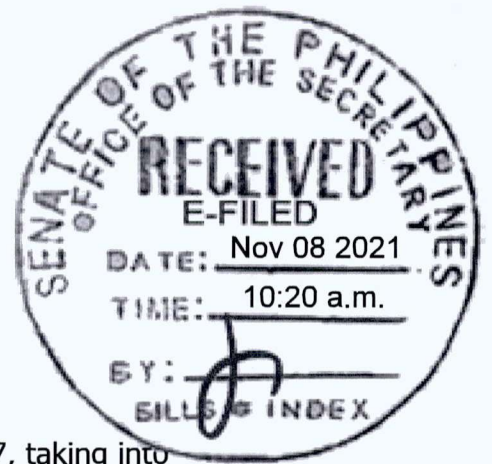


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Third Regular Session* )



**Senate Bill No. 2443**

(In substitution of Senate Bill Nos. 1175, 1180, and 1277, taking into consideration House Bill No. 10007)

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Prepared Jointly by the Committees on Civil Service, Government Reorganization and Professional Regulation; Justice and Human Rights; and Finance with Senators Emmanuel "Manny" D. Pacquiao, Ramon Bong Revilla, Jr., Ronald "Bato" de la Rosa, Richard J. Gordon, and Sonny Angara as authors thereof

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**AN ACT**

**AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS OF THE SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, SENIOR STATE SOLICITORS AND STATE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL, AND APPROPRIATING FUNDS THEREFOR**

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

- 1     **SECTION. 1. *Short Title.*** – This Act shall be known as the "*OSG Benefits and*  
2     *Incentives Act*".  
3  
4     **SEC. 2. *Declaration of Policy.*** – It is the declared policy of the State to promote  
5     the welfare of the officials of the Office of the Solicitor General (OSG) by augmenting  
6     the retirement, death, and survivorship benefits of the Solicitor General, Assistant  
7     Solicitors General, Senior State Solicitors and State Solicitors of the OSG in order to  
8     fulfill its role, as the "Tribune of the People", of upholding the best interest of the  
9     government, as well as to perform its mandate as the principal law office of the  
10    Government of the Republic of the Philippines representing the government and its  
11    departments, bureaus, agencies, and instrumentalities, and its officials and agents  
12    in their official capacity, in any litigation, proceeding, investigation, or matter

1 requiring the services of lawyers.

2  
3 **SEC. 3. Retirement Benefits.** –When a Solicitor General, Assistant Solicitor  
4 General, Senior State Solicitor, and State Solicitor, who has rendered at least fifteen  
5 (15) years of service in the OSG or in any other branch of the Government, or in both,  
6 (a) retires for having attained the age of sixty-five (65) years, or (b) resigns by reason  
7 of the incapacity to discharge the duties of the office as certified by the Solicitor  
8 General, he or she shall receive, during the residue of his or her natural life, in  
9 the manner hereinafter provided, a retirement pension based on the highest monthly  
10 salary plus the highest monthly aggregate of transportation, living and  
11 representation allowances, which he or she was receiving at the time of his or her  
12 retirement or resignation.

13  
14 When a Solicitor General , an Assistant Solicitor General, Senior State Solicitor, and  
15 State Solicitor has attained the age of sixty (60) years and has rendered at least fifteen  
16 (15) years of service in Government, the last five (5) years of which must have been  
17 rendered in the OSG, he or she shall likewise be entitled to retire and receive,  
18 during the residue of his or her natural life the same benefits provided for in this  
19 section: *Provided, however,* That those with less than fifteen (15) years of service in  
20 the Government shall be entitled to a *pro rata* pension computed as follows:

21  
22 
$$\frac{\text{No. of years}}{15 \text{ years}} \times (\text{Highest Monthly Salary plus}$$

23 
$$\text{in government service} \times \text{the Highest Monthly Aggregate}$$

24 
$$\text{of Transportation, Living and}$$

25 
$$\text{Representation Allowance})$$

26

27 Upon retirement, a Solicitor covered by this Act shall automatically be entitled to a  
28 lump sum of five (5) years gratuity computed on the basis of the highest monthly  
29 salary plus the highest monthly aggregate of transportation, living, and  
30 representation allowances, which he or she was receiving on the date of his or her  
31 retirement and, thereafter, upon survival after the expiration of five (5) years to  
32 further annuity payable monthly during the residue of his or her natural life pursuant  
33 to the preceding paragraphs: *Provided, however,* That if the reason for the retirement



1 be any total permanent disability, as certified by the Solicitor General, contracted  
2 during his or her incumbency in the office and prior to the date of retirement, he or  
3 she shall receive a gratuity equivalent to ten (10) years' salary and allowances  
4 aforementioned: *Provided, further,* That should the retirement be with the  
5 attendance of any partial permanent disability, as certified by the Solicitor General,  
6 contracted during the incumbency in the office and prior to the date of retirement,  
7 he or she shall receive an additional gratuity equivalent to two (2) years lump sum  
8 that he or she is entitled to under this Act: *Provided, furthermore,* That if he or she  
9 survives after ten (10) years or seven (7) years, as the case may be, he or she shall  
10 continue to receive a monthly retirement pension as computed under this Act during  
11 the residue of his or her natural life. Nothing in this Act shall be construed as to  
12 prevent the President of the Philippines from appointing any person sixty-five (65)  
13 years of age or older as Solicitor General.

14  
15 **SEC. 4. *Conditions.*** – While receiving the pension and benefits granted herein,  
16 no retired or resigned Solicitor covered in the immediately preceding section, shall  
17 appear as counsel before any judicial or quasi-judicial agency in any civil case  
18 wherein the government or any agency, subdivision, or instrumentality thereof is an  
19 adverse party, or in any criminal case where any officer or employee of the  
20 government is accused of an offense committed in relation to their office, or collect  
21 any fee for appearance in any administrative proceeding to maintain an interest  
22 adverse to the government, whether national, provincial, or municipal, or to any  
23 of its legally constituted officers.

24  
25 When a Solicitor General, Assistant Solicitors General, Senior State Solicitors and  
26 State Solicitors, covered by and receiving any benefit under this Act shall assume an  
27 elective position in government, he or she shall not, upon assumption of office and  
28 during his or her tenure as an elective official, receive the monthly pension or any  
29 of the allowances due him or her.

30  
31 **SEC. 5. *Death Benefits.*** – In case a Solicitor General, Assistant Solicitor General,  
32 Senior State Solicitor, and State Solicitors dies while in actual service, regardless of  
33 his or her age and length of service as required in the preceding section, his or her

1 heirs shall receive a lump sum of five (5) years gratuity computed on the basis of  
2 the highest aggregate of transportation, living and representation allowances  
3 received by the concerned Solicitor as such: *Provided, however,* That where said  
4 deceased Solicitor has rendered at least fifteen (15) years of government service,  
5 either in the OSG or in any branch of the government, or both, his or her heirs shall  
6 instead be entitled to a lump sum of ten (10) years gratuity computed on the same  
7 basis as indicated in this provision. *Provided, further,* That the lump sum of ten (10)  
8 years gratuity shall be received by the heirs of the deceased Solicitor who was killed  
9 by reason of his or her duties as such: *Provided, furthermore,* That the deceased  
10 Solicitor has served in the OSG for at least five (5) years, regardless of age, at the  
11 time of death. When a Solicitor is killed intentionally while in service, the presumption  
12 is that the death is work-related.

13  
14 **SEC. 6. Survivorship Benefits.** – In case a Solicitor General, Assistant Solicitor  
15 General, Senior State Solicitors, and State Solicitors dies during his or her retirement,  
16 or was eligible to retire optionally at the time of death, the surviving legitimate spouse  
17 of said Solicitor shall be entitled to receive all the retirement benefits that the  
18 deceased Solicitor was receiving or entitled to receive. Said surviving legitimate  
19 spouse shall continue to receive such retirement benefits during his or her lifetime or  
20 until he or she remarries: *Provided,* That if the surviving spouse is receiving benefits  
21 under existing retirement laws, he or she shall only be entitled to the difference  
22 between the amount provided for in this Act and the benefits that he or she is receiving.

23  
24 The conditions provided under Section 4 of this Act shall likewise apply to the surviving  
25 spouse herein.

26  
27 **SEC. 7. Automatic Increase.** – All retirement benefits of Solicitors General, Assistant  
28 Solicitors General, Senior State Solicitors and State Solicitors shall be  
29 automatically increased whenever there is an increase in the salary and allowance in  
30 the same position from which they retired.

31  
32 **SEC. 8. Funding.** – The amount necessary to cover the initial implementation of this  
33 Act shall be taken from the current year's appropriations of the OSG or its savings.

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

3  
4        **SEC. 9. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or  
5        parts thereof which are contrary to or inconsistent with the provisions of this Act  
6        are hereby amended, repealed or modified accordingly.

7  
8        **SEC. 10. *Separability Clause.*** – If any provision of this Act is declared invalid or  
9        unconstitutional, the provisions not affected thereby shall continue to be in full force  
10       and effect.

11  
12       **SEC. 11. *Effectivity.*** – This Act shall take effect immediately after fifteen (15)  
13       days from its publication in the Official Gazette or in at least two (2) newspapers of  
14       general circulation.

15  
16       *Approved,*