

SENATE  
Senate Bill No. **1613**

17 NOV 16 P3:29

RECEIVED

Introduced by SENATOR PANFILO M. LACSON

**AN ACT**  
**FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL BY**  
**INCREASING ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING,**  
**AND RATIONALIZING ITS ORGANIZATION, REPEALING FOR THE PURPOSE**  
**REPUBLIC ACT NO. 9417, REPUBLIC ACT NO. 2327, AND EXECUTIVE ORDER NOS.**  
**1 AND 2, S. 1986, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The Office of the Solicitor General (OSG) is an independent and autonomous office attached to the Department of Justice that is mandated to represent 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 a lawyer. It is headed by a Solicitor General who is the principal law officer and legal defender of the Government.<sup>1</sup>

In 1959, Republic Act No. 2327 declared the position of the Government Corporate Counsel as distinct and separate from that of the Solicitor General. The Office of the Government Corporate Counsel (OGCC) is mandated to act as the principal law office of all government-owned-and-controlled corporations, their subsidiaries, other corporate offspring, and government acquired asset corporations.<sup>2</sup>

In 1986, Executive Order Nos. 1 and 2 were issued creating the Presidential Commission on Good Government (PCGG) for the purpose of, among others, recovering all the ill-gotten wealth accumulated by former President Ferdinand Marcos; investigating cases of graft and corruption as the President may assign from time to time; and, adopting safeguards to ensure that graft and corruption practices shall not be repeated in the new government.

However, despite the declaration that the OGCC is separate and distinct from the OSG, there are numerous instances wherein GOCCs still refer cases to the OSG where the services of a lawyer are required. The same is true with the PCGG wherein the OSG has been representing the Republic of the Philippines in cases involving the recovery and preservation of ill-gotten wealth.

<sup>1</sup> Sec. 34, Chapter 12, Title III, Executive Order No. 292

<sup>2</sup> Sec. 10, Chapter 3, Title III, Executive Order No. 292



In order to eliminate the overlapping of functions and therefore achieve efficiency and economy in addressing the legal needs of the Republic of the Philippines, there is a need to consolidate the legal services in the Government into a single office.

This bill aims to achieve such streamlined legal services for the Government by abolishing the OGCC and the PCGG and consolidating their functions with that of the OSG. By rationalizing its organization and expanding its powers and functions, the OSG would be able to better perform its role of being the legal counsel of the Government of the Philippines.

To achieve this end, the Bill proposes the following salient changes:

1. While maintaining the independence and autonomy of the office, the OSG shall be made an attached agency of the Office of the President (OP) for budgetary purposes;
2. The present divisions within the OSG shall be increased to at least fifty (50) legal divisions, comprising of at least ten (10) lawyers per division and such other personnel as may be necessary for the OSG to effectively carry out its functions;
3. Upon the enactment of this bill, the existing OGCC and the PCGG shall be abolished and its functions shall be transferred to the OSG;
4. In addition to the powers and functions currently performed by the OSG under the existing law, the OSG shall likewise perform the following powers and functions:
  - a. Conciliate, mediate, settle, or adjudicate all disputes, claims, and controversies solely between or among the departments, bureaus, offices, agencies, and instrumentalities of the National Government, including GOCCs;
  - b. Render opinion and advice on matters referred by the departments, bureaus, offices, agencies, and instrumentalities of the National Government, including GOCCs;
  - c. Perform the functions of the OGCC;
  - d. Assume the functions of the PCGG;
  - e. Subject to the approval of the President, engage the services of counsel to assist in the discharge of his duties and responsibilities in cases requiring highly specialized legal skills, knowledge or expertise, including but not limited to foreign arbitrations and litigations. The engagement of such counsel shall be exempt from Republic Act No. 9184, otherwise known as the "Government Procurement Reform Act", due to the fiduciary nature of the relationship between the OSG and such counsel;
  - f. (i) Acquire, own, hold, or lease real and personal property; (ii) sell or otherwise dispose of the same; (iii) enter into contracts including loan agreements and joint venture agreements; and (iv) do and perform any and all acts that may be necessary or proper to carry out the purposes of this Act; and,
  - g. Provide a Legal Internship Program to help law students prepare and train for and experience legal practice in public service.
5. Creation of a Special Task force composed of at least five (5) legal divisions of the OSG whose primary responsibility is the performance of the functions provided under Section



5 (m) of this Bill and which shall be responsible for the preservation and maintenance of ill-gotten wealth, pending judicial determination of their ownership. The Special Task Force shall likewise perform research and development functions;

6. The Solicitor General shall have the rank of a Cabinet Secretary, but the qualifications for appointment, salaries, allowances, privileges, retirement and other benefits, as well as the inhibitions and disqualifications shall be the same as that of an Associate Justice of the Supreme Court. The Assistant Solicitor General shall have the same qualifications for appointment, salary grade and salaries, allowances, privileges, retirement and other benefits, as well as the inhibitions and disqualifications, as that of an Associate Justice of the Court of Appeals. The qualifications for appointment, rank, category, salaries, allowances, retirement and other benefits of Solicitors shall be the same as Judges;
7. The Solicitor General shall be entitled to the same retirement benefits and privileges as an Associate Justice of the Supreme Court upon reaching the age of sixty (60), provided that he/she has served in such capacity continuously for at least two (2) consecutive years. The Assistant Solicitors General, Senior State Solicitors, State Solicitors II, and State Solicitors I shall be entitled to the same retirement benefits and privileges as their counterparts in the Judiciary upon reaching the age of sixty (60) provided that they have served in such capacities continuously for at least five (5) consecutive years. They may likewise opt to serve up to the age of seventy (70) years.


The Bill likewise provides for the automatic application to the Solicitor General, Assistant Solicitors General, and State Solicitors of any increase in the salaries, allowances or retirement benefits or any upgrading of the grades or levels thereof of any or all of the Justices or Judges referred to in this Bill to whom said emoluments are assimilated;

8. Employees of the OSG shall likewise enjoy the following additional benefits:
  - a. Hazard pay
  - b. Other benefits as enjoyed by other government offices or as may be determined by the Solicitor General in the exigencies of the service and in accordance with law
  - c. Payment by or reimbursement from the OSG of lifetime membership fees to the IBP of their lawyers, provided that they shall maintain their service in the OSG for at least five (5) years
  - d. Survivorship benefits to the surviving legitimate spouse and dependent children, or in their absence, the surviving parents of a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor or an Associate Solicitor of the OSG if said official had retired or was in the service at the time of death

- e. Grant of special allowances in amounts to be determined by the Solicitor General, provided that said special allowance shall not exceed one hundred percent (100%) of the basic salary of solicitors. Such special allowances shall be exempt from income tax
9. Officials and employees of the OGCC and the PCGG shall be absorbed by the OSG provided that said officials and employees possess the necessary eligibility and qualifications for the positions as prescribed in this Bill. It also provides for the retirement and separation from service benefits of those officials and employees who are at least fifty (50) years of age and have rendered at least fifteen (15) years of government service;
10. Creation of the Office of the Legal Services (OLS) within the OSG; and,
11. Institutionalization of Capacity Development to develop the capability of the OSG as an organization.

By expanding the powers and functions of the OSG, upgrading the benefits granted to its officials and employees, and integrating the functions of other agencies that overlap with its functions, the OSG would be better able to achieve its vision to champion the rule of law in the pursuit of social justice as the People's Tribune and as counsel of the Republic of the Philippines.

It is for this purpose that the approval of this bill is earnestly sought.

  
PANFILO M. LACSON  
Senator



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AND RATIONALIZING ITS ORGANIZATION, REPEALING FOR THE PURPOSE  
REPUBLIC ACT NO. 9417, REPUBLIC ACT NO. 2327, AND EXECUTIVE ORDER NOS.  
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PURPOSES

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

1       **SECTION 1. Short Title.** – This Act shall be known as the “OSG Charter.”

2  
3       **SECTION 2. Declaration of Policy.** — It is the declared policy of the State to strengthen  
4 the Office of the Solicitor General (OSG) in order to fulfill its role of upholding the best interest  
5 of the government as the Tribune of the People, as well as to perform its mandate as the principal  
6 law office of the Government of the Republic of the Philippines representing the Government, its  
7 departments, bureaus, agencies, and instrumentalities, and its officials and agents in their official  
8 capacity, in any litigation, proceeding, investigation, or matter requiring the services of lawyers.

9  
10       It is also the policy of the State to ensure efficiency and economy in the operations of  
11 government, to eliminate the overlapping of functions, to consolidate the legal services in the  
12 government into one office to effectively address the expanding needs of government-owned and  
13 -controlled corporations (GOCCs) towards the improvement of fiscal management and good  
14 corporate governance, and to concentrate and enhance government efforts for the full and effective  
15 recovery of ill-gotten wealth and properties, including the efficient investigation and prosecution  
16 of cases relative thereto. Towards this end, the Office of the Government Corporate Counsel

1 (OGCC) and the Presidential Commission on Good Government (PCGG) are hereby abolished  
2 and their respective powers and functions are transferred to the OSG.

3  
4 With the transfer of the powers and functions of the OGCC and the PCGG to the OSG, and  
5 to ensure the efficient and effective legal representation of the Government, its departments,  
6 bureaus, agencies, and instrumentalities, GOCCs, and its officials and agents in their official  
7 capacity, the members of the legal and administrative staff of the OSG shall be increased and their  
8 positions upgraded to adequately meet the Republic's burgeoning need for legal services. The  
9 skills of OSG lawyers shall be further improved, and the benefits of all OSG employees  
10 augmented. The professional growth of these employees shall be encouraged.

11  
12 **SECTION 3. *Definition of Terms.*** – As used in this Act:

13 (a) "Capacity development" refers to the process whereby the OSG, as an organization,  
14 develops its capability over time to achieve development goals while enhancing its ability  
15 to achieve measurable and sustainable results, through improvement of knowledge, skills,  
16 and systems.

17 (b) "GOCC" refers to government-owned and -controlled corporations, their  
18 subsidiaries, other corporate offspring, including government-acquired asset corporations,  
19 government corporate entities and government instrumentalities with corporate powers,  
20 government financial institutions, and other government corporate entities, agencies and  
21 offices.

22 (c) "Ill-gotten wealth" refers to any asset, property, business enterprise or material  
23 possession of the persons referred to in Executive Orders Nos. 1 and 2, s. 1986, acquired  
24 by them directly, or indirectly through dummies, nominees, agents, subordinates, and/or  
25 business associates by any of the following means or similar schemes:

26  
27 (1) Through misappropriation, conversion, misuse, or malversation of public  
28 funds or raids on the public treasury;



- 1 (2) Through the receipt, directly or indirectly, of any commission, gift, share,  
2 percentage, kickbacks, or any other form of pecuniary benefit from any person  
3 and/or entity in connection with any government contract or project or by  
4 reason of the office or position of the official concerned;
- 5 (3) By the illegal or fraudulent conveyance or disposition of assets belonging to  
6 the government or any of its subdivisions, agencies or instrumentalities, or  
7 government-owned or controlled corporations;
- 8 (4) By obtaining, receiving, or accepting directly or indirectly any shares of stock,  
9 equity, or any other form of interest or participation in any business enterprise  
10 or undertaking;
- 11 (5) Through the establishment of agricultural, industrial, or commercial  
12 monopolies or other combination and/or by the issuance, promulgation, and/or  
13 implementation of decrees and orders intended to benefit particular persons or  
14 special interests; and
- 15 (6) By taking undue advantage of official position, authority, relationship, or  
16 influence for personal gain or benefit.

17  
18 **SECTION 4. *Organizational Structure.*** – The Office of the Solicitor General shall be an  
19 independent and autonomous office attached to the Office of the President for budgetary purposes.  
20

21 The OSG shall be headed by the Solicitor General, who is the principal law officer and  
22 legal defender of the Government. He shall have the authority and responsibility for the exercise  
23 of the OSG's mandate and for the discharge of its duties and functions, and shall have supervision  
24 and control over the OSG and its constituent units.

25 The Solicitor General shall be assisted by a Legal Staff composed of Assistant Solicitors  
26 General and such number of Solicitors as may be necessary for the proper and efficient operation  
27 of the OSG.  
28

1        There shall be at least fifty (50) legal divisions in the OSG. Each division, headed by an  
2        Assistant Solicitor General, shall consist of at least ten (10) lawyers and such other personnel as  
3        may be necessary for the OSG to effectively carry out its functions.

4  
5        The administrative structure of the OSG shall be organized into the Financial Management  
6        Service, Docket Management Service, Human Resources Management and Administrative  
7        Service, and Budget and Planning Service, which shall be composed of the necessary divisions  
8        and sections. Each Service shall be headed by a Director, who shall be appointed by the President.

9  
10       There shall be an Office of Legal Services (OLS) within the OSG to be headed by a Chief  
11       Legal Officer whose position is primarily confidential, who shall be a lawyer, appointed by the  
12       Solicitor General and serve at the latter's pleasure. The qualifications, salary grade, and benefits  
13       of the Chief Legal Officer and the OLS staff shall be determined by the Solicitor General. The  
14       Chief Legal Officer shall be assisted by such other personnel as may be necessary to effectively  
15       carry out the functions of the OLS.

16  
17       A special task force within the OSG shall be created to be composed of least five (5) legal  
18       divisions, which shall be primarily responsible for performing the powers and functions under  
19       Section 5 (m) of this Act. Pending judicial determination of the ownership of ill-gotten assets, the  
20       task force shall be responsible for preserving and maintaining such assets. For this purpose, the  
21       members of the task force may be assigned or designated to sit in the Board of Directors of  
22       concerned entities by the Solicitor General. The task force shall also perform research and  
23       development functions.

24  
25       The administrative support of the task force shall be provided by special units within the  
26       Docket Management Section of the OSG, which shall have the function of maintaining and  
27       monitoring the records of cases as well as the safe-keeping of evidence and documents; and within  
28       the Property Management Section of the OSG in the preservation and maintenance of sequestered



1 assets and of other assets that subject of pending litigation in the ill-gotten wealth complaints filed  
2 by the PCGG with the Sandiganbayan and related cases.

3  
4 **SECTION 5. Powers and Functions.** – The OSG shall represent the Government of the  
5 Philippines, its agencies and instrumentalities, including GOCCs, and its officials and agents  
6 acting in their official capacity, in any litigation, proceeding, investigation, or matter requiring the  
7 services of a lawyer. As the principal law office of the Government, the OSG shall have the  
8 following specific powers and functions:

9 (a) Represent the Government and the People of the Philippines in the Supreme Court  
10 and the Court of Appeals in all criminal proceedings; represent the Government and its  
11 officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all  
12 civil actions and special proceedings in which the Government has been impleaded as a  
13 party, or any official of the Government sued in the lawful performance of duty;

14 (b) Investigate, initiate court action, or in any manner proceed against any person,  
15 corporation, or firm for the enforcement of any contract, bond, guarantee, mortgage,  
16 pledge, or other collateral executed in favor of the Government;

17 (c) Appear in any court in any action involving the validity of any treaty, law, executive  
18 order or proclamation, or rule or regulation when in his judgment his intervention is  
19 necessary or when requested by the Court;

20 (d) Appear in all proceedings involving the acquisition or loss of Philippine citizenship;

21 (e) Represent the Government in all land registration and related proceedings, and  
22 institute actions for the reversion to the Government of lands of the public domain and  
23 improvements thereon as well as lands held in violation of the Constitution;

24 (f) Conciliate, mediate, settle, or adjudicate all disputes, claims, and controversies  
25 solely between or among the departments, bureaus, offices, agencies, and instrumentalities  
26 of the National Government, including GOCCs;

27 (g) Render opinion and advice on matters referred by the departments, bureaus, offices,  
28 agencies, and instrumentalities of the National Government, including GOCCs;

1 (h) Prepare, upon request of the President or other proper officer of the National  
2 Government, rules and guidelines for government entities governing the preparation of  
3 contracts, making of investments, undertaking of transactions, and drafting of forms or  
4 other documents needed for official use, for the purpose of facilitating their enforcement  
5 and ensuring that they are entered into or prepared conformably to law and for the best  
6 interests of the public;

7 (i) Deputize, whenever in the opinion of the Solicitor General the public interest  
8 requires, any provincial or city prosecutor to assist in the performance of any function or  
9 discharge of any duty incumbent upon the Solicitor General, within the jurisdiction of the  
10 aforesaid provincial or city prosecutor. When so deputized, the prosecutor shall be under  
11 the control and supervision of the Solicitor General with regard to the conduct of the  
12 proceedings assigned to the prosecutor, and may be required to render reports or furnish  
13 information regarding the assignment;

14 (j) The provision of any law to the contrary notwithstanding, act as the legal counsel  
15 and serve as the principal law office of all GOCCs. All GOCCs shall refer to the OSG all  
16 contracts for review before their execution and all cases for representation before regular  
17 courts, quasi-judicial bodies, administrative agencies, and arbitral tribunals: *Provided*, That  
18 the Solicitor General may authorize the legal department of the concerned GOCC to appear  
19 as collaborating counsel for purposes of expediency or when the case demands urgency.

20 As legal counsel of all GOCCs, the OSG shall also perform the following duties  
21 and functions:

22 (1) Exercise control and supervision over the legal departments of all GOCCs  
23 through designated Assistant Solicitors General and Solicitors;

24 (2) Exercise visitorial powers over GOCCs;

25 (3) Replace the OGCC as *ex-officio* member in the Property Insurance Fund  
26 and enforce the Property Insurance Law pursuant to Republic Act No. 656, as amended by  
27 Presidential Decree 245, in domestic or international transactions;

28 (4) Conduct periodic performance audits of the in-house lawyers or legal  
29 departments of the GOCCs and to recommend appropriate actions to GOCCs;



1           (5)     Devise a system of record-keeping, such as a centralized database for legal  
2     opinions, to ensure that the integrity of vital documents remain intact; and

3           (6)     Require the in-house lawyers or legal departments of GOCCs to submit  
4     periodic reports of work performed and accomplished and to supervise and control the  
5     necessary legal action; and,

6           (7)     Perform other functions as may be provided by law, and such additional  
7     tasks as may be required by the GOCCs, including corporate secretary functions, with the  
8     conformity of the Solicitor General.

9     (k)     Deputize legal officers of government departments, bureaus, agencies, offices, and  
10    GOCCs to assist the Solicitor General and appear or represent the Government in cases  
11    involving their respective offices, brought before the courts, and exercise supervision and  
12    control over said legal officers with respect to such cases;

13    (l)     Call on any department, bureau, office, agency, or instrumentality of the  
14    Government, including any GOCC, for such service, assistance, and cooperation as may  
15    be necessary in fulfilling its functions and responsibilities and for this purpose enlist the  
16    services of any government official or employee in the pursuit of its tasks;

17           Departments, bureaus, agencies, offices, instrumentalities, and GOCCs to whom  
18    the OSG renders legal services are authorized to disburse funds from their sundry operating  
19    and other funds for the OSG. For this purpose, the Solicitor General, Assistant Solicitors  
20    General, Senior State Solicitors, State Solicitors, and Associate Solicitors are specifically  
21    authorized to receive allowances as may be provided by the Government offices,  
22    instrumentalities, and GOCCs concerned, in addition to their regular compensation.

23    (m)     Exercise and perform the following powers and functions of the PCGG which are  
24    hereby transferred to the OSG:

25           (1)     File and prosecute all cases investigated by the PCGG under Executive  
26                   Order No. 1, dated February 28, 1986, Executive Order No. 2, dated March  
27                   12, 1986, and Executive Order No. 432, dated May 26, 2005, as may be  
28                   warranted by its findings;

- 1 (2) Continue handling cases relative to the recovery of ill-gotten wealth and  
2 behest loans;
- 3 (3) Grant immunity from criminal prosecution to any person who provides  
4 information or testifies in any investigation previously conducted by the  
5 PCGG or future cases investigated by the OSG involving ill-gotten wealth,  
6 to establish the unlawful manner in which any respondent, defendant or  
7 accused has acquired or accumulated the property or properties in question  
8 in any case where such information or testimony is necessary to ascertain  
9 or prove the latter's guilt or civil liability. The immunity thereby granted  
10 shall be continued to protect the witness who repeats such testimony before  
11 the Sandiganbayan when required to do so; and,
- 12 (4) Call upon any department, bureau, office, agency, instrumentality or  
13 corporation of the government, or any officer or employee thereof, for such  
14 assistance as it may need in the discharge of its functions relative to  
15 recovery of ill-gotten wealth and behest loans.
- 16 (n) Represent, upon the instructions of the President, the Republic of the Philippines in  
17 international litigations, negotiations, or conferences where the legal position of the  
18 Republic must be defended or presented;
- 19 (o) Subject to the approval of the President, engage the services of counsel to assist in  
20 the discharge of his duties and responsibilities in cases requiring highly specialized legal  
21 skills, knowledge or expertise, including but not limited to foreign arbitrations and  
22 litigations. The engagement of such counsel shall be exempt from Republic Act No. 9184,  
23 otherwise known as the "Government Procurement Reform Act", due to the fiduciary  
24 nature of the relationship between the OSG and such counsel;
- 25 (p) Represent the Republic or the people before any court, tribunal, body, or  
26 commission in any matter, action, or proceeding that, in his opinion, affects the welfare of  
27 the people as the ends of justice may require;
- 28 (q) (1) Acquire, own, hold, or lease real and personal property; (2) sell or otherwise  
29 dispose of the same; (3) enter into contracts including loan agreements and joint venture



1 agreements; and (3) do and perform any and all acts that may be necessary or proper to  
2 carry out the purposes of this Act;

3 (r) Provide a Legal Internship Program to help law students prepare and train for and  
4 experience legal practice in public service; and,

5 (s) Perform such other functions as may be provided by law.  
6

7 **SECTION 6. *Abolition of the Office of the Government Corporate Counsel and the***  
8 ***Presidential Commission on Good Government.*** – The legal representation of the Government,  
9 its agencies, and instrumentalities, including GOCCs and officials and agents acting in their  
10 official capacity, and the powers and functions of the PCGG, shall be consolidated in the OSG.  
11 For this purpose, the OGCC and the PCGG are hereby abolished, and all the powers and functions  
12 of said Offices that are not inconsistent with the provisions of this Act are hereby transferred to  
13 the OSG.  
14

15 After due settlement of its liabilities, if any, all budgetary appropriations, funds, properties,  
16 records, equipment, rights, choses in action, and other assets of the OGCC and the PCGG are  
17 hereby transferred to the OSG.  
18

19 **SECTION 7. *Appointments.*** – The Solicitor General shall be appointed by the President.  
20

21 The Assistant Solicitors General, Senior State Solicitors, and State Solicitors shall be  
22 appointed by the President upon the recommendation of the Solicitor General. Associate Solicitors  
23 shall be appointed by the Solicitor General. The recommendations and appointments by the  
24 Solicitor General shall be subject to the qualifications provided in Section 8 of this Act.  
25

26 The Financial Management Service, Docket Management Service, Human Resources  
27 Management and Administrative Service, and Budget and Planning Service shall each be headed  
28 by a Director to be appointed by the Solicitor General. The Service Heads shall possess the  
29 necessary Career Executive Service eligibility and qualifications for the position prescribed under

1 existing civil service laws, rules, and regulations: *Provided*, That if a Service Head who does not  
2 possess the necessary eligibility and qualifications is occupying the position at the time of the  
3 effectivity of this Act, such person shall continue to perform the functions of the position as officer-  
4 in-charge and shall have a maximum of two (2) years to comply with the eligibility and  
5 qualifications prescribed herein: *Provided, further*, That if the Service Head fails or is unable to  
6 meet the eligibility and qualifications for the position after the lapse of two (2) years from the  
7 effectivity of this Act, such person shall be *ipso jure* removed from said position.

8  
9 Administrative personnel in the OSG shall be appointed by the Solicitor General.

10  
11 **SECTION 8. *Standards, Qualifications, Salaries and Benefits.*** – The Solicitor General  
12 shall have the rank of a Cabinet Secretary and the same qualifications for appointment, rank,  
13 category, prerogatives, salary grade and salaries, allowances, emoluments, privileges, retirement  
14 and other benefits, and shall be subject to the same inhibitions and disqualifications, of an  
15 Associate Justice of the Supreme Court;

16  
17 An Assistant Solicitor General shall have the same qualifications for appointment, rank,  
18 category, prerogatives, salary grade and salaries, allowances, emoluments, privileges, retirement  
19 and other benefits, and shall be subject to the same inhibitions and disqualifications, of an  
20 Associate Justice of the Court of Appeals.

21  
22 The qualifications for appointment, rank, category, prerogatives, salaries, allowances,  
23 emoluments, privileges, retirement and all other benefits of Solicitors shall be the same as judges,  
24 specified as follows:

25 (a) A Senior State Solicitor shall have the same rank, category, prerogatives, salaries,  
26 allowances, emoluments, privileges, retirement and all other benefits of a Regional  
27 Trial Court Judge, and shall have the following qualifications:

28 (1) A citizen of the Philippines;



- (2) At least thirty-five (35) years of age;
  - (3) For at least ten (10) years, has been engaged in the practice of law in the Philippines or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite; and,
  - (4) Proven competence, integrity, probity, and independence.
- (b) A State Solicitor II shall have the same rank, category, prerogatives, salaries, allowances, emoluments, privileges, retirement and all other benefits of a Metropolitan Trial Court Judge, while a State Solicitor I, that of a Municipal Trial Court in Cities Judge, and shall have the following qualifications:
- (1) A citizen of the Philippines;
  - (2) At least thirty-five (30) years of age;
  - (3) For at least five (5) years, has been engaged in the practice of law in the Philippines or has held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite; and,
  - (4) Proven competence, integrity, probity, and independence.
- (c) An Associate Solicitor III shall have the following qualifications:
- (1) A citizen of the Philippines;
  - (2) A member of the Philippine bar;
  - (3) With Three (3) years of relevant experience; and,
  - (4) (4) With Sixteen (16) hours of relevant training.
- (d) An Associate Solicitor II shall have the following qualifications:
- (1) A citizen of the Philippines;
  - (2) A member of the Philippine bar;
  - (3) With One (1) years of relevant experience; and,
  - (4) With Four (4) hours of relevant training.
- (e) An Associate Solicitor I shall have the following qualifications:
- (1) A citizen of the Philippines;

1 (2) A member of the Philippine bar; and,

2 (3) Such other qualifications, prerogatives and responsibilities as may be  
3 required or determined by the Solicitor General.  
4

5 The Solicitor General shall be entitled to the same retirement benefits and privileges as an  
6 Associate Justice of the Supreme Court upon reaching the age of sixty (60) years; Provided, That,  
7 he/she shall have served in such capacity continuously for at least two (2) consecutive years.  
8

9 Assistant Solicitors General, Senior State Solicitors, State Solicitors II, and State Solicitors  
10 I shall be entitled to the same retirement benefits and privileges as their counterparts in the  
11 Judiciary upon reaching the age of sixty (60) years, provided that they have served in such  
12 capacities continuously for at least five (5) consecutive years. An Assistant Solicitor General,  
13 Senior State Solicitor, State Solicitor II, and State Solicitor I may opt to serve up to the age of  
14 seventy (70) years.  
15

16 Any increase after the approval of this Act in the salaries, allowances or retirement benefits  
17 or any upgrading of the grades or levels thereof of any or all of the Justices or Judges referred to  
18 herein to whom said emoluments are assimilated shall similarly apply to the Solicitor General,  
19 Assistant Solicitors General, and State Solicitors.  
20

21 **SECTION 9. *Office of Legal Services.*** – The Office of Legal Services (OLS) shall  
22 perform the following duties and functions:

- 23 a. Drafting of proposed legislative measures to strengthen the OSG to enable it  
24 to efficiently and effectively discharge its mandate, for submission by the  
25 Solicitor General to Congress and to the President of the Philippines;  
26 b. Conduct research on legal issues that may be assigned by the Solicitor General;  
27 c. Assist the Solicitor General, Assistant Solicitors General, State Solicitors,  
28 Associate Solicitors, and all other employees of the OSG who are impleaded



1 in their official capacity in any litigation, proceeding, investigation, or matter  
2 requiring the services of a lawyer; and,

3 d. Such other duties and functions that may be assigned by the Solicitor General,  
4

5 **SECTION 10. *Capacity Development.*** – In order to build and develop the capability of  
6 the OSG as an organization to achieve development goals, as well as enhance its abilities to  
7 achieve measurable and sustainable results, the Solicitor General, in consultation with the  
8 Assistant Solicitors General, shall formulate, develop, and implement plans, activities, and  
9 programs towards the improvement of knowledge, skills, and systems of all the employees in the  
10 OSG. To achieve this objective, the Solicitor General may by himself authorize OSG lawyers to  
11 travel anywhere in the Philippines and abroad to attend seminars, fora, conferences, or lectures  
12 on different areas of law, pleadings and practice in international courts and tribunals, public-  
13 private partnerships, and public corporate governance, among others. The Solicitor General may  
14 also authorize the administrative staff of the OSG to undergo relevant training to improve their  
15 skills.  
16

17 **SECTION 11. *Compensation.*** — The salary grades of the Solicitor General, Assistant  
18 Solicitors General, Senior State Solicitors, State Solicitors, and Associate Solicitors shall be as  
19 follows:

POSITION	SALARY GRADE
Solicitor General	31
Assistant Solicitor General	30
Senior State Solicitor	29
State Solicitor II	28
State Solicitor I	27
Associate Solicitor III	26
Associate Solicitor II	25
Associate Solicitor I	24

1 The Solicitor General, Assistant Solicitor General, and Solicitors shall be entitled to step  
2 increments and longevity pay which shall be equivalent to those being received by their  
3 counterparts in the Judiciary.

4  
5 The positions and salaries of non-legal personnel in the OSG shall be on the same level as  
6 their counterparts in the Court of Appeals.

7  
8 **SECTION 12. *Benefits and Privileges.*** — The OSG shall provide its employees with the  
9 following benefits:

10 (1) Health care services through a health maintenance organization (HMO). Expenses  
11 for the mandatory annual executive check-up of the Solicitor General, the Assistant  
12 Solicitors General

13 (2) and OSG officials whose positions correspond to Salary Grade 28 and above shall  
14 be for the account of the OSG;

15 (3) Hazard pay, as well as accident insurance policies procured by the OSG at its own  
16 expense to protect its officials while they are in the performance of their official duties  
17 and functions;

18 (4) Without prejudice to efficiency in the service, scholarships to deserving employees  
19 on official time and at the expense of the OSG to enhance their academic growth and  
20 upgrade their knowledge and skills. Scholarships under this provision shall be granted on  
21 the basis of competitive examination. Scholars shall be required to render service in the  
22 OSG upon immediate completion of the program, course or degree, in accordance with  
23 applicable Civil Service laws, rules and regulations.

24 (5) A provident fund which shall consist of contributions made both by the OSG and  
25 by its lawyers and employees to a common fund for the payment of benefits to such  
26 lawyers or employees or their heirs;

27 (6) Other benefits as enjoyed by other government offices or as may be determined by  
28 the Solicitor General in the exigencies of the service and in accordance with law.



1        **SECTION 13. *Seminar and Other Professional Fees.*** — Subject to the availability of  
2 funds, fees for relevant seminars, as well as professional membership fees, registration fees, and  
3 related miscellaneous expenses incurred in completing the mandatory continuing legal education  
4 (MCLE) course shall be borne by the OSG for its lawyers: *Provided*, That lawyers whose lifetime  
5 membership fees to the Integrated Bar of the Philippines (IBP) have been paid up or reimbursed  
6 by the OSG shall maintain their service in the OSG for at least five (5) years: *Provided, further*,  
7 That should such lawyers resign or in any manner separate from the Office before the end of the  
8 bond, they shall be required to reimburse the paid up IBP membership dues or fees *pro rata*. (n)

9  
10        Professional membership, registration fees, including those for mandatory continuing  
11 professional education (CPE), and related miscellaneous expenses of other employees holding  
12 positions for which a professional license is required by the office shall also be borne by the OSG.  
13

14        **SECTION 14. *Survivorship Benefits; Coverage.*** —Upon the death of a Solicitor General,  
15 Assistant Solicitor General, Senior State Solicitor, State Solicitor, or an Associate Solicitor of the  
16 OSG, if said official had retired or was in the service at the time of death, the surviving legitimate  
17 spouse and dependent children, or in their absence, the surviving parents of said official shall be  
18 entitled to receive on a monthly basis all the retirement benefits that the deceased official was  
19 receiving or entitled to receive at the time of death under the provisions of applicable retirement  
20 laws. A “dependent” means a legitimate, illegitimate, or legally adopted child who is chiefly  
21 dependent with the abovementioned officials, and who is not more than twenty-one (21) years of  
22 age, unmarried and not gainfully employed or, regardless of age, is incapable of self-support  
23 because of mental or physical defect. The surviving legitimate spouse shall continue to receive  
24 such retirement benefits during such spouse’s lifetime or until such spouse remarries: *Provided*,  
25 That, if the surviving legitimate spouse is receiving benefits under existing retirement laws, the  
26 surviving legitimate spouse shall only be entitled to the difference between the amount provided  
27 for in this Act and the benefits the surviving spouse has been receiving: *Provided, Further*, That  
28 said benefits shall be granted to all aforementioned members of the OSG who died or retired prior  
29 to the effectivity of this Act: *Provided, furthermore*, That the surviving legitimate spouse

1 receiving the benefit shall not appear as counsel before any court in any civil case wherein the  
2 Government or any subdivision or instrumentality thereof, including GOCCs, is the adverse party,  
3 or in any criminal case wherein an incumbent or former officer or employee of the Government  
4 is accused of an offense committed in relation to their office, or collect any fee for the appearance  
5 in any administrative proceeding: *Provided, finally,* That a surviving legitimate spouse duly  
6 elected to any public office shall not, upon assumption of office and during the spouse's term as  
7 elected public official, receive the survivorship benefits under this section.

8  
9 **SECTION 15. *Grant of Special Allowances.*** — Any provision of law to the contrary  
10 notwithstanding, the Solicitor General, Assistant Solicitors General, Senior State Solicitors, State  
11 Solicitors and Associate Solicitors shall be granted special allowances in amounts to be  
12 determined by the Solicitor General.

13  
14 The grant of special allowances shall be implemented uniformly in such sums and amounts  
15 and up to the extent only that can be supported by the funding source specified in Section 18 (a)  
16 to (d) hereof: *Provided,* That each grant of the said special allowance shall not exceed One  
17 hundred percent (100%) of the basic salary of solicitors, as provided in Republic Act No. 6758,  
18 otherwise known as the Salary Standardization Law: *Provided, further,* That said special  
19 allowances shall be exempt from income tax.

20  
21 **SECTION 16. *Other Benefits.*** — The lawyers of the OSG are allowed to receive  
22 honoraria and allowances directly from each client department, agency, GOCC, or instrumentality  
23 of the Government for the legal services rendered, including appearing in hearings, providing  
24 legal advice, drafting of contracts and legal documents, and performing other designated  
25 functions. Such honoraria and allowances shall be exempt from income tax.

26  
27 **SECTION 17. *Franking Privilege.*** — All official mail matters and telegrams of the OSG  
28 addressed for delivery within the Philippines shall be received, transmitted, and delivered free of



1 charge: *Provided*, that such mail matters when addressed to private persons or non-government  
2 offices shall not exceed one hundred twenty (120) grams.

3  
4 **SECTION 18. *Funding.*** — The funds required for the implementation of this Act,  
5 including those for health care services, survivorship benefits, insurance premiums, professional,  
6 educational, and registration fees, transportation benefits, and other benefits and privileges  
7 mentioned in the other provisions of this Act, shall be provided for in the General Appropriations  
8 Act and augmented by funds sourced from the following:

- 9 (a) Twenty percent (20%) of monetary awards or value of assets adjudged by the  
10 Courts or tribunals to client departments, agencies and instrumentalities of the  
11 Government, and GOCCs, including those under court approved compromise agreements;  
12 (b) Twenty percent (20%) of assets adjudged to the Government in forfeiture  
13 proceedings;  
14 (c) Fifty percent (50%) of fees collected by the Special Committee on  
15 Naturalization; and  
16 (d) All other income, fees and revenues earned and collected by the OSG.

17  
18 For this purpose, the OSG is hereby authorized to charge deputation, certification, and other  
19 similar fees in the cases that it handles.

20 The amounts collected pursuant to paragraphs (a) to (d) in this section shall constitute a  
21 trust fund as defined in the next section.

22  
23 **SECTION 19. *Trust Fund.*** — There is hereby created an OSG Trust Fund (OTF) sourced  
24 from the amounts collected pursuant to Section 18(a) to (d) of this Act. The OTF shall be  
25 administered by the Solicitor General in accordance with existing government auditing rules and  
26 regulations, and shall be used exclusively for the provision of the benefits and privileges provided  
27 in this Act and for the effective implementation of the powers and functions of the OSG. All  
28 interest income, dividends and earnings accrued from the OTF shall also form part of the Trust

1 Fund. No portion of the OTF shall revert to the general fund of the National Government, except  
2 when the Trust Fund is no longer necessary for the purposes for which it was established.  
3

4 **SECTION 20. *Transfer of Cases.*** – All cases being handled by the OGCC shall be  
5 transferred to the OSG: *Provided, however,* that the handling OGCC lawyer shall submit a status  
6 report of all cases he or she is handling to the Solicitor General: *Provided, further,* that a  
7 certification under oath that the records of the case transmitted to the OSG are complete shall be  
8 made by the handling OGCC lawyer as a pre-condition for receiving the separation or retirement  
9 benefits under this Act.  
10

11 **SECTION 21. *Case Migration.*** – Upon the effectivity of this Act, a transition “Case  
12 Migration Committee” (CMC) shall be created, composed of three (3) members from each of the  
13 respective records and docket divisions of the OSG, the OGCC, and the PCGG, at least two (2)  
14 members from the legal divisions of all GOCCs, and at least two (2) lawyers each from the OSG,  
15 the OGCC, and the PCGG.  
16

17 The CMC shall ensure the smooth turnover of all cases and legal concerns of the OGCC  
18 and the PCGG to the OSG, with corresponding status reports, complete records, and other relevant  
19 documents, taking care that no case or legal concern shall be prejudiced in the process of turnover.  
20

21 The CMC shall have the responsibility of determining which cases and legal concerns  
22 need immediate attention or are extremely urgent. These cases and legal concerns shall be  
23 immediately transferred or referred to the OSG.  
24

25 The CMC shall complete its work within thirty (30) days from its constitution. The CMC  
26 shall submit a comprehensive report to the Solicitor General.  
27

28 **SECTION 22. *Absorption of Personnel.*** – The officials and employees of the OGCC and  
29 the PCGG affected by the abolition of their respective offices shall be absorbed in the OSG:



1 *Provided*, That said officials or employees possess the necessary eligibility and qualifications for  
2 the position as prescribed in this Act: *Provided, further*, That such absorbed personnel shall not  
3 be entitled to the retirement or separation benefits provided in the next section. The absorption of  
4 such officials and employees in the OSG shall retroact to the date of the effectivity of this Act, or  
5 to such date that would prevent a gap in the service of such absorbed personnel.

6  
7 **SECTION 23. *Retirement or Separation from Service.*** — Consequent to the abolition of  
8 the OGCC and the PCGG, OGCC and PCGG officials and employees who are at least fifty (50)  
9 years of age and have served at least fifteen (15) years in the government service, the last five (5)  
10 years of which shall have been continuously rendered in the OGCC or the PCGG, shall be  
11 qualified for retirement with full retirement gratuity and pension pursuant to applicable laws.  
12 Those who lack any one of the above qualifications shall receive a separation pay equivalent to  
13 one and a half (1 & 1/2) months for every year of service in government, which will be provided  
14 for in the General Appropriations Act.

15  
16 **SECTION 24. *Implementing Rules and Regulations.*** — Within sixty (60) days from the  
17 approval of this Act, the Solicitor General, in coordination with the Secretary of Budget and  
18 Management, shall promulgate such rules and regulations as may be necessary to effectively carry  
19 out the provisions of this Act. Until such time that the rules and regulations are promulgated and  
20 Section 21 of this law is implemented, the officials and administrative personnel of the OGCC  
21 and PCGG shall remain in their positions in a holdover capacity.

22  
23 **SECTION 25. *Retroactivity.*** — The retirement benefits provided for in Section 8 and the  
24 survivorship benefits provided for under Section 14 of this Act shall have retroactive effect as of  
25 the date of effectivity of Republic Act No. 9417.

26  
27 **SECTION 26. *Appropriations.*** — The amount necessary for the initial implementation of  
28 this Act shall be taken from the current appropriations of the OSG and its savings. Thereafter, such

1 sums as may be necessary for the continued implementation of this Act shall be included in the  
2 annual General Appropriations Act.

3  
4 **SECTION 27. *Repealing Clause.*** — This Act expressly repeals Republic Act No. 2327  
5 entitled "*An Act To Declare The Position Of Government Corporate Counsel Distinct And*  
6 *Separate From That Of The Solicitor General, Provide For His Appointment And Salary And*  
7 *Appropriate The Necessary Funds Therefor, And For Other Purposes*", Executive Order No. 1,  
8 s. 1986 entitled "*Creating the Presidential Commission on Good Government*", Executive Order  
9 No. 2, s. 1986 entitled "*Regarding the Funds, Moneys, Assets and Properties Illegally Acquired*  
10 *or Misappropriated by Former President Ferdinand Marcos Mrs. Imelda Romualdez Marcos,*  
11 *Their Close Relatives, Subordinates Business Associates, Dummies, Agents, Or Nominees*", and  
12 Republic Act No. 9417, entitled "*An Act To Strengthen The Office Of The Solicitor General By*  
13 *Expanding And Streamlining Its Bureaucracy, Upgrading Employee Skills And Augmenting*  
14 *Benefits, And Appropriating Funds Therefor And For Other Purposes*".

15 Pertinent provisions of Executive Order No. 292, otherwise known as the Revised  
16 Administrative Code of 1987, as amended, and all laws, decrees, orders, rules and regulations or  
17 parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby  
18 amended, repealed or modified accordingly.

19  
20 **SECTION 28. *Separability Clause.*** — If any provision of this Act is declared invalid or  
21 unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

22  
23 **SECTION 29. *Effectivity.*** — This Act shall take effect after fifteen (15) days from its  
24 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

25  
26 Approved,