



Republic of the Philippines
Department of Finance
INSURANCE COMMISSION
1071 United Nations Avenue
Manila



Circular Letter (CL) No.:	2017-13
Date:	07 March 2017
Supplements:	CL No. 2014-15

CIRCULAR LETTER

TO : IC-SUPERVISED ENTITIES AND THE GENERAL PUBLIC

SUBJECT : GUIDELINES IN THE PROCESSING OF REQUESTS FOR LEGAL OPINION

Pursuant to the powers vested in the Insurance Commissioner by Section 437 (d), to provide guidance and ensure compliance with the Insurance Commission's rules, regulation and orders, the following **Guidelines in the Processing of Requests for Legal Opinion** are hereby adopted:

Section 1. The request for legal opinion must pertain or relate to the interpretation and application of laws, rules and regulations being enforced and implemented by the Commission.

Section 2. All requests for legal opinion shall be filed before the Insurance Commission's head office.

The request for legal opinion shall be in writing and addressed to the Insurance Commissioner stating therein the complete factual circumstances from which the Commission may draw premises and conclusions, and the rendition of opinion based from the legal issues presented hinges on factual matters which are readily discernible from the query and attaching therewith copies of pertinent papers and documents needed.

The requesting party must likewise indicate in the request their accurate contacts details such as business address, contact person/s, telephone and facsimile numbers and e-mail address.

Section 3. All requests for legal opinion shall initially be evaluated by the Commissioner, through the Legal Services Group.

Upon evaluation, the Commission shall issue an Order of Payment for the appropriate docket fee. The docket fee shall range from Two Thousand Pesos (Php 2,000.00) to Five Thousand Pesos (Php 5,000.00) depending on the difficulty/novelty of the legal opinion requested.

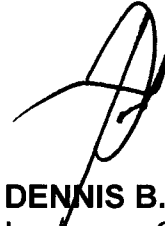
Once the docket fee is paid and proof of such payment is duly presented, the request shall be docketed and assigned to an action officer.

Section 4. The Commission, in its discretion, may refrain from rendering opinion on the following:

1. Issues that had been decided by the courts or have been filed before the courts and are pending therein;
2. Queries which are too general in scope or hypothetical, abstract, speculative and anticipatory in character and those pertaining to undisclosed entities;
3. Matters which involve the substantive and contractual rights of private parties who would, in all probability, contest the same in court if the opinion turns out to be adverse to their interest;
4. Questions which will involve review or interpretation of Presidential Decrees, statutes, orders, administrative rules and issuances of other government agencies;
5. Those which will require an examination or review of the acts and rulings of another government agency;
6. Questions which will require determination of factual issues or mixed questions of fact and law;
7. Matters which clearly involve the exercise of business discretion or judgment which properly falls within the competence of the management of the entities concerned, or those which call for financial and technical expertise of economic managers;
8. Questions which involve anticipated or pending administrative complaint or money claims;
9. Issues which are already moot and academic;
10. The request will entail gathering of legal materials or writing abstract essay for the requesting party since the Commission cannot function or resemble as legal counsel of private firms; and,
11. Other analogous circumstances which the Commission deems to be with transcendental importance.

Section 5. Any opinion to be rendered by this Commission would be based solely on the facts disclosed in the query and relevant solely to the particular issues raised therein and shall not be used, in any manner, in the nature of a standing rule binding upon the Commission in other cases whether for similar or dissimilar circumstances.

Section 6. This Circular Letter shall take effect immediately.

A handwritten signature in black ink, appearing to read 'Dennis B. Funa', written over a horizontal line.

DENNIS B. FUNA
Insurance Commissioner