

EXECUTIVE ORDER NO. 275

Establishing Policies and Procedures Regarding the Legal Opinions of the Office of the Palau Attorney General

WHEREAS, Article VIII of the Constitution of the Republic of Palau establishes the President to be the Chief Executive of the Government of the Republic of Palau possessing all the inherent powers and duties of a national chief executive, including but not limited to the authority and obligation to enforce the law of the land; and

WHEREAS, 2 PNC § 102 establishes eight Ministries within the Executive Branch of the Government of the Republic of Palau; and

WHEREAS, 2 PNC § 109 directs the President to provide for the subdivisions of the Ministries and to prescribe their duties, responsibilities and functions by Executive Orders; and

WHEREAS, 2 PNC § 110 empowers the President by Executive Orders to establish offices and agencies within the Executive Branch and to prescribe their duties, responsibilities and functions so as to assist the President, the Vice President and the Ministers in the performance of their duties, responsibilities and functions; and

WHEREAS, the Office of the Attorney General within the Ministry of Justice is headed by the Attorney General who is appointed by the President; and

WHEREAS, the Office of the Attorney General is mandated and obligated by law and by Executive Order to provide legal services to the Republic, including the performing of the duties provided by statute or as assigned by the President; and

WHEREAS, an important duty performed by the Office of the Attorney General is the issuance of written legal opinions, when such are requested by the President, to assist the President and his Ministers in the performance of their Constitutional and statutory duties, responsibilities and functions; and

WHEREAS, the President has determined that presently there is no coherent policy regarding who may request a legal opinion from the Office of the Attorney General, or the effect of such opinion on the Executive Branch of the National Government; and

WHEREAS, the President has determined that it is necessary to establish policies and procedures regarding who may request a legal opinion from the Office of the Attorney General and the effect such opinions will have on the Executive Branch of the National Government;

NOW, THEREFORE, by virtue of the authority vested in the President by Article VIII of the Constitution of the Republic of Palau and the aforementioned laws, the President orders as follows:

1. Upon the written request of the President or of any of the Ministers of the eight Ministries within the Executive Branch of the Government of the Republic of Palau, the Office of the Attorney General shall promptly issue a legal opinion on the issue or matter requested. Except as specifically authorized or required by statute, no other person, public official or employee shall be authorized to request a legal opinion from the Office of the Attorney General and the Office of the Attorney General shall not render a legal opinion to any person except as authorized herein.

2. Except to the extent that a legal opinion rendered by the Office of the Attorney General is amended, limited, or repealed in writing by the President or by a final judgment of the Palau Supreme Court, the legal opinion of the Office of the Attorney General on any issue shall be binding on the actions and operations of the Executive Branch of the National Government, specifically including without limitation on the actions and operation of all Ministries, bureaus, divisions, agencies and offices, and on all Ministers, other public officials, and employees, of the Executive Branch of the National Government.

3. It shall be considered insubordination and cause for dismissal for any public official or employee of the Executive Branch of the National Government to willfully ignore or act contrary to a written legal opinion of the Office of the Attorney General.

4. The Office of the Attorney General shall promptly provide to the Bureau of Domestic Affairs true and correct copies of all legal opinions issued by the Office of the Attorney General, and shall take all necessary action for such opinions to be readily available and accessible to the general public as well as to all public officials and employees of the Executive Branch of the National Government.

5. This Executive Order shall be effective immediately upon the signature of the President.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this
19th day of October, 2009.

/s/

Johnson Toribiong
President
Republic of Palau