

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



16 JUL 19 11:05

SENATE

S. No. 453

RECEIVED BY: *[Signature]*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

**AN ACT
GRANTING SURVIVORSHIP BENEFITS TO THE SURVIVING LEGITIMATE
SPOUSE OF A DECEASED RETIRED MEMBER OF THE OFFICE OF SOLICITOR
GENERAL**

EXPLANATORY NOTE

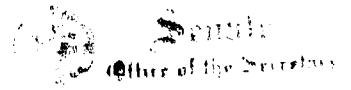
Article XVI, Section 8 of the 1987 Constitution provides that the state shall, from time to time, review to increase the pensions and other benefits due to retirees of both the government and the private sectors. In consonance with the above provision, this measure seeks to upgrade the retirement benefits now found in various retirement laws by granting survivorship benefits to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General.

Under Republic Act No. 9417, the Solicitor General shall have cabinet rank and the same qualifications for appointment, rank, prerogatives, salaries, allowances, benefits, and privileges as the Presiding Justice of the Court of Appeals; an Assistant Solicitor General, those of an Associate Justice of the Court of Appeals; and Senior State Solicitor, State Solicitor II and State Solicitor I those of a Regional Trial Court Judge, Metropolitan Trial Court Judge, and Municipal Trial Court in Cities Judge, respectively. Just recently, Congress enacted Republic Act No. 9946, amending RA 910 which provides survivorship pension for judges. However, while RA 9417 explicitly acknowledges that certain members of the Office of the Solicitor General have the same rank as judges, the benefits provided for by RA 9946 are reserved for members of the judiciary only.

This measure is envisioned to respond to the aforesaid gap in the law by likewise affording the same benefits to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General. These benefits recognize and honor said officers of the Office of the Solicitor General who have rendered almost a lifetime of service to the public and our people and hopefully to assist their family members who are left behind.

In view of the foregoing, immediate approval of this measure is earnestly sought.

[Signature] *[Signature]*
ANTONIO "SONNY" F. TRILLANES IV
Senator



76 JUL 19 AM 106

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

1 **SECTION 1. *Survivorship Benefits; Coverage.*** – Upon death of a Solicitor General,
2 Assistant Solicitor General, Senior State Solicitor or State Solicitor of the OSG, if said OSG
3 Official had retired or was in the service at the time of death, the surviving legitimate spouse
4 or dependent children of said OSG Official shall be entitled to receive on a monthly basis all
5 the retirement benefits that the deceased OSG Official was receiving or entitled to receive at
6 the time of death under the provisions of the applicable retirement laws then in force. A
7 ‘dependent’ means a legitimate, illegitimate or legally adopted child who is chiefly dependent
8 with the above-enumerated deceased OSG Officials if such dependent is not more than
9 twenty-one (21) years of age, unmarried and not gainfully employed or if such dependent,
10 regardless of age, is incapable of self-support because of mental or physical defect. The
11 surviving legitimate spouse or dependent child shall continue to receive such retirement
12 benefits during one’s lifetime or until said surviving legitimate spouse remarries or the
13 dependent child marries: *Provided*, That if the surviving legitimate spouse is receiving
14 benefits under existing retirement laws, the surviving legitimate spouse or dependent child
15 shall only be entitled to the difference between the amount provided for in this Act and the
16 benefits one is receiving: *Provided further*, That said benefits shall also extend and be
17 granted to the surviving legitimate spouse or dependent children of any aforementioned

1 members of the Office of the Solicitor General who died or retired prior to the effectivity of
2 this Act. *Provided furthermore*, That the surviving legitimate spouse or dependent child
3 receiving the benefits shall not, if he/she is a member of the bar, appear as counsel before any
4 court in any civil case wherein the government or any subdivision or instrumentality thereof
5 is the adverse party, or in any criminal case wherein an incumbent or former officer or
6 employee of the government is accused of an offense committed in relation to his/her office,
7 or collect any fee for his/her appearance in any administrative proceeding; and when the
8 surviving legitimate spouse or dependent child shall assume an elective public office, he/she
9 shall not, upon assumption of office and during his/her term, receive the said benefits.

10
11 **SEC. 2. *Funding.*** Funds for the initial implementation of this Act shall be taken out
12 of the current appropriations for the retirement of officers and employees of the Office of the
13 Solicitor General and/or savings of the said office. Thereafter, such sums as may be necessary
14 for the continued implementation of this Act shall be included in the annual General
15 Appropriations Act.

16
17 **SEC. 3. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in
18 the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,