PSC Board, including but not limited to: contract drafting, negotiation and review; negotiating and drafting documents, interpretation of laws; handling internal and external administrative and regulatory matters and grievances policy review and development, answering legal queries;
- 2.2 Provide legal consultations with regard to the PSC Law and its application;
- 2.3 Drafts, edit and reviews contracts, and provide legal advice in relation thereto;
- 2.4 Represents PSC in controversy before all courts of law; and/or judicial forums, such as arbitration and the like, in addition to preparing defenses memos, pleadings and other related documents in coordination with the Office of the Solicitor General (OSG), as PSC's statutory Counsel, in relation with these cases;
- 2.5 Participate in reprimand councils, investigative committees, and other related tasks;
- 2.6 Serve all units of the PSC through preventive counseling, i.e., the provision of timely and effective legal advice before legal problems arise in order to prevent or minimize the legal liability;
- 2.7 Any other function that falls within, related to, or implied by the nature of work at the unit

3.0 DEFINITION OF TERMS

- 3.1 Addendum – refers to a legal document which is added or amendments to a previously printed legal document such as a contract or an affidavit of undertaking, in order to explain, modify or change some details therein.

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- 3.2 Affidavit of Loss – refers to a legal document which reflects the sworn statements of the affiant regarding the description of his/her lost items, how and when the items were lost and the request to replace such items. It must be notarized.
- 3.3 Affidavit of Undertaking – refers to a legal document which reflects the sworn statements of the affiant with regard to his/her particular request to the PSC and the amount approved by the PSC as financial assistance. It also contains the affiant’s undertaking to submit to the PSC an accounting or financial liquidation of the said amount supported with pertinent documents and the acknowledgment of an unliquidated amount. It must be notarized.
- 3.4 Affidavit of Undertaking (BOC)-refers to a legal document which reflects the sworn statement of the Chairman to the BOC regarding the importation of sports equipment. That the same shall be use exclusively by the NSAs/LGUs for the promotion of sports and will not be subject for sale, barter of lease nor transfer for any consideration. It must be notarized.
- 3.5 Contract of Affiliation – is a binding contract between the PSC and another entity which contains the consideration, terms, conditions and stipulations regarding the affiliation of such entity with the PSC. It must be notarized.
- 3.6 Contract of Lease – is a binding contract between the PSC and another entity which contains the consideration, agreement, conditions and stipulations regarding the lease of a particular PSC location, either in Rizal Memorial Sports Complex or in PhilSports, and the duration of the contract. It must be notarized.
- 3.7 Contract of Service (personnel) – is a binding contract between the PSC and an individual who will be an employee of the PSC for a particular duration and corresponding salary. There is no employer-employee relationship between the two parties. It must be notarized. This includes contracts for Consultants. It must ne notarized.
- 3.8 Contract of Service for (goods/services) - is a binding contract between PSC and the Contractor. It contains the term of reference, the delivery schedule, the consideration and other conditions that the parties may stipulate. It must be notarized.
- 3.9 Deed of Donation – refers to a legal document which reflects the act of the PSC as donor or donee, conditions, terms and stipulations with regard to a particular object. It must be notarized.
- 3.10 Demand Letter – is a correspondence which orders a person to comply with a particular order of the PSC such as the payment of an outstanding arrears, otherwise, legal remedies will be availed of.
- 3.11 Job Order – Requisition Form - refers to a legal document which contains a job order request from a particular office such as PSC PhilSports, Sports Facilities Division, Personnel Office, etc. It contains the name of the project, name of the worker, his scope of work, position, corresponding service fee, as well as the duration of the project. It must be signed by the requesting employee, worker, and head of the personnel office and must be approved by the Executive Director.
- 3.12 Justification – is a legal document which discloses the rationale of a particular act or omission of a person.

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- 3.13 Legal Opinion – is a written explanation by the Head of the Legal Affairs Office which answers a particular legal issue or gives its rationale, as requested by the other PSC offices.
- 3.14 Memorandum of Agreement (MOA) - refers to a binding contract between the PSC and another entity which contains the agreement of both parties with regard to the consideration, terms, conditions and stipulations of a particular subject matter. It must be notarized.
- 3.15 Memorandum- This is a form of communication issued by the legal affairs office to the chairman, executive director, bureau head, division head, section and unit head regarding a particular matter. It may involve a legal query, an explanation of legal issues or a demand to explain given to PSC Officials/employees.
- 3.16 PSC Venue Rental Agreement – refers to a binding contract entered into between the PSC and other entity with regard to the rental of a particular PSC venue, either in Rizal Memorial Sports Complex or PhilSports and its corresponding venue rental fee. It must be notarized.
- 3.17 Review – act of the Head of the Legal Affairs Office of checking or correcting the drafts or documents made by the staff.
- 3.18 Special Power of Attorney (SPA) – refers to a legal document which is made to name, appoint and constitute a particular individual to do certain acts for and in behalf of another. It must be notarized.

4.0 REFERENCE DOCUMENTS

- 4.1 Addendum Format
- 4.2 Affidavits
 - 4.2.1 Affidavit of Undertaking
 - 4.2.2 Affidavit of Loss
- 4.3 Contract of Affiliation
- 4.4 Contract of Lease
- 4.5 Contract of Service (personnel)
- 4.6 Contract of Service (Goods/Services)
- 4.7 Deed of Donation
- 4.8 Demand Letter
- 4.9 Job Order Requisition Form
- 4.10 Justification
- 4.11 Legal Opinion
- 4.12 Memorandum of Agreement
- 4.13 Memorandum to the Chairman, Executive Director, Bureaus, Division, section, unit.
- 4.14 PSC Venue Rental Agreement
- 4.15 Special Power of Attorney
- 4.16 Legal Office Operations Manual
- 4.17 Republic Act No. 6847 – The Philippine Sports Commission Act



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5.0 PROCESS FLOW

5.1 Review of Contract Billing Computations for the use of PSC Venues

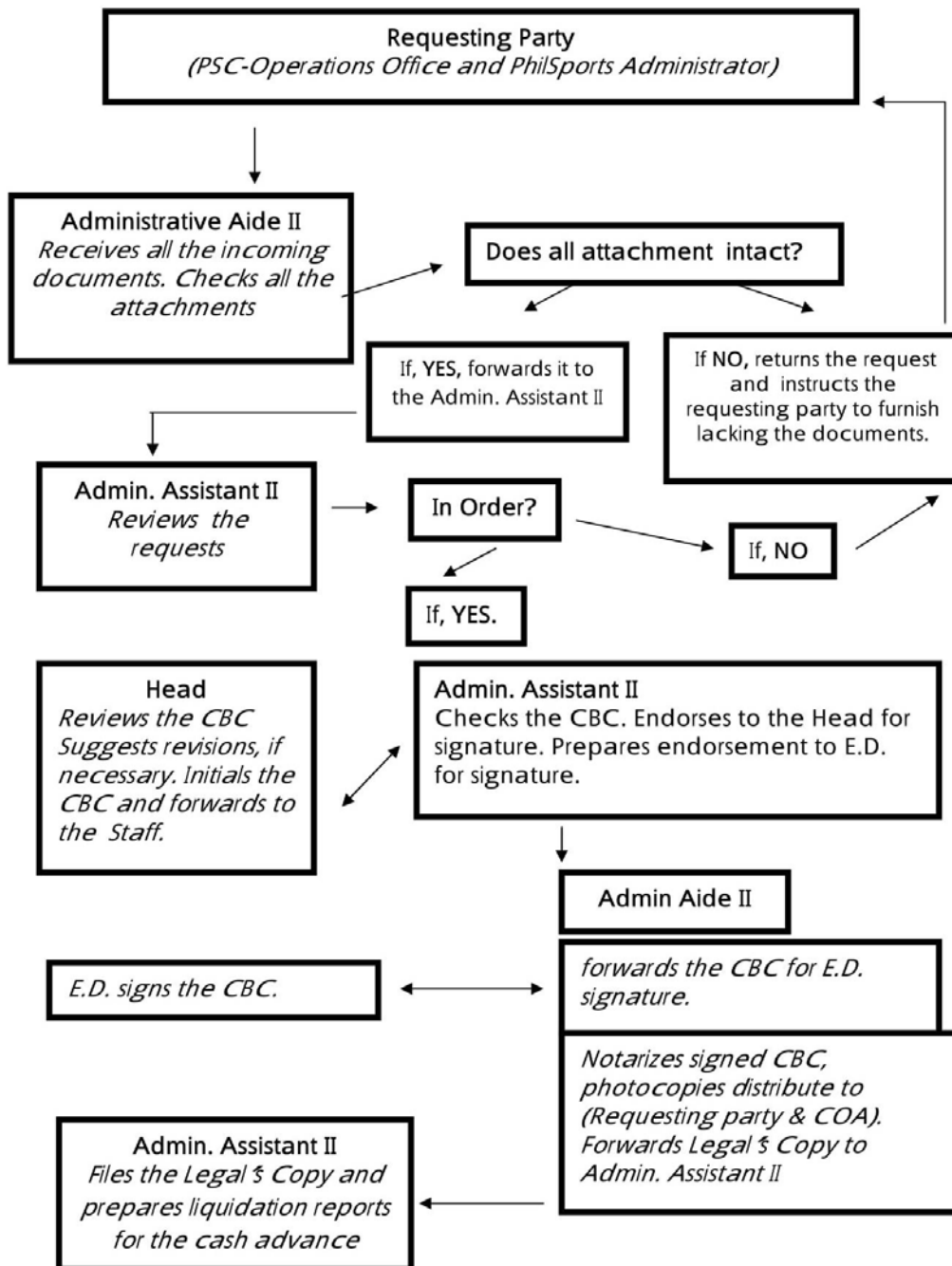
RESPONSIBLE

FLOW CHART

REFERENCE

Legal Staff

Legal Office Operations Manual





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5.2 Review of Contract Billing Computation (CBC) for the use of PSC

Request for Legal Opinion

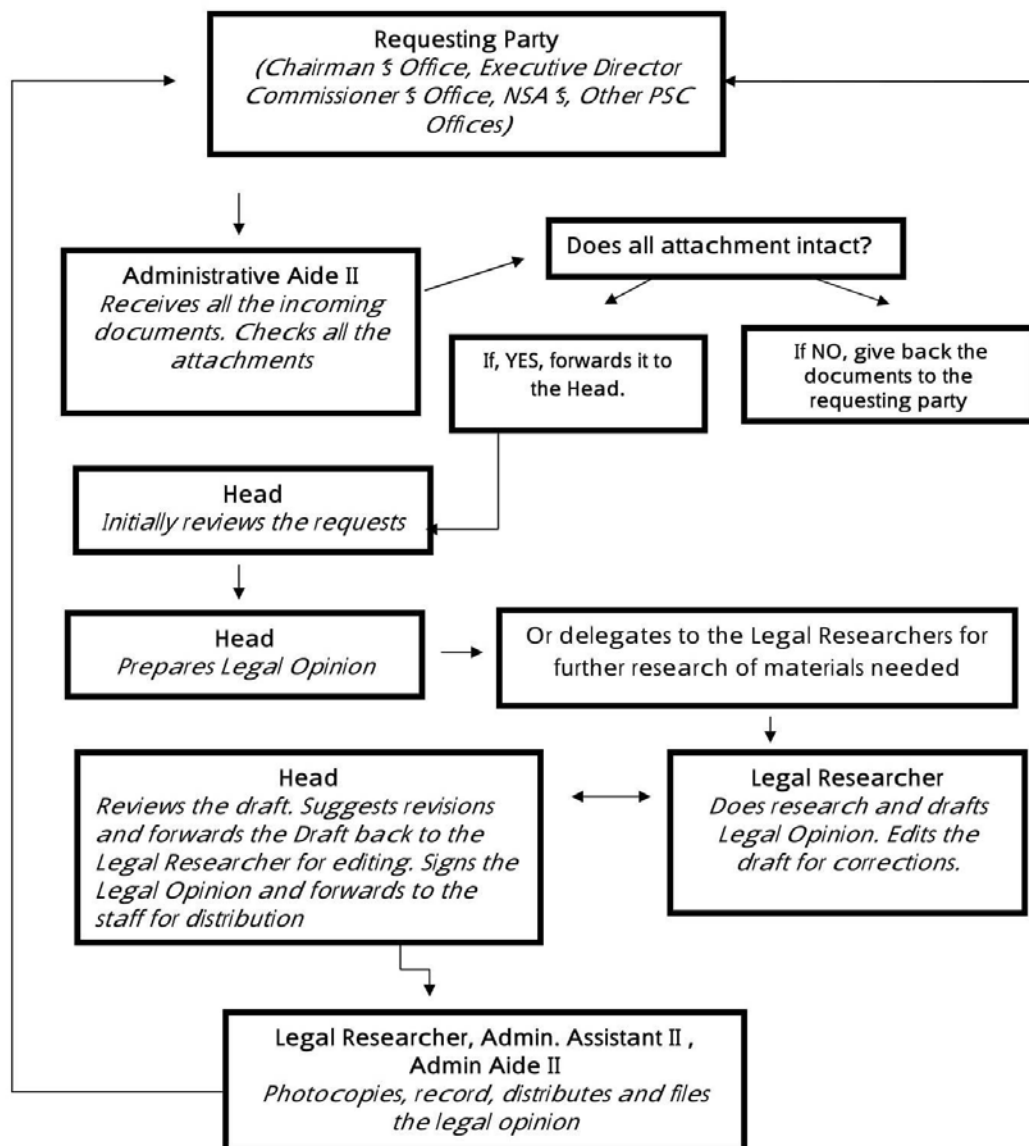
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Flow Chart

Reference

Legal Staff

Legal Office Operations Manual





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5.3 Request for Preparation of Affidavit of Undertaking for Bureau of Customs

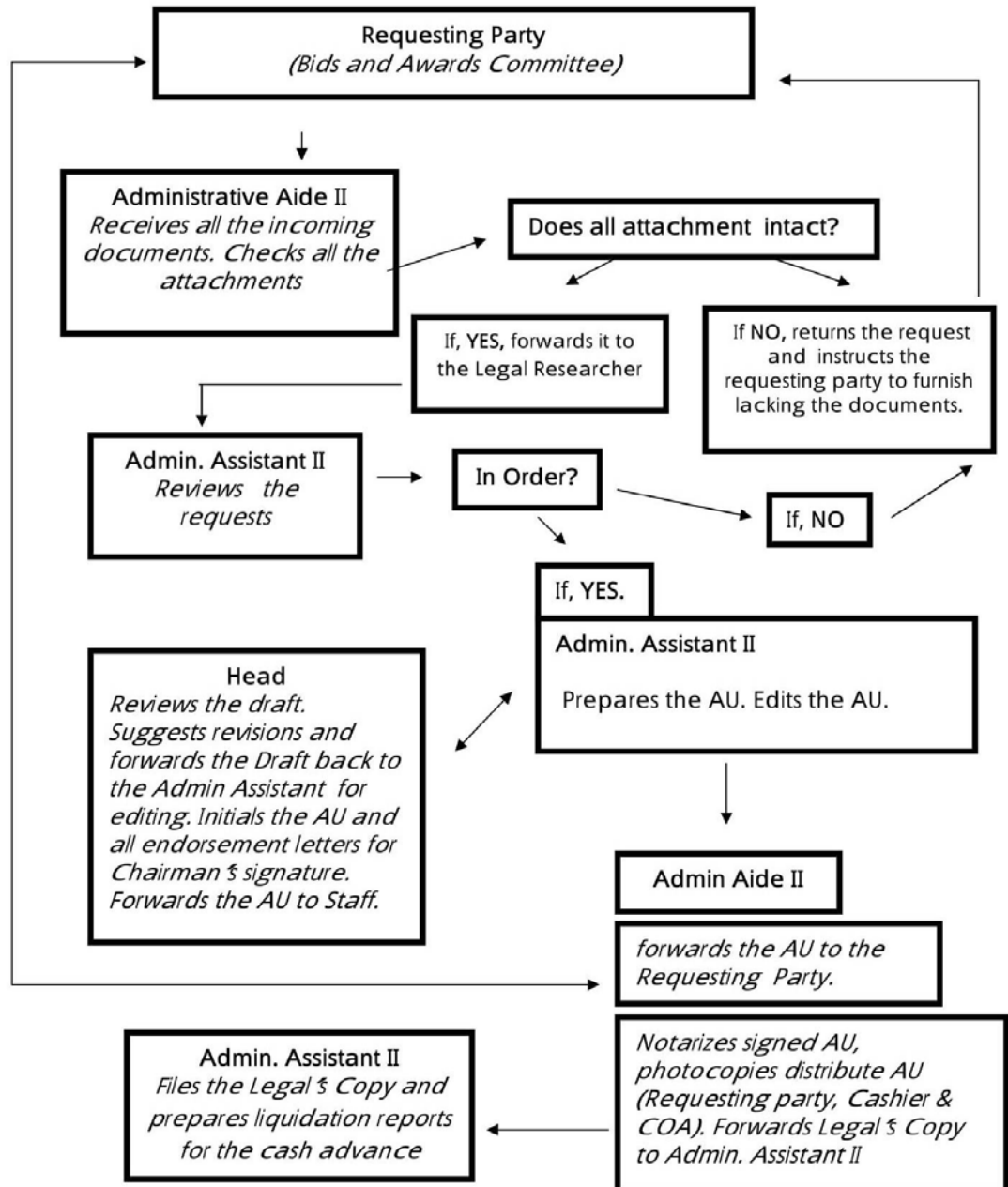
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REFERENCE

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5.4 Request for Preparation of Affidavit of Undertaking for Financial Assistance to NSAs

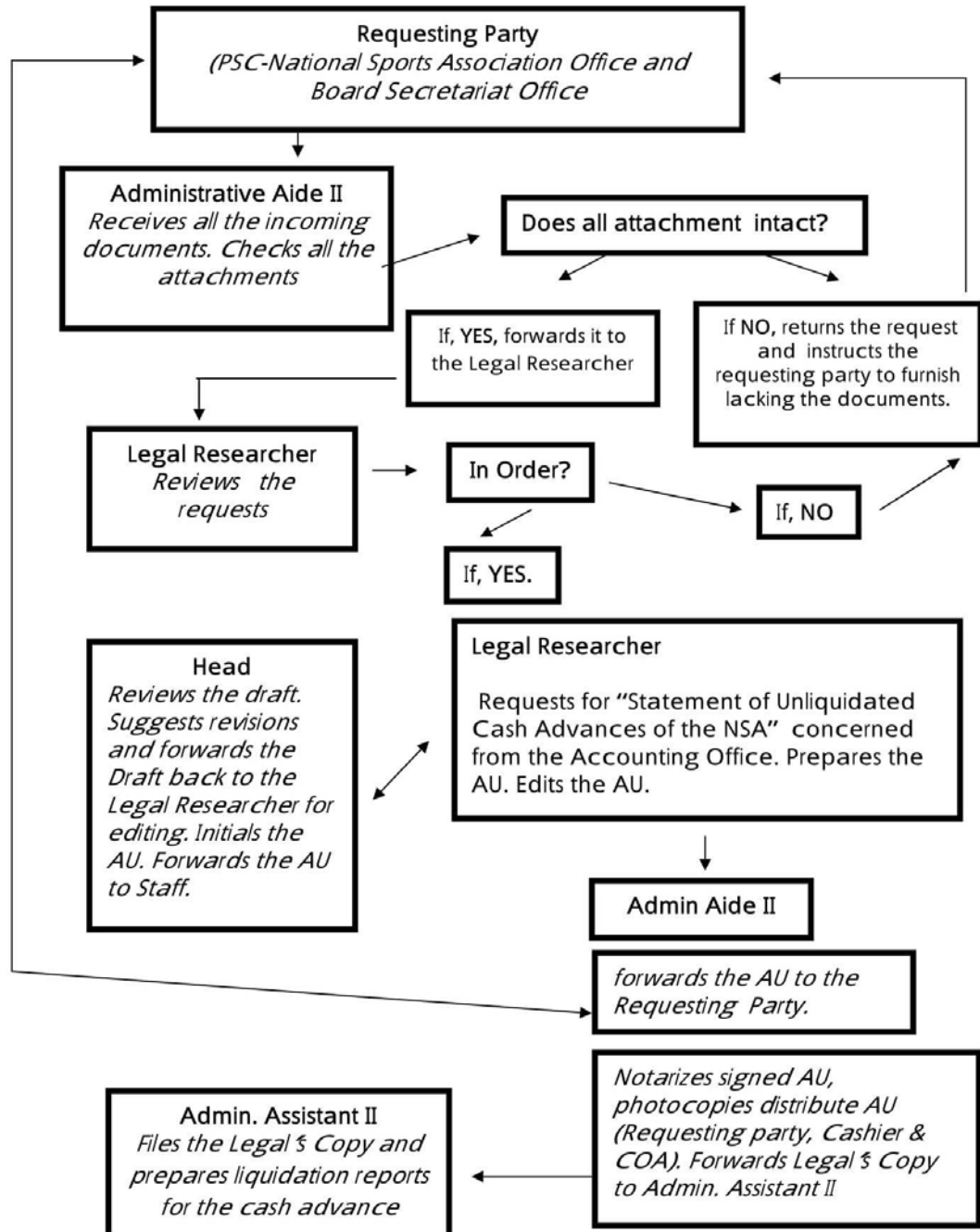
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5.5 Request for Preparation of Various Correspondences

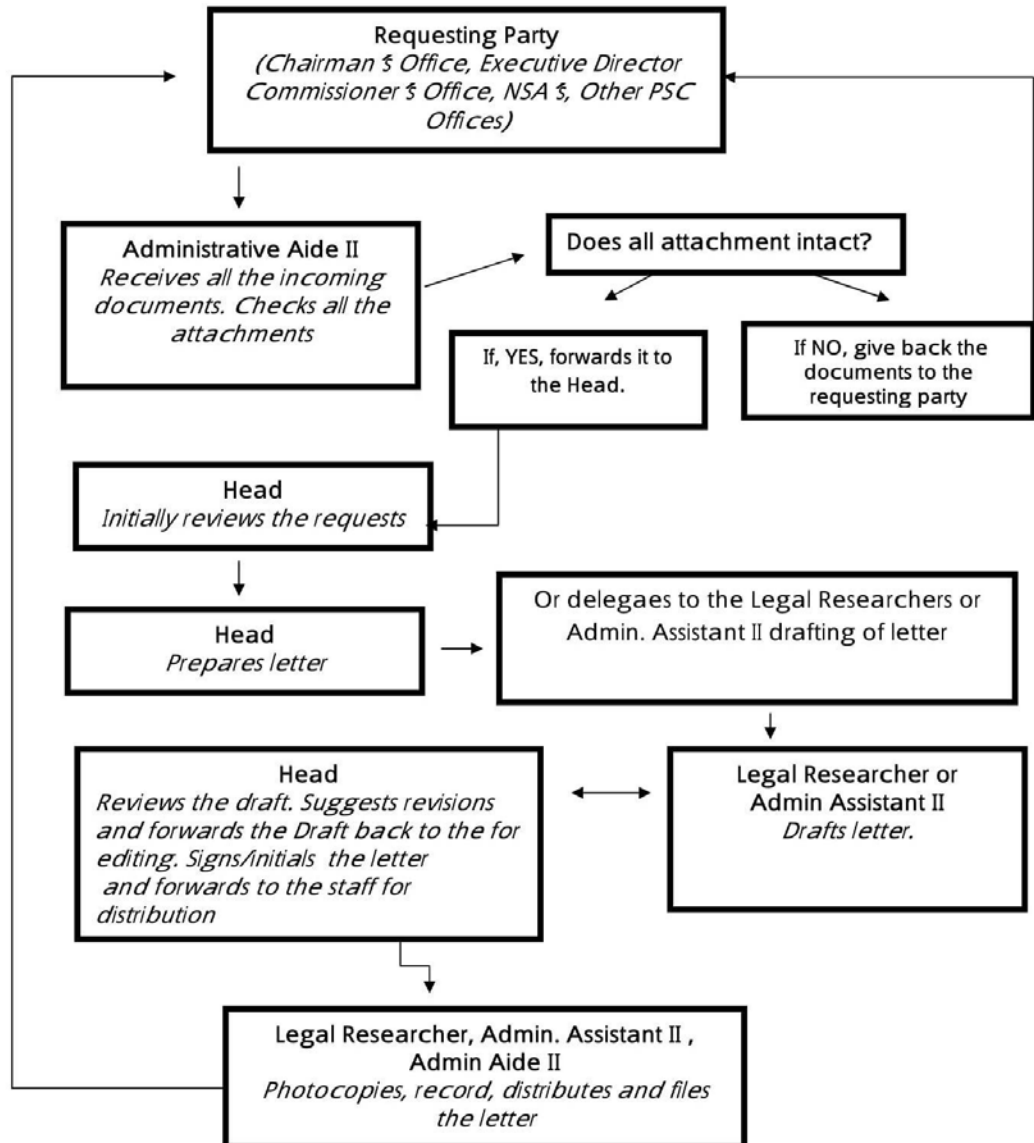
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5.6 Request for Preparation of Various Contracts

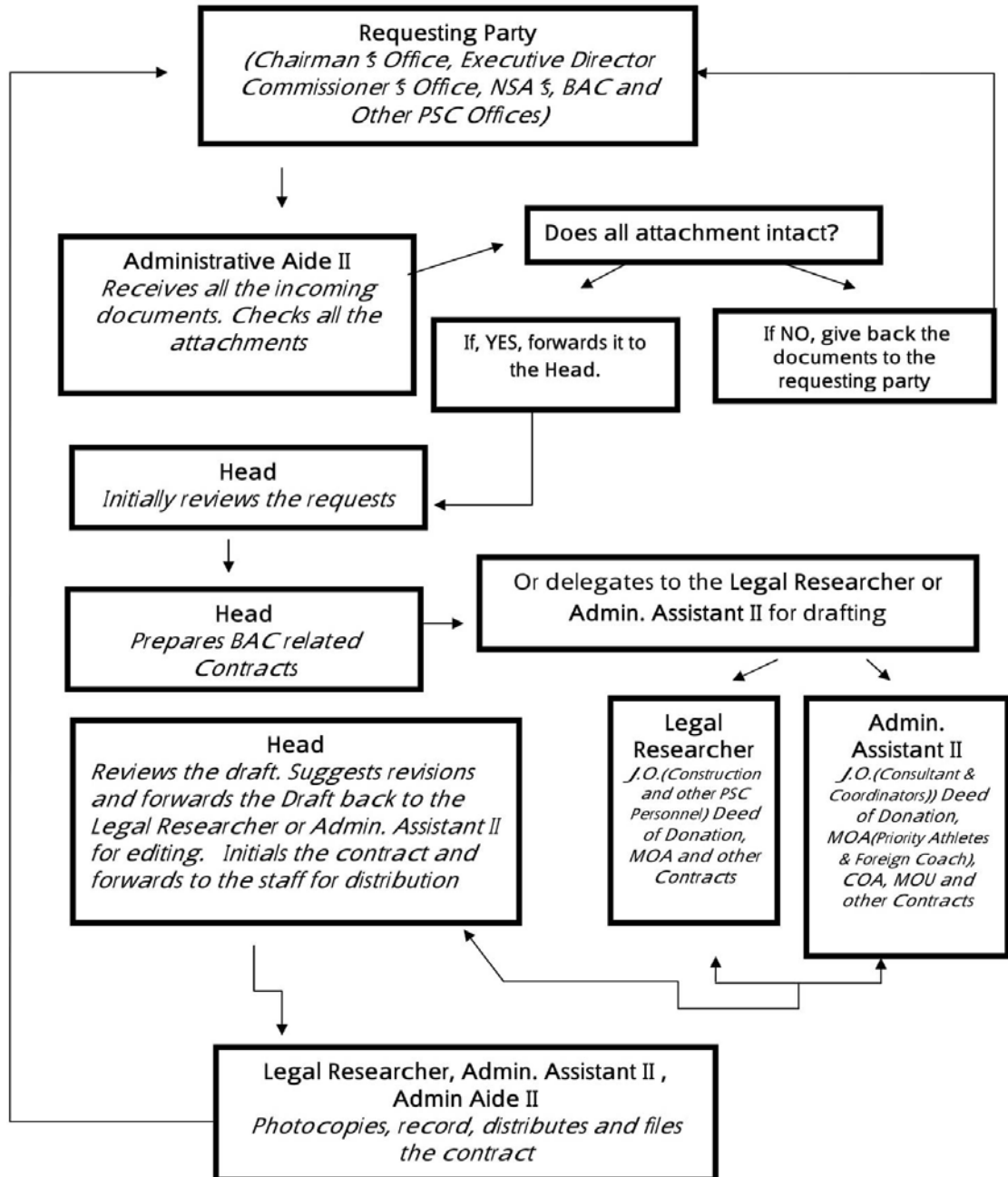
RESPONSIBLE


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REFERENCE

Legal Staff

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6.0 PROCEDURE


6.1 Venues

The PSC venues were rented by various clients for sports enhancement related activities.


- 6.1.1 The Contract Billing Computations are drafted by the Venue Managers/Person in Charge for the use of the PSC Venues in three (3) original copies. The Contract Billing Computations reflects the total Fees (*venue rental, manpower fees and notarial fee*) to be paid by the Client before the actual use of the venues.
- 6.1.2 The LO-Admin. Aide II receives all the documents that require Legal clearance prior to the signing of the PSC Acting Executive Director. He/she checks if all the attachments were included such as: 1) Approval of the Executive Director; 2) Letter Request of the Client for the use of the venue; 3) Matrix of fees to be paid by the Client; 4) Photocopy of Client's I.D.; and 5) 3 originally signed CBC (containing signatures of the Client, Venue Managers/Person-in-Charge and Operations Head).
- 6.1.3 If the attachments were incomplete, the request is immediately returned to the Requesting Party.
- 6.1.4 If the attachments were complete, the LO-Admin. Aide II forwards the CBC to the Admin. Assistant II for further review.
- 6.1.5 Upon careful review and recomputation of the fees, the LO-Admin. Assistant II forwards the CBC to the LO-Head for signing and certifying that the CBC passed through the Legal Office for review.
- 6.1.6 The LO-Admin Assistant II endorses the CBC to the Office of the Acting Executive Director for approval and signing.
- 6.1.7 After the signing of the CBC, the Office of the Acting Executive Director forwards the duly signed CBC to Legal Office for notarization.
- 6.1.8 The LO-Admin. Aide II notarizes the signed CBC through the Notary Public. The LO-Admin Aide II photocopies the notarized CBC and distributes copies to the following:
 - 6.1.8.1 2 original copies for Operations (1 copy for the Operations office of RMSC/Venue Managers of Philsports Complex and 1 copy for the Client)
 - 6.1.8.2 1 photocopy for the Commission on Audit
 - 6.1.8.3 1 original copy for the LO-Admin. Assistant II (as copy of the Legal Office)
 - 6.1.8.4 1 photocopy for the LO-Admin. Assistant II (to be attached as supporting documents on the liquidation of the cash advance received for notarization purposes)
- 6.2 Request for Legal Opinions

The PSC Legal Office renders Legal Opinions, upon request, on legal matters affecting the effective function of the PSC.

 - 6.2.1 Request for Legal Opinions originates from the: 1) Office of the Chairman, 2) Commissioners Offices; 3) Office of the Executive Director; 4) Office of the Deputy Director for Finance and Administration; 5) Office of the Deputy Director for Coordinating Secretariat and Support Services; 6) and Heads of PSC Offices (Division, Sections, Units)


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- 6.2.2 The LO-Admin. Aide II receives all the request for Legal Opinions. He/she checks if all the attachments that were mentioned in the request are included
- 6.2.3 If the attachments were incomplete, the request is immediately returned to the Requesting Party.
If the attachments were complete, the LO-Admin. Aide II forwards the request to the LO-Head for review.
- 6.2.4 Upon initial review, the LO-Head prepares the Legal Opinion or delegates to the Legal Researchers for further research of materials needed to substantiate the legal opinion.
- 6.2.5 Legal Opinion is given to the requesting party and furnishing copies to the concerned parties.
- 6.2.6 The LO- Admin. Aide II/Admin Assistant II / Legal Researches photocopies and distributes the Legal Opinion to the parties concerned then files the filing copy for records purposes.
- 6.3 Preparation of Affidavit of Undertaking for Bureau of Customs
The PSC Legal Office prepares Affidavit of Undertaking for Bureau of Customs for the tax exemption of imported sports related equipments and materials upon the request of the Bids and Awards Committee.
- 6.3.1 The LO-Admin. Aide II receives all the request for the preparation of Affidavit of Undertaking for Bureau of Customs. He/she checks if all the attachments were included such as: 1) Request from the, LGUs, NSA or sports organizations for tax exemption; 2) Bill of Lading; 3) Sales Invoice, 4)PSC Board approval
- 6.3.2 If the attachments were incomplete, the request is immediately returned to the Requesting Party.
- 6.3.3 If the attachments were complete, the LO-Admin. Aide II forwards the CBC to the Admin. Assistant II for further review.
- 6.3.4 Upon careful review of the attachments, the LO-Admin. Assistant II prepares the Affidavit of Undertaking and endorses the draft to the LO-Head for initial on below the Chairman's name certifying that the Affidavit passed through the Legal Office for review.
- 6.3.5 The LO-Admin Assistant II endorses the initialed Affidavit of Undertaking and all the documents attached to the Requesting Party for Chairman's signature.
- 6.3.6 After the signing of the Affidavit, the Requesting Party/BAC forwards the same to the Legal Office for notarization
- 6.3.7 The LO-Admin. Aide VI notarizes the signed Affidavit of Undertaking through the Notary Public. The LO-Admin Aide II photocopies the notarized Affidavit of Undertaking and distributes copies to the following:
- 6.3.7.1 1 original copy for BAC
- 6.3.7.2 1 original copy for the LO-Admin. Assistant II (as copy of the Legal Office)
- 6.3.7.3 1 photocopy for the LO-Admin. Assistant II (to be attached as supporting documents on the liquidation of the cash advance received for notarization purposes)
- 6.4 Preparation of Affidavit of Undertaking for Financial Assistance for NSAs, Athletes and other sports organizations


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The PSC Legal Office prepares Affidavit of Undertaking for Financial Assistance for NSAs, Athletes and other sports organizations upon the request from the PSC-NSAO.

- 6.4.1 The LO-Admin. Aide II receives all the request for the preparation of Affidavit of Undertaking for Financial Assistance. He/she checks if all the attachments were included such as: 1) Request from NSA or sports organizations; and 2) PSC Board Resolution approving the request;
- 6.4.2 If the attachments were incomplete or there is a discrepancy on the Board Resolution, the request is immediately returned to the Requesting Party.
- 6.4.3 If the attachments were complete, the LO-Admin. Aide II forwards the request to the LO-Legal Researcher for Affidavit of Undertaking preparation.
- 6.4.4 Upon careful review of the attachments, the LO-Legal Researcher request to the PSC Accounting Office if the requesting NSA/Athlete /Sports Organization have an unliquidated financial grant.
- 6.4.5 If the NSA/Athlete /Sports Organization has an unliquidated financial grant, the LO-Admin. Aide II requests for a certified copy of the detailed copy of the unliquidated grant from the PSC-Accounting Office to be attached and mentioned in the Affidavit of Undertaking that the Grantee commits/undertakes to make the necessary liquidation of the PSC financial grant.
- 6.4.6 The LO-Legal Researcher prepares three copies Affidavit of Undertaking and endorses the draft to the LO-Head for initial and review.
- 6.4.7 If no corrections are to be made, the LO-Admin Aide II, endorses initialed copies to the NSAO for distribution to the requesting NSA/Athlete/Sports Organizations;
- 6.4.8 After the signing of the Affidavit by the requesting NSA/Athlete/Sports Organizations, the requesting NSAO/NSA/Athlete/Sports Organizations Requesting forwards the same to the Legal Office for notarization;
- 6.4.9 The LO-Admin. Aide II checks if all three copies were originally initialed and signed. If the signature were incomplete, the Affidavit of Undertaking is given back to the requesting NSAO/NSA/Athlete/Sports Organizations.
- 6.4.10 If all the pages were signed, the LO-Admin. Aide II notarizes the signed Affidavit of Undertaking through the Notary Public. The LO-Admin Aide II photocopies the notarized Affidavit of Undertaking and distributes copies to the following:
 - 6.4.10.1 1 original copy for PSC Cashiers Office
 - 6.4.10.2 1 original copy for the requesting NSAO/NSA/Athlete/Sports Organizations (to be received by the requesting party at the Legal Office)
 - 6.4.10.3 1 original copy for the LO-Legal Researcher II (as copy of the Legal Office)
 - 6.4.10.4 1 photocopy for the LO-Admin. Assistant II (to be attached as supporting documents on the liquidation of the cash advance received for notarization purposes)
- 6.5 Request for Preparation of Various Correspondences
The PSC Legal Office prepares various correspondences, upon request, on legal matters affecting the effective function of the PSC.

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- 6.5.1 Request for preparation of various correspondences originates from the: 1) Office of the Chairman, 2) Commissioners Offices; 3) Office of the Executive Director; 4) Office of the Deputy Director for Finance and Administration; and 5) Office of the Deputy Director for Coordinating Secretariat and Support Services, 6.) Other PSC Offices (Division, Sections, Units);
- 6.5.2 The LO-Admin. Aide II receives all the request for preparation of correspondences. He/she checks if all the attachments that were mentioned in the request are included;
- 6.5.3 If the attachments were incomplete, the request is immediately returned to the Requesting Party.
- 6.5.4 If the attachments were complete, the LO-Admin. Aide II forwards the request to the LO-Head for review.
- 6.5.5 Upon initial review, the LO-Head prepares the correspondences or delegates to the Legal Researchers for further research of materials needed to substantiate the correspondence.
- 6.5.6 The draft correspondences are forwarded to the signing authority authorized to represent the PSC based on the nature of the correspondence.
- 6.5.7 The Legal Office sends out the signed correspondence upon the instruction of 1) Office of the Chairman, 2) Commissioners Offices; 3) Office of the Executive Director; 4) Office of the Deputy Director for Finance and Administration; and 5) Office of the Deputy Director for Coordinating Secretariat and Support Services 6.) Other PSC Offices (Division, Sections, Units);
- 6.5.8 The LO-Admin. Aide II/Admin Assistant II / Legal Researches photocopies and distributes the signed correspondences to the parties concerned then files the filing copy for records purposes.
- 6.6 Request for Preparation of Various Contracts and MOAS
The PSC Legal Office prepares various Contracts upon the request of, upon request, on legal matters affecting the effective function of the PSC.
- 6.6.1 Request for preparation of contracts and MOAs originates from the: 1) Office of the Chairman, 2) Commissioners Offices; 3) Office of the Executive Director; 3.) PSC BAC; 4) Procurement Office; and 5) Heads of Office of PSC.
- 6.6.2 The LO-Admin. Aide II receives all the request for Contract preparation. He/she checks if all the attachments needed in the request are included;
- 6.6.3 If the attachments were incomplete, the request is immediately returned to the Requesting Party.
- 6.6.4 If the attachments were complete, the LO-Admin. Aide II forwards the request to the LO-Head for review.
- 6.6.5 Upon initial review, the LO-Head prepares the contracts (BAC related) or delegates to the Admin. Assistant II/Legal Researchers for contract preparation.
- 6.6.6 The prepared contract is forwarded to the requesting party for signature first of the contracted party and witnesses before the signing of the Chairman.

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6.6.7 The contract, containing the signature of the contract party and witnesses, is forwarded to the Office of the Acting Executive Director for his initial and endorsement to the Chairman for signing.

6.6.8 The signed contract is forwarded to Legal Office for notarization. If all the pages were signed, the LO-Admin. Aide II notarizes the signed Contracts/MOAs through the Notary Public. The LO-Admin Aide II photocopies the notarized Contracts/MOAs and distributes copies to the following:

- 6.6.8.1 1 original copy for the contracted party
- 6.6.8.2 1 photocopy for the PSC concerned offices (PSC BAC, Procurement, NSAO, Personnel or Accounting)
- 6.6.8.3 1 original copy for the LO-Admin. Assistant II/Legal Researcher II (as copy of the Legal Office)
- 6.6.8.4 1 photocopy for the LO-Admin. Assistant II (to be attached as supporting documents on the liquidation of the cash advance received for notarization purposes)

7.0 FORMS ATTACHED

- 7.1 Addendum Format
- 7.2 Affidavits
 - 7.2.1 Affidavit of Undertaking
 - 7.2.2 Affidavit of Loss
 - 7.2.3 Affidavit BOC
- 7.3 Contract of Affiliation
- 7.4 Contract of Lease
- 7.5 Contract of Service(personnel)
- 7.6 Contract of Service (Goods/Services)
- 7.7 Deed of Donation
- 7.8 Demand Letter
- 7.9 Job Order Requisition Form
- 7.10 Justification
- 7.11 Legal Opinion
- 7.12 Memorandum of Agreement
- 7.13 Memorandum to the Chairman, Executive Director, Bureaus, Division, section, unit
- 7.14 PSC Venue Rental Agreement
- 7.15 Special Power of Attorney