

10 JAN 11 1952

SENATE

S.B. No. 3563

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

The Office of the Solicitor General represents the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers. When authorized by the President or head of the office concerned, it shall also represent government-owned or -controlled corporations. The Office of the Solicitor General represents, upon the instructions of the President, the Republic of the Philippines in international litigations, negotiations or conferences where the legal position of the Republic must be defended or presented. As Tribune of the People,¹ the Office of the Solicitor General acts and represents the Republic and/or the People before any court, tribunal, body or commission in any matter, action or proceedings which, in his opinion, affects the welfare of the people as the ends of justice may require. Thus, the duty of the Office of the Solicitor General is to defend the interests of the Republic of the Philippines and to advocate the rule of law as a fulcrum in advancing the interests of the Government and the rights of all the People of the Republic of the Philippines. As Tribune of the People, the Office of the Solicitor General, at times takes a position contrary to that of its traditional client – the Government.

Given these formidable duties of the Solicitor General, his insulation from political pressure is crucial and necessary for the proper performance of his duty to uphold the interest of the State and to faithfully carry out his role as Tribune of the People.

To further strengthen the Office of the Solicitor General as an institution, this bill aims to give the Solicitor General a fixed term of seven years without reappointment. It is designed to insulate the Solicitor General, as principal lawyer of the Republic of the Philippines and as the Tribune of the People, from political pressure² and help ensure his independence.

This bill likewise aims to grant to the Office of the Solicitor General fiscal autonomy to further ensure its independence³ and perform its twin duty as the principal law officer of Government and the Tribune of the People.


EDGARDO J. ANGARA

¹ *Gonzales vs. Chavez*, 205 SCRA 816 (1992)

² *Rationale for granting the Ombudsman the same qualifications and disqualifications as that of the constitutional commissioners*; Records of the Constitutional Commission, Volume 2, pages 264-267.

³ *Rational for granting fiscal autonomy to the constitutional commissions and granting the commissioners thereof a fixed term of office without reappointment*; Records of the Constitutional Commission, Volume 1, page 525.

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

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AN ACT
STRENGTHENING THE AUTONOMY AND INDEPENDENCE
OF THE OFFICE OF THE SOLICITOR GENERAL
AND FOR OTHER PURPOSES

Be it enacted in the Senate and House of Representatives of the Philippines in the Congress assembled:

1 **SEC. 1.** Section 3 of Republic Act No. 9417 is hereby amended to read as follows:

2

3 **“SEC. 3. Standards.** - The Solicitor General shall have A cabinet
4 rank, **A TERM OF SEVEN YEARS WITHOUT REAPPOINTMENT,**
5 and the same qualifications for appointment, rank, prerogatives, salaries,
6 allowances, benefits and privileges as the Presiding Justice of the Court of
7 Appeals; an Assistant Solicitor General shall have the same qualifications
8 for appointment, rank, prerogatives, salaries, allowances, benefits and
9 privileges as the Associate Justice of the Court of Appeals.

10

11 The qualifications for appointment, rank, prerogatives, salaries,
12 **ALLOWANCES, BENEFITS** and privileges of Solicitors shall be the
13 same as judges, specified as follows:

14

15 Senior State Solicitor - Regional Trial Court Judge

1 State Solicitor II - Metropolitan Trial Court Judge

2 State Solicitor I - Municipal Trial Court in Cities Judge

3

4 The Solicitor General shall determine the qualifications,
5 prerogatives and responsibilities of the Associate Solicitors.”

6

7 **SEC. 2.** Section 5 of Republic Act No. 9417 is hereby amended to read as follows:

8

9 “**SEC. 5. *Benefits and Privileges.*** - Subject to the availability of
10 funds, the Office of the Solicitor General may provide its employees
11 with the following benefits:

12

13 (1) Health care services through a health maintenance
14 organization (HMO). Expenses for the mandatory annual executive
15 check-up of the Solicitor General, the Assistant Solicitors General,
16 and the Service Heads, shall be for the account of the office;

17

18 (2) All employees shall be covered by accident insurance
19 policies procured by the office at its own expense during travels
20 while in the performance of their official duties and functions;

21

22 (3) Without prejudice to efficiency in the service,
23 Scholarship to deserving employees on official time and at the
24 expense of the Office of the Solicitor General to enhance their
25 academic growth and upgrade their knowledge and skills. Scholars

1 under this provision shall be selected on the basis of competitive
2 examination; [and]

3

4 (4) A provident fund which shall consist of contributions
5 made both by the Office of the Solicitor General and by its lawyers
6 and employees to a common fund for the payment of benefits to
7 such lawyers or employees or their heirs [.]; **AND**

8

9 (5) **OTHER PERQUISITES AND BENEFITS AS**
10 **MAY BE DETERMINED BY THE SOLICITOR GENERAL**
11 **IN THE EXIGENCIES OF THE SERVICE.”**

12

13 **SEC.3.** Section 11 of Republic Act No. 9417 is hereby amended to read as
14 follows:

15

16 “**SEC. 11. *Funding.*** - The funds required for the implementation
17 of this Act, including those for health care services, insurance premiums,
18 professional, educational, registration fees, contracted transportation
19 benefits, the other benefits above, shall be taken from:

20

21 (i) [five percent (5%)] **TEN PERCENT (10%)** of
22 monetary awards **OR ASSETS** given by the Courts to
23 client departments, agencies and instrumentalities of the
24 Government, including those under court-approved
25 compromise agreements **AND 10% OF ASSETS**

1 **AWARDED TO THE GOVERNMENT IN**
2 **FORFEITURE PROCEEDINGS;**

3
4 (ii) fifty percent (50%) of fees collected by the
5 Special Committee on Naturalization; and

6
7 (iii) all other income, fees and revenues earned and
8 collected by the Office of the Solicitor General.

9
10 For this purpose, the Office of the Solicitor General is hereby
11 authorized to charge deputation, certification and other similar fees in the
12 cases that it handles.

13
14 The amounts collected pursuant to this section shall constitute a
15 trust fund in the name of the Office of the Solicitor General to be managed
16 and used by the Solicitor General to carry out the provisions of this Act.

17
18 **THE OFFICE OF THE SOLICITOR GENERAL SHALL**
19 **ENJOY FISCAL AUTONOMY TO ENSURE ITS INDEPENDENCE**
20 **IN CARRYING OUT ITS ROLE AS THE PRINCIPAL LAW FIRM**
21 **OF THE GOVERNMENT AND THE TRIBUNE OF THE PEOPLE.**
22 **ANNUAL APPROPRIATIONS FOR THE OFFICE OF THE**
23 **SOLICITOR GENERAL SHALL BE AUTOMATICALLY AND**
24 **REGULARLY RELEASED. THE OFFICE OF THE SOLICITOR**
25 **GENERAL IS, LIKEWISE, AUTHORIZED TO BORROW FUNDS**

1 **AND DISPOSE ITS ASSETS TO CARRY OUT THE PROVISIONS**
2 **OF THIS ACT.”**

3

4 **SEC. 4. *Separability Clause.*** – If any provision of this Act is declared
5 unconstitutional or invalid, other parts or provisions hereof not affected shall continue in
6 full force and effect.

7

8 **SEC. 5. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
9 publication in at least two (2) newspapers of general circulation.

10

11 *Approved.*