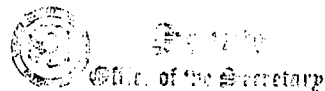


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'18 MAY 28 P 4 :18

SENATE

RECEIVED

COMMITTEE REPORT NO. 391

Submitted by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance on MAY 28 2018.

Re: Senate Bill No. 1823

Recommending its approval in substitution of Senate Nos. 736, 976, 1409, 1604, 1613 and 1626, taking into consideration House Bill No. 7376.

Sponsor: Senator Richard J. Gordon

MR. PRESIDENT:

The Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance, to which were referred **Senate Bill No. 736**, introduced by Senator Escudero, entitled:

"AN ACT

TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL AND FOR OTHER PURPOSES"

Senate Bill No. 976, introduced by Senator Angara, entitled:

"AN ACT

TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9417 AND APPROPRIATING FUNDS THEREFOR"

Senate Bill No. 1409, introduced by Senator Legarda, entitled:

"AN ACT

TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL BY PROVIDING FOR ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING, AND RATIONALIZING ITS ORGANIZATION, THEREBY AMENDING REPUBLIC ACT NO. 9417, AND REPEALING REPUBLIC ACT NO. 2327, EXECUTIVE ORDER NOS. 1 AND 2, S. 1986, AND ALL RELATED LAWS, AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER RELATED PURPOSES"

Senate Bill No. 1604, introduced by Senator Zubiri, entitled:

"AN ACT

TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL BY PROVIDING FOR ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING, AND RATIONALIZING ITS ORGANIZATION, THEREBY AMENDING REPUBLIC ACT NO. 9417 AND REPEALING REPUBLIC ACT NO. 2327, EXECUTIVE ORDER NOS. 1 AND 2, S. 1986, AND ALL RELATED LAWS, AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER RELATED PURPOSES"

Senate Bill No. 1613, introduced by Senators Lacson and Pacquiao, entitled:

"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"

and

Senate Bill No. 1626, introduced by Senator Gordon, entitled:

"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, AUGMENTING ITS EMPLOYEE BENEFITS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES”**

taking into consideration **House Bill No. 7376**, introduced by Representatives Alvarez, Fariñas, Umali, Nograles, et.al., entitled:

“AN ACT

**FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL (OSG)
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, AND APPROPRIATING FUNDS
THEREFOR**

have considered the same and have the honor to report these bills back to the Senate with the recommendation that the attached **Senate No. 1823**, prepared by the Committees, entitled:

“AN ACT

**FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL BY
INCREASING ITS POWERS AND FUNCTIONS, AND AUGMENTING ITS
EMPLOYEE BENEFITS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9417 AND EXECUTIVE ORDER NO. 292, AND APPROPRIATING FUNDS
THEREFOR”**

be approved in substitution of Senate Nos. 736, 976, 1409, 1604, 1613 and 1626 taking into consideration **House Bill No. 7376** with Senators Escudero, Angara, Legarda, Zubiri, Lacson, Pacquiao, Gordon and Trillanes IV, as authors thereof.

Respectfully submitted:

Chairpersons



SENATOR RICHARD J. GORDON
Committee on Justice and Human Rights
Member, Committee on Ways and Means
Member, Committee on Finance

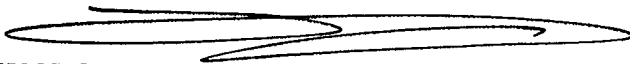
may amend / interpellate



SENATOR ANTONIO "SONNY" F. TRILLANES IV
Committee on Civil Service, Government Reorganization & Professional Regulation
Member, Committee on Ways and Means
Member, Committee on Finance

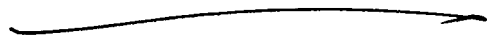


SENATOR SONNY ANGARA
Committee on Ways and Means
Vice Chairperson, Committee on Finance

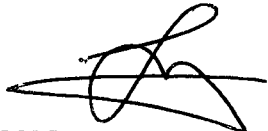


SENATOR LOREN B. LEGARDA
Committee on Finance
Vice Chairperson, Committee on Ways and Means
Member, Committee on Civil Service, Government Reorganization & Professional Regulation


w/ question / answer



Vice Chairpersons



SEN. FRANCIS "CHIZ" G. ESCUDERO
Vice Chairperson
Committee on Civil Service, Government
Reorganization & Professional Regulation
Member, Committee on Ways and Means
Member, Committee on Finance



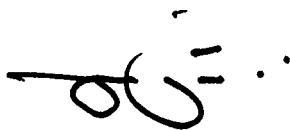
SEN. PANFILO M. LACSON
Vice Chairperson
Committee on Justice and
Human Rights; Finance
Member, Committee on Ways
and Means



SEN. PAOLO BENIGNO "BAM" AQUINO IV
Vice Chairperson
Committee on Ways and Means; Finance
Member, Committee on Civil Service,
Government
Reorganization & Professional Regulation



SEN. JOEL VILLANUEVA
Vice Chairperson
Committee on Ways and Means
Member, Committee on Finance



SEN. JOSEPH VICTOR G. EJERCITO
Vice Chairperson
Committee on Finance
Member, Committee on Justice and Human
Rights
Member, Committee on Ways and Means



SEN. CYNTHIA A. VILLAR
Vice Chairperson
Committee on Finance
Member, Committee on Civil
Service, Government
Reorganization & Professional
Regulation





Members

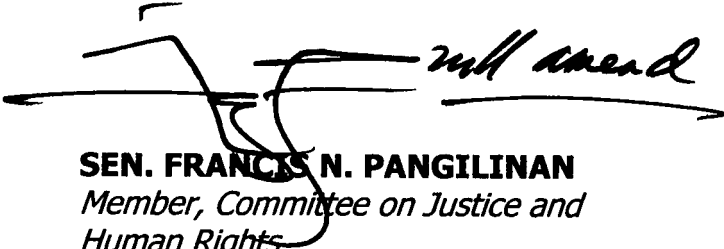
SEN. GREGORIO B. HONASAN II
Member, Committee on Civil Service,
Government Reorganization & Professional
Regulation
Member, Committee on Finance

SEN. EMMANUEL "MANNY" D. PACQUIAO
Member, Committee on Justice and
Human Rights
Member, Committee on Civil Service,
Government Reorganization &
Professional Regulation


SEN. MARIA LOURDES NANCY S. BINAY
Member, Committee on Ways and Means
Member, Committee on Finance

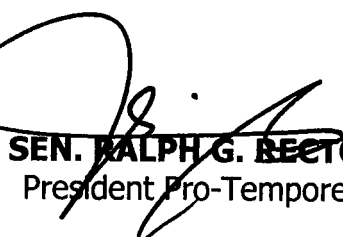

SEN. GRACE POE
Member, Committee on Justice and Human Rights
Member, Committee on Ways and Means
Member, Committee on Finance


SEN. SHERWIN T. GATCHALIAN
Member, Committee on Ways and Means
Member, Committee on Finance

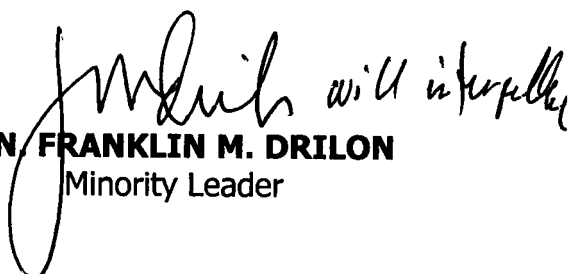

SEN. FRANCIS N. PANGILINAN
Member, Committee on Justice and Human Rights
Member, Committee on Ways and Means
Member, Committee on Finance

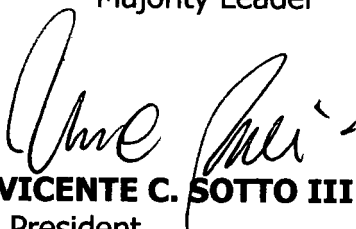
SEN. RISA HONTIVEROS
Member, Committee on Justice and Human Rights
Member, Committee on Ways and Means
Member, Committee on Finance

Ex-Officio Members


SEN. RALPH G. RECTO
President Pro-Tempore


SEN. JUAN MIGUEL F. ZUBIRI
Majority Leader


SEN. FRANKLIN M. DRILON
Minority Leader

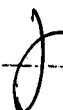

HON. VICENTE C. SOTTO III
Senate President

'18 MAY 28 P 4 :18

SENATE

S.B. No. 1823

RECEIVED



Prepared by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; Ways and Means; and Finance, with Senators Escudero, Angara, Legarda, Zubiri, Lacson, Pacquiao, Gordon and Trillanes IV as authors thereof.

**"AN ACT
FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL BY
INCREASING ITS POWERS AND FUNCTIONS, AND AUGMENTING ITS
EMPLOYEE BENEFITS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
9417 AND EXECUTIVE ORDER NO. 292, AND APPROPRIATING FUNDS
THEREFOR"**

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

1 **SECTION 1.** Section 35, Book IV, Title III, Chapter 12 of Executive Order 292, is
2 hereby amended to read as follows:

3 "SECTION 35. *Powers and Functions.* – The Office of the Solicitor
4 General shall represent the Government of the Philippines, its agencies
5 and instrumentalities, and its officials and agents in any litigation,
6 proceeding, investigation, or matter requiring the services of a lawyer.
7 When authorized by the President or head of the office concerned, it shall
8 also represent government owned or controlled corporations. The Office
9 of the Solicitor General shall constitute the law office of the Government
10 and, as such, shall discharge duties requiring the services of a lawyer. It
11 shall have the following specific powers and functions:

12 (1) Represent the Government in the Supreme Court and
13 the Court of Appeals in all criminal proceedings; represent
14 the Government and its officers in the Supreme Court, the
15 Court of Appeals, and all other courts or tribunals in all

1 civil actions and special proceedings in which the
2 Government or any officer thereof in his official capacity is
3 a party.

4 (2) Investigate, initiate court action, or in any manner
5 proceed against any person, corporation, or firm for the
6 enforcement of any contract, bond, guarantee, mortgage,
7 pledge, or other collateral executed in favor of the
8 Government. Where the proceedings are to be conducted
9 outside of the Philippines, the Solicitor General may
10 employ counsel to assist in the discharge of the
11 aforementioned responsibilities.

12 (3) Appear in any court in any action involving the validity
13 of any treaty, law, executive order or proclamation, rule
14 or regulation when in his judgment his intervention is
15 necessary or when requested by the Court.

16 (4) Appear in all proceedings involving the
17 acquisition or loss of Philippine citizenship.

18 (5) Represent the Government in all land registration and
19 related proceedings. Institute actions for the reversion to
20 the Government of lands of the public domain and
21 improvements thereon as well as lands held in violation of
22 the Constitution.

23 (6) Prepare, upon request of the President or other
24 proper officer of the National Government, rules and
25 guidelines for government entities governing the
26 preparation of contracts, making of investments,
27 undertaking of transactions, and drafting of forms or
28 other writings needed for official use, for the purpose of

1 facilitating their enforcement and ensuring that they are
2 entered into or prepared conformably with law and for
3 the best interests of the public.

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

14 (8) Deputize legal officers of government departments,
15 bureaus, agencies, and offices to assist the Solicitor
16 General and appear or represent the Government in all
17 cases involving their respective offices, brought before
18 the courts, and exercise supervision and control over such
19 legal officers with respect to such cases.

20 (9) Call on any department, bureau, office, agency, or
21 instrumentality of the Government, for such service,
22 assistance and cooperation as may be necessary in
23 fulfilling its functions and responsibilities and for this
24 purpose enlist the services of any government official or
25 employee in the pursuit of its tasks.

26 Departments, bureaus, agencies, offices,
27 instrumentalities and corporations to whom the Office of

1 the Solicitor General renders legal services are authorized
2 to disburse funds from their sundry operating and other
3 funds for the latter Office. For this purpose, the Solicitor
4 General and his staff are specifically authorized to receive
5 allowances as may be provided by the Government offices,
6 instrumentalities and corporations concerned, in addition
7 to their regular compensation.

8 (10) Represent, upon the instructions of the
9 President, the Republic of the Philippines in international
10 litigations, negotiations or conferences where the legal
11 position of the Republic must be defended or presented.

12 (11) Act and represent the Republic and/or the
13 People before any court, tribunal, body, or commission in
14 any matter, action, or proceeding which, in his opinion,
15 affects the welfare of the people as the ends of justice
16 may require.

17 **(12) CONCILIATE, MEDIATE, ADMINISTRATIVELY**
18 **SETTLE, OR ADJUDICATE ALL DISPUTES, CLAIMS,**
19 **AND CONTROVERSIES INVOLVING MIXED**
20 **QUESTIONS OF FACT AND LAW, OR QUESTIONS OF**
21 **FACT ONLY, SOLELY BETWEEN OR AMONG THE**
22 **DEPARTMENTS, BUREAUS, OFFICES, AGENCIES,**
23 **AND INSTRUMENTALITIES OF THE NATIONAL**
24 **GOVERNMENT, INCLUDING CONSTITUTIONAL**
25 **OFFICES OR AGENCIES;**

26 **(13) RENDER OPINION AND ADVICE ON MATTERS**
27 **REFERRED BY THE DEPARTMENTS, BUREAUS,**

1 OFFICES, AGENCIES, AND INSTRUMENTALITIES
2 OF THE NATIONAL GOVERNMENT BEING
3 REPRESENTED BY THE OSG;

4 (14) SUBJECT TO THE APPROVAL OF THE
5 PRESIDENT, ENGAGE THE SERVICES OF COUNSEL
6 TO ASSIST IN THE DISCHARGE OF HIS DUTIES
7 AND RESPONSIBILITIES IN CASES REQUIRING
8 HIGHLY SPECIALIZED LEGAL SKILLS, KNOWLEDGE
9 OR EXPERTISE, INCLUDING, BUT NOT LIMITED TO,
10 FOREIGN ARBITRATIONS AND LITIGATIONS. THE
11 ENGAGEMENT OF SUCH COUNSEL IN FOREIGN
12 ARBITRATIONS AND LITIGATIONS SHALL BE
13 EXEMPT FROM THE COVERAGE OF REPUBLIC ACT
14 NO. 9184;

15 (15) ENTER INTO ANY CONTRACT OR
16 TRANSACTION FOR THE ACQUISITION,
17 OWNERSHIP, POSSESSION, ADMINISTRATION,
18 LEASE, DISPOSITION, OR ACCEPTANCE OF REAL
19 OR PERSONAL PROPERTY, OR ANY INTEREST
20 THEREIN, IN ITS NAME;

21 (16) PROVIDE A LEGAL INTERNSHIP PROGRAM
22 FOR LAW STUDENTS; AND

23 (17) Perform such other functions as may be provided by
24 law."

25 **SEC. 2.** Section 3 of Republic Act No. 9417 is hereby amended to read, as
26 follows:

1 "SECTION 3. *Standards, QUALIFICATIONS, SALARIES*
2 **AND BENEFITS.** – The Solicitor General shall have [a
3 cabinet rank] **THE RANK OF A CABINET SECRETARY** and
4 the same qualifications for appointment, rank, **CATEGORY,**
5 prerogatives, **SALARY GRADE AND** salaries, allowances,
6 **EMOLUMENTS,** [benefits and] **AND OTHER** privileges, [as
7 the Presiding Justice of the Court of Appeals], **AND SHALL**
8 **BE SUBJECT TO THE SAME INHIBITIONS AND**
9 **DISQUALIFICATIONS, AS THOSE OF AN ASSOCIATE**
10 **JUSTICE OF THE SUPREME COURT** [an Assistant Solicitor
11 General, those of an Associate Justice of the Court of
12 Appeals.];

13 **AN ASSISTANT SOLICITOR GENERAL SHALL BE**
14 **APPOINTED BY THE PRESIDENT, AND SHALL HAVE**
15 **THE SAME QUALIFICATIONS FOR APPOINTMENT,**
16 **RANK, CATEGORY, PREROGATIVES, SALARY GRADE**
17 **AND SALARIES, ALLOWANCES, EMOLUMENTS,**
18 **PRIVILEGES, AND SHALL BE SUBJECT TO THE SAME**
19 **INHIBITIONS AND DISQUALIFICATIONS, AS THOSE**
20 **OF AN ASSOCIATE JUSTICE OF THE COURT OF**
21 **APPEALS.**

22 **A SENIOR STATE SOLICITOR SHALL BE**
23 **APPOINTED BY THE PRESIDENT, AND SHALL HAVE**
24 **THE SAME RANK, CATEGORY, PREROGATIVES,**
25 **SALARIES, ALLOWANCES, EMOLUMENTS, PRIVILEGES,**
26 **RETIREMENT AND ALL OTHER BENEFITS OF A**

1 REGIONAL TRIAL COURT JUDGE, AND SHALL HAVE
2 THE FOLLOWING QUALIFICATIONS:

- 3 (1) A CITIZEN OF THE PHILIPPINES;
- 4 (2) AT LEAST THIRTY-FIVE (35) YEARS OF AGE;
- 5 (3) FOR AT LEAST TEN (10) YEARS, HAS BEEN
6 ENGAGED IN THE PRACTICE OF LAW IN THE
7 PHILIPPINES OR HAS HELD A PUBLIC OFFICE
8 IN THE PHILIPPINES REQUIRING ADMISSION
9 TO THE PRACTICE OF LAW AS AN
10 INDISPENSABLE REQUISITE; AND,
11 (4) PROVEN COMPETENCE, INTEGRITY, PROBITY,
12 AND INDEPENDENCE.

13 A STATE SOLICITOR II SHALL BE APPOINTED BY THE
14 PRESIDENT, AND SHALL HAVE THE SAME RANK,
15 CATEGORY, PREROGATIVES, SALARIES,
16 ALLOWANCES, EMOLUMENTS, PRIVILEGES,
17 RETIREMENT AND ALL OTHER BENEFITS OF JUDGE
18 OF A METROPOLITAN TRIAL COURT, AND SHALL
19 HAVE THE FOLLOWING QUALIFICATIONS:

- 20 (1) A CITIZEN OF THE PHILIPPINES;
- 21 (2) AT LEAST THIRTY (30) YEARS OF AGE;
- 22 (3) FOR AT LEAST FIVE (5) YEARS, HAS BEEN
23 ENGAGED IN THE PRACTICE OF LAW IN THE
24 PHILIPPINES OR HAS HELD A PUBLIC OFFICE
25 IN THE PHILIPPINES REQUIRING ADMISSION
26 TO THE PRACTICE OF LAW AS AN
27 INDISPENSABLE REQUISITE; AND,

1 **(4) PROVEN COMPETENCE, INTEGRITY, PROBITY,**
2 **AND INDEPENDENCE.**

3 **A STATE SOLICITOR I SHALL BE APPOINTED BY THE**
4 **PRESIDENT, AND SHALL HAVE THE SAME RANK,**
5 **CATEGORY, PREROGATIVES, SALARIES,**
6 **ALLOWANCES, EMOLUMENTS, PRIVILEGES,**
7 **RETIREMENT AND ALL OTHER BENEFITS OF JUDGE**
8 **OF A MUNICIPAL TRIAL COURT IN CITIES, AND**
9 **SHALL HAVE THE FOLLOWING QUALIFICATIONS:**

10 **(1) A CITIZEN OF THE PHILIPPINES;**

11 **(2) AT LEAST THIRTY (30) YEARS OF AGE;**

12 **(3) FOR AT LEAST FIVE (5) YEARS, HAS BEEN**
13 **ENGAGED IN THE PRACTICE OF LAW IN THE**
14 **PHILIPPINES OR HAS HELD A PUBLIC OFFICE**
15 **IN THE PHILIPPINES REQUIRING ADMISSION**
16 **TO THE PRACTICE OF LAW AS AN**
17 **INDISPENSABLE REQUISITE; AND,**

18 **(4) PROVEN COMPETENCE, INTEGRITY, PROBITY,**
19 **AND INDEPENDENCE.**

20 **AN ASSOCIATE SOLICITOR III SHALL BE APPOINTED**
21 **BY THE SOLICITOR GENERAL AND SHALL HAVE THE**
22 **FOLLOWING QUALIFICATIONS:**

23 **(1) A CITIZEN OF THE PHILIPPINES;**

24 **(2) A MEMBER OF THE PHILIPPINE BAR;**

25 **(3) FOR AT LEAST THREE (3) YEARS, HAS BEEN**
26 **ENGAGED IN THE PRACTICE OF LAW IN THE**
27 **PHILIPPINES; AND,**

1 **(4) WITH SIXTEEN (16) HOURS OF RELEVANT**
2 **TRAINING.**

3 **AN ASSOCIATE SOLICITOR II SHALL BE APPOINTED**
4 **BY THE SOLICITOR GENERAL AND SHALL HAVE THE**
5 **FOLLOWING QUALIFICATIONS:**

6 **(1) A CITIZEN OF THE PHILIPPINES;**

7 **(2) A MEMBER OF THE PHILIPPINE BAR;**

8 **(3) FOR AT LEAST ONE (1) YEAR, HAS BEEN**
9 **ENGAGED IN THE PRACTICE OF LAW IN THE**
10 **PHILIPPINES; AND,**

11 **(4) WITH FOUR (4) HOURS OF RELEVANT**
12 **TRAINING.**

13 **AN ASSOCIATE SOLICITOR I SHALL BE APPOINTED**
14 **BY THE SOLICITOR GENERAL AND SHALL HAVE THE**
15 **FOLLOWING QUALIFICATIONS:**

16 **(1) A CITIZEN OF THE PHILIPPINES;**

17 **(2) A MEMBER OF THE PHILIPPINE BAR; AND,**

18 **(3) SUCH OTHER QUALIFICATIONS,**
19 **PREROGATIVES AND RESPONSIBILITIES AS**
20 **MAY BE REQUIRED OR DETERMINED BY THE**
21 **SOLICITOR GENERAL."**

22 **SEC. 3.** Section 5 of Republic Act No. 9417 is hereby amended to read, as
23 follows:

24 "SECTION 5. *Benefits and Privileges.* – Subject to the availability of
25 funds, the Office of the Solicitor General may provide its employees with
26 the following benefits:

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

5 (2) All employees shall be covered by accident insurance policies
6 procured by the office at its own expense during travels while they are in
7 the performance of their official duties and functions;

8 (3) Without prejudice to the efficiency of the service, scholarship to
9 deserving employees on official time and at the expense of the Office of
10 the Solicitor General to enhance their academic growth and upgrade their
11 knowledge and skills. Scholars under this provision shall be selected on
12 the basis of competitive examinations; [and]

13 (4) A provident fund which shall consist of contributions made by
14 both the OSG and by its lawyers and employees to a common fund for the
15 payment of benefits to such lawyers or employees or their heirs; **AND**

16 (5) **IN ACCORDANCE WITH LAW AND THE GUIDELINES SET**
17 **BY THE DEPARTMENT OF BUDGET AND MANAGEMENT AND THE**
18 **COMMISSION ON AUDIT, AND AS APPROVED BY THE PRESIDENT,**
19 **OTHER BENEFITS AS ENJOYED BY OTHER GOVERNMENT OFFICES,**
20 **OR AS MAY BE DETERMINED BY THE SOLICITOR GENERAL IN**
21 **THE EXIGENCIES OF THE SERVICE."**

22 **SEC. 4.** A new section is hereby inserted after Section 4 of Republic Act No.
23 9417 to be known as Section 4-A, which shall read as follows:

24 **"SEC. 4-A. RETIREMENT BENEFITS. – WHEN A SOLICITOR**
25 **GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR STATE**
26 **SOLICITOR, STATE SOLICITOR II OR A STATE SOLICITOR I WHO**
27 **HAS RENDERED AT LEAST FIFTEEN (15) YEARS OF SERVICE IN**

1 THE OFFICE OF THE SOLICITOR GENERAL OR IN ANY OTHER
 2 BRANCH OF THE GOVERNMENT, OR IN BOTH, (A) RETIRES FOR
 3 HAVING ATTAINED THE AGE OF SIXTY-FIVE (65) YEARS, OR (B)
 4 RESIGNS BY REASON OF HIS OR HER INCAPACITY TO
 5 DISCHARGE THE DUTIES OF HIS OR HER OFFICE AS CERTIFIED
 6 BY THE SOLICITOR GENERAL, HE OR SHE SHALL RECEIVE,
 7 DURING THE RESIDUE OF HIS OR HER NATURAL LIFE, IN THE
 8 MANNER HEREINAFTER PROVIDED, A RETIREMENT PENSION
 9 BASED ON THE HIGHEST MONTHLY SALARY, PLUS THE HIGHEST
 10 MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND
 11 REPRESENTATION ALLOWANCES, WHICH HE OR SHE WAS
 12 RECEIVING AT THE TIME OF HIS OR HER RETIREMENT OR
 13 RESIGNATION.

14 WHEN A SOLICITOR GENERAL, ASSISTANT SOLICITOR
 15 GENERAL, SENIOR STATE SOLICITOR, STATE SOLICITOR II OR A
 16 STATE SOLICITOR I HAS ATTAINED THE AGE OF SIXTY (60)
 17 YEARS AND HAS RENDERED AT LEAST FIFTEEN (15) YEARS OF
 18 SERVICE IN GOVERNMENT, THE LAST FIVE (5) YEARS OF WHICH
 19 MUST HAVE BEEN RENDERED IN THE OFFICE OF THE SOLICITOR
 20 GENERAL, HE OR SHE SHALL LIKEWISE BE ENTITLED TO RETIRE
 21 AND RECEIVE DURING THE RESIDUE OF HIS OR HER NATURAL
 22 LIFE THE SAME BENEFITS PROVIDED FOR IN THIS SECTION:
 23 *PROVIDED, HOWEVER,* THAT THOSE WITH LESS THAN FIFTEEN
 24 (15) YEARS OF SERVICE IN THE GOVERNMENT SHALL BE
 25 ENTITLED TO A *PRO-RATA* PENSION COMPUTED AS FOLLOWS:

26 <u>No. of years in government</u>		Basic Pay plus the Highest Monthly
27 15 years	x	Aggregate of Transportation, Living
28		and Representation Allowance

1 **AN ASSISTANT SOLICITOR GENERAL, SENIOR STATE SOLICITOR,**
2 **STATE SOLICITOR II, AND STATE SOLICITOR I MAY OPT TO**
3 **SERVE UP TO THE AGE OF SEVENTY (70) YEARS."**

4 **SEC. 5.** A new section is hereby inserted after Section 4 of Republic Act No.
5 9417 to be known as Section 4-B, which shall read as follows:

6 **"SEC. 4-B. *CONDITIONS.* – WHILE RECEIVING THE PENSION AND**
7 **BENEFITS GRANTED HEREIN, NO RETIRED OR RESIGNED**
8 **OFFICIAL OR EMPLOYEE COVERED IN THE IMMEDIATELY**
9 **PRECEDING SECTION SHALL APPEAR AS COUNSEL BEFORE ANY**
10 **JUDICIAL OR QUASI-JUDICIAL AGENCY IN ANY CIVIL CASE**
11 **WHEREIN THE GOVERNMENT OR ANY AGENCY, SUBDIVISION,**
12 **OR INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, OR IN**
13 **ANY CRIMINAL CASE WHEREIN ANY OFFICER OR EMPLOYEE OF**
14 **THE GOVERNMENT IS ACCUSED OF AN OFFENSE COMMITTED IN**
15 **RELATION TO THEIR OFFICE, OR COLLECT ANY FEE FOR**
16 **APPEARANCE IN ANY ADMINISTRATIVE PROCEEDINGS TO**
17 **MAINTAIN AN INTEREST ADVERSE TO THE GOVERNMENT,**
18 **WHETHER NATIONAL, PROVINCIAL, OR MUNICIPAL OR TO ANY**
19 **OF ITS LEGALLY CONSTITUTED OFFICERS.**

20 **WHEN A SOLICITOR GENERAL, ASSISTANT SOLICITORS**
21 **GENERAL, STATE SOLICITORS AND ASSOCIATE SOLICITORS**
22 **COVERED BY AND RECEIVING ANY BENEFIT UNDER THIS ACT,**
23 **SHALL ASSUME AN ELECTIVE POSITION IN GOVERNMENT, HE OR**
24 **SHE SHALL NOT, UPON ASSUMPTION OF OFFICE AND DURING**
25 **HIS OR HER TENURE AS AN ELECTIVE OFFICIAL, RECEIVE THE**
26 **MONTHLY PENSION OR ANY OF THE ALLOWANCES DUE HIM OR**
27 **HER."**

1 **SEC. 6.** A new section is hereby inserted after Section 4 of Republic Act No.
2 9417 to be known as Section 4-C, which shall read as follows:

3 **"SEC. 4-C. DEATH BENEFITS. – IN CASE A SOLICITOR GENERAL,**
4 **ASSISTANT SOLICITOR GENERAL, SENIOR STATE SOLICITOR,**
5 **STATE SOLICITOR II, OR STATE SOLICITOR I DIES WHILE IN**
6 **ACTUAL SERVICE, REGARDLESS OF HIS/HER AGE AND LENGTH**
7 **OF SERVICE AS REQUIRED IN THE PRECEDING SECTION,**
8 **HIS/HER HEIRS SHALL RECEIVE A LUMP SUM OF FIVE (5) YEARS'**
9 **GRATUITY COMPUTED ON THE BASIS OF THE HIGHEST MONTHLY**
10 **SALARY PLUS THE HIGHEST AGGREGATE OF TRANSPORTATION,**
11 **LIVING AND REPRESENTATION ALLOWANCES RECEIVED BY THE**
12 **CONCERNED SOLICITOR AS SUCH: PROVIDED, HOWEVER, THAT**
13 **WHERE SAID SOLICITOR HAS RENDERED AT LEAST FIFTEEN (15)**
14 **YEARS OF GOVERNMENT SERVICE, EITHER IN THE OFFICE OF**
15 **THE SOLICITOR GENERAL OR IN ANY BRANCH OF THE**
16 **GOVERNMENT, OR BOTH, HIS/HER HEIRS SHALL INSTEAD BE**
17 **ENTITLED TO A LUMP SUM OF TEN (10) YEARS GRATUITY**
18 **COMPUTED ON THE SAME BASIS AS INDICATED IN THIS**
19 **PROVISION: PROVIDED, FURTHER, THAT THE LUMP SUM OF TEN**
20 **(10) YEARS GRATUITY SHALL BE RECEIVED BY THE SOLICITOR**
21 **WHO WAS KILLED BY REASON OF HIS/HER DUTIES AS SUCH:**
22 **PROVIDED, THAT THE SOLICITOR HAS SERVED IN THE OSG FOR**
23 **AT LEAST FIVE (5) YEARS, REGARDLESS OF AGE, AT THE TIME OF**
24 **DEATH. WHEN A SOLICITOR IS KILLED INTENTIONALLY WHILE**
25 **IN SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK-**
26 **RELATED."**

1 **SEC. 7.** A new section is hereby inserted after Section 12 of Republic Act No.
2 9417 to be known as Section 12-A, which shall read as follows:

3 **"SEC. 12-A. AUTOMATIC INCREASE. – ALL PENSION BENEFITS OF**
4 **RETIRED SOLICITOR GENERAL, ASSISTANT SOLICITORS**
5 **GENERAL, AND STATE SOLICITORS, SHALL BE AUTOMATICALLY**
6 **INCREASED WHENEVER THERE IS AN INCREASE IN THE SALARY**
7 **AND ALLOWANCE IN THE SAME POSITION FROM WHICH THEY**
8 **RETIRED."**

9 **SEC. 7.** A new section is hereby inserted after Section 4 of Republic Act No.
10 9417 to be known as Section 4-D, which shall read as follows:

11 **"SEC. 4-D. SURVIVORSHIP BENEFITS; COVERAGE. – IN CASE A**
12 **SOLICITOR GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR**
13 **STATE SOLICITOR, OR A STATE SOLICITOR COVERED BY THIS**
14 **ACT DIES DURING HIS OR HER RETIREMENT, THE SURVIVING**
15 **LEGITIMATE SPOUSE AND DEPENDENT CHILDREN OF SAID**
16 **SOLICITOR, SHALL BE ENTITLED TO RECEIVE ALL THE**
17 **RETIREMENT BENEFITS THAT THE DECEASED SOLICITOR WAS**
18 **RECEIVING OR ENTITLED TO RECEIVE. A "DEPENDENT" MEANS A**
19 **LEGITIMATE, ILLEGITIMATE, OR LEGALLY-ADOPTED CHILD WHO**
20 **IS CHIEFLY DEPENDENT ON THE SAID DECEASED SOLICITOR IF**
21 **SUCH DEPENDENT IS NOT MORE THAN TWENTY-ONE (21) YEARS**
22 **OF AGE, UNMARRIED AND NOT GAINFULLY EMPLOYED, OR IF**
23 **SUCH DEPENDENT, REGARDLESS OF AGE, IS INCAPABLE OF**
24 **SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL DEFECT.**
25 **SAID SURVIVING LEGITIMATE SPOUSE SHALL CONTINUE TO**
26 **RECEIVE SUCH RETIREMENT BENEFITS DURING HIS OR HER**
27 **LIFETIME OR UNTIL HE OR SHE REMARRIES: PROVIDED, THAT**

1 IF THE SURVIVING SPOUSE IS RECEIVING BENEFITS UNDER
2 EXISTING RETIREMENT LAWS, HE OR SHE SHALL ONLY BE
3 ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT
4 PROVIDED FOR IN THIS ACT AND THE BENEFITS THAT HE OR
5 SHE IS RECEIVING.

6 THE CONDITIONS PROVIDED UNDER SECTION 6 OF THIS
7 ACT, SHALL LIKEWISE APPLY TO THE SURVIVING SPOUSE AND
8 DEPENDENTS HEREIN."

9 SEC. 8. A new section is hereby inserted after Section 5 of Republic Act No.
10 9417 to be known as Section 5-A, which shall read as follows:

11 "SEC. 5-A. *CAPACITY DEVELOPMENT.* – IN ORDER TO BUILD AND
12 DEVELOP THE CAPABILITY OF THE OSG AS AN ORGANIZATION
13 TO ACHIEVE DEVELOPMENT GOALS, AS WELL AS ENHANCE ITS
14 ABILITIES TO ACHIEVE MEASURABLE AND SUSTAINABLE
15 RESULTS, THE SOLICITOR GENERAL, IN CONSULTATION WITH
16 THE ASSISTANT SOLICITORS GENERAL, SHALL FORMULATE,
17 DEVELOP, AND IMPLEMENT PLANS, ACTIVITIES, AND PROGRAMS
18 TOWARDS THE IMPROVEMENT OF KNOWLEDGE, SKILLS, AND
19 SYSTEMS. TO ACHIEVE THIS OBJECTIVE, THE SOLICITOR
20 GENERAL MAY AUTHORIZE OSG LAWYERS TO TRAVEL
21 ANYWHERE IN THE PHILIPPINES AND ABROAD TO ATTEND
22 SEMINARS, FORA, CONFERENCES, OR LECTURES ON DIFFERENT
23 AREAS OF LAW, PLEADINGS AND PRACTICE IN INTERNATIONAL
24 COURTS AND TRIBUNALS, PUBLIC-PRIVATE PARTNERSHIPS,
25 AND PUBLIC CORPORATE GOVERNANCE, AMONG OTHERS. THE
26 SOLICITOR GENERAL MAY ALSO AUTHORIZE THE

1 **ADMINISTRATIVE STAFF OF THE OSG TO UNDERGO RELEVANT**
2 **TRAINING TO IMPROVE THEIR SKILLS.**

3 **THE OSG EMPLOYEE WHO UNDERGOES CAPACITY DEVELOPMENT**
4 **TRAINING MUST RENDER COMPULSORY SERVICE OBLIGATION**
5 **BASED ON THE TOTAL COST OF THE TRAINING, INCLUDING**
6 **INCIDENTAL COSTS SUCH AS AIRFARE, ACCOMMODATION, AND**
7 **ALLOWANCES, AS FOLLOWS:**

COSTS TO THE GOVERNMENT	SERVICE OBLIGATION
OVER PHP 500,000.00	3 YEARS
OVER PHP 300, 000.00 BUT NOT	2 YEARS
EXCEEDING PHP 500, 000.00	
PHP 150,000 AND BELOW	1 YEAR

13 **FOR FAILURE TO RENDER THE REQUIRED LENGTH OF SERVICE**
14 **REFERRED TO IN THE IMMEDIATELY PRECEDING PARAGRAPH**
15 **ON ACCOUNT OF VOLUNTARY RESIGNATION, SEPARATION**
16 **FROM THE SERVICE THROUGH HIS/HER OWN FAULT OR OTHER**
17 **CAUSES WITHIN HIS/HER CONTROL, THE TRAINEE SHALL**
18 **REFUND IN FULL TO THE GOVERNMENT, WITHIN SIX (6)**
19 **MONTHS FROM SEPARATION FROM THE OSG, SUCH AMOUNT AS**
20 **MAY HAVE BEEN SPENT FOR EXPENSES INCIDENT TO HIS/HER**
21 **CAPACITY DEVELOPMENT.**

22 **FURTHERMORE, EVERY TRAINEE SHALL, AFTER COMPLETION OF**
23 **THE CAPACITY DEVELOPMENT TRAINING, SUBMIT TO THE**
24 **SOLICITOR GENERAL A POST TRAINING REPORT STATING**
25 **THEREIN HIS/HER RECOMMENDATION/PROPOSAL RELATIVE**
26 **TO HIS PLAN TO APPLY RELEVANT ASPECTS OF THE TRAINING**

1 **ON THE JOB, AND OTHER TRAINING MATERIALS, WITHIN SIXTY**
2 **(60) DAYS UPON RETURN TO DUTY.**

3 **NON-COMPLIANCE WITH THE REPORTORIAL REQUIREMENTS**
4 **OF THE TRAINEE SHALL RESULT IN THE WITHHOLDING OF THE**
5 **TRAINEE'S SALARY EQUIVALENT TO THE COST OF TRAINING OR**
6 **CONFERENCE, INCLUDING AIRFARE, TRANSPORTATION**
7 **ALLOWANCE, AND OTHER EXPENSES BORNE BY THE**
8 **GOVERNMENT. IT SHALL ONLY BE LIFTED UPON COMPLETION**
9 **OF THE REQUIREMENTS AS CERTIFIED BY THE SOLICITOR**
10 **GENERAL."**

11 **SEC. 9.** Section 6 of Republic Act No. 9417, is hereby amended to read, as
12 follows:

13 **"SECTION 6. Seminar and Other Professional Fees. —**
14 Subject to the availability of funds, fees for relevant seminars, as well as
15 professional membership fees for lawyers, registration fees, and related
16 miscellaneous expenses incurred in completing the mandatory continuing
17 legal education (MCLE) course shall be borne by the office: ***PROVIDED,***
18 **THAT LAWYERS WHOSE LIFETIME MEMBERSHIP FEES TO THE**
19 **INTEGRATED BAR OF THE PHILIPPINES (IBP) HAVE BEEN PAID**
20 **OR REIMBURSED BY THE OSG SHALL MAINTAIN THEIR SERVICE**
21 **IN THE OSG FOR AT LEAST FIVE (5) YEARS: *PROVIDED,* FURTHER,**
22 **THAT SHOULD SUCH LAWYERS RESIGN OR IN ANY MANNER**
23 **SEPARATE FROM THE OFFICE BEFORE THE END OF THE BOND,**
24 **THEY SHALL BE REQUIRED TO REIMBURSE THE PAID UP IBP**
25 **MEMBERSHIP DUES OR FEES *PRO RATA.***

26 Professional membership, registration fees, including those for
27 mandatory continuing professional education (CPE), and related

1 miscellaneous expenses of other employees holding positions for which a
2 professional license is required by the office shall also be borne by the
3 OSG.”

4 **SEC. 10.** Section 11 of Republic Act No. 9417 is hereby amended to read as
5 follows:

6 “SECTION 11. *Funding.* — The funds required for the
7 implementation of this Act, including those for health care services,
8 **SURVIVORSHIP BENEFITS**, insurance premiums, professional,
9 educational, registration fees, [contracted] transportation benefits,
10 **PROVIDENT FUND OSG CONTRIBUTION** [the other benefits above,
11 shall be taken from:] **AND OTHER BENEFITS AND PRIVILEGES**
12 **MENTIONED IN THE OTHER PROVISIONS OF THIS ACT, SHALL**
13 **BE PROVIDED FOR IN THE GENERAL APPROPRIATIONS ACT AND**
14 **AUGMENTED BY FUNDS SOURCED FROM THE FOLLOWING:**

15 (i) [five percent (5%)] **TEN PERCENT (10%)** of monetary awards
16 **OR VALUE OF ASSETS UPON LIQUIDATION**, [given] **AS**
17 **ADJUDGED** by the Courts **OR TRIBUNALS** to client departments,
18 agencies and instrumentalities of the Government, including those
19 under court approved compromise agreements;

20 **(ii) TEN PERCENT (10%) OF MONETARY AWARDS OR VALUE**
21 **OF ASSETS ADJUDGED TO THE GOVERNMENT IN**
22 **FORFEITURE PROCEEDINGS;**

23 **[(ii)] (iii)** Fifty percent (50%) of fees collected by the Special Committee
24 on Naturalization; and

25 **[(iii)] (iv)** All other income, fees and revenues earned and collected by
26 the Office of the Solicitor General.

1 For this purpose, the Office of the Solicitor General is hereby
2 authorized to charge deputation, certification, and other similar fees in the
3 cases that it handles.

4 The amounts collected pursuant to this Section shall constitute a
5 trust fund in the name of the Office of the Solicitor General to be
6 managed and used by the Solicitor General to carry out the provisions of
7 this Act.”

8 **SECTION 11. *Repealing Clause.*** — Pertinent provisions of Republic Act No.
9 9417, entitled “*An Act To Strengthen The Office Of The Solicitor General By Expanding*
10 *And Streamlining Its Bureaucracy, Upgrading Employee Skills And Augmenting Benefits,*
11 *And Appropriating Funds Therefor And For Other Purposes*”, Executive Order No. 292,
12 otherwise known as the Revised Administrative Code of 1987, as amended, and all laws,
13 decrees, orders, rules and regulations or parts thereof which are contrary to or
14 inconsistent with the provisions of this Act are hereby amended, repealed or modified
15 accordingly.

16 **SECTION 12. *Separability Clause.*** — If any provision of this Act is declared
17 invalid or unconstitutional, the provisions not affected thereby shall continue to be in
18 full force and effect.

19 **SECTION 13. *Effectivity.*** — This Act shall take effect after fifteen (15) days
20 from its publication in the *Official Gazette* or in at least two (2) newspapers of general
21 circulation.

Approved