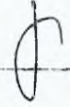


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

'22 JUL 19 P6:46

SENATE
S. B. No. 780

RECEIVED BY _____



Introduced by Senator SONNY ANGARA

AN ACT
AN ACT AUGMENTING THE EMPLOYEE BENEFITS FOR THE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL BY PROVIDING RETIREMENT, DEATH AND SURVIVORSHIP BENEFITS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Office of the Solicitor General (OSG) is the law firm of the Republic of the Philippines and the Solicitor General is essentially the nation's chief attorney. It is tasked to represent the People of the Philippines, the Philippine Government, its Agencies and Instrumentalities, Officials and Agents in any litigation or matter requiring the services of a lawyer. The OSG was part of the official delegation of the Philippines to the Permanent Court of Arbitration in The Hague, Netherlands, in the historic case involving maritime disputes over the West Philippine Sea with China.

Given these daunting tasks, it is imperative that OSG be able to continue to attract the best to serve the country. For those practitioners of the law who come in professional adversary contact with government lawyers, the importance of recruitment and retention of able lawyers in the government service should be clear. One can better represent the legitimate interest of his or her client when opposing counsel is a well-trained man or woman of ability who has confidence in himself or herself. The sensible delineation of real issues in dispute and getting on with the matter depend on the intelligence and imagination of both disputants.

This is not to say that the Government is not now represented by some of the best lawyers in the country or that the great majority of government lawyers are not

able and dedicated servants of the public interest. But the question also arises, how long will these men and women remain where they are today? The likelihood is that many will receive attractive offers outside the Government, and some will accept them. There is no doubt that higher incomes elsewhere draw off able and experienced men from the government service. Where litigation continues over a period of many years, this process deprives the Government of the perspective and experience which counsel for the private parties often develop by their continued representation of one party to the dispute.

This bill primarily aims to grant State Solicitors and OSG personnel expanded and additional benefits in order to address the issue of recruitment and retention in the public service of an adequate proportion of the best in the legal profession.

In view of the foregoing, passage of this bill is earnestly sought.



SONNY ANGARA
78

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

1 SECTION 1. *Short Title* – This act shall be known as the "Retirement, Death
2 and Survivorship Benefits of OSG Solicitors".

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

13 When an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or
14 a State Solicitor I has attained the age of sixty (60) years and has rendered at least
15 fifteen (15) years of service in Government, the last five (5) years of which must
16 have been rendered in the OSG, he or she shall likewise be entitled to retire and

1 receive, during the residue of his or her natural life the same benefits provided for in
2 this section: *Provided*, That those with less than fifteen (15) years of service in the
3 Government shall be entitled to a *pro rata* pension computed as follows:

4 No. of years (Highest Monthly Salary plus
5 in government service x the Highest Monthly Aggregate
6 15 years of Transportation, Living and
7 Representation Allowance)

8 Upon retirement, an OSG official or employee covered by this Act shall
9 automatically be entitled to a lump sum of five (5) years gratuity computed on the
10 basis of the highest monthly salary plus the highest monthly aggregate of
11 transportation, living, and representation allowances, which he or she was receiving
12 on the date of his or her retirement and, thereafter, upon survival after the
13 expiration of five (5) years to further annuity payable monthly during the residue of
14 his or her natural life pursuant to the preceding paragraphs: *Provided*, That if the
15 reason for the retirement be any total permanent disability, as certified by the
16 Solicitor General, contracted during his or her incumbency in the office and prior to
17 the date of retirement, he or she shall receive a gratuity equivalent to ten (10)
18 years' salary and allowances aforementioned: *Provided, further*, That should the
19 retirement be with the attendance of any partial permanent disability, as certified by
20 the Solicitor General, contracted during his or her incumbency in the office and prior
21 to the date of retirement, he or she shall receive an additional gratuity equivalent to
22 two (2) years lump sum that he or she is entitled to under this Act: *Provided*,
23 *furthermore*, That if he or she survives after ten (10) years or seven (7) years, as
24 the case may be, he or she shall continue to receive a monthly retirement pension
25 as computed under this Act during the residue of his or her natural life.

26 When the Solicitor General has served in such capacity continuously for at
27 least three (3) consecutive years, regardless of age or years in government service,
28 he or she shall be entitled to the retirement benefits under this Act. Nothing in this
29 Act shall be construed as to prevent the President of the Philippines from appointing
30 any person sixty-five years of age or older as Solicitor General.

31 SEC. 3. *Conditions.* – While receiving the pension and benefits granted herein,
32 no retired or resigned official or employee covered in the preceding section shall

1 appear as counsel before any judicial or quasi-judicial agency in any civil case
2 wherein the Government or any agency, subdivision, or instrumentality thereof is an
3 adverse party, or in any criminal case where any officer or employee of the
4 Government is accused of an offense committed in relation to their office, or collect
5 any fee for appearance in any administrative proceedings to maintain an interest
6 adverse to the Government, whether national, provincial, or municipal, or to any of
7 its legally constituted officers.

8 When a Solicitor General, Assistant Solicitors General, and State Solicitors
9 covered by and receiving any benefit under this Act shall assume an elective position
10 in Government, he or she shall not, upon assumption of office and during his or her
11 tenure as an elective official, receive the monthly pension or any of the allowances
12 due him or her.

13 SEC. 4. *Death Benefits* – In case a Solicitor General, Assistant Solicitor
14 General, Senior State Solicitor, State Solicitor II or State Solicitor I dies while in
15 actual service, regardless of his or her age and length of service as required in the
16 preceding section, his or her heirs shall receive a lump sum of five (5) years gratuity
17 computed on the basis of the highest aggregate of transportation, living and
18 representation allowances received by the concerned Solicitor as such: *Provided,*
19 That where said Solicitor has rendered at least fifteen (15) years of government
20 service, either in the OSG or in any branch of the Government, or both, his or her
21 heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on
22 the same basis as indicated in this provision: *Provided, further,* That the lump sum
23 of ten (10) years gratuity shall be received by the heirs of the Solicitor who was
24 killed by reason of his or her duties as such: *Provided, furthermore,* That the
25 Solicitor has served in the OSG for at least five (5) years, regardless of age, at the
26 time of death.

27 When a Solicitor is killed intentionally while in service, the presumption is that
28 the death is work-related.

29 SEC. 5. *Survivorship Benefits*. – In case a Solicitor General, Assistant Solicitor
30 General, Senior State Solicitor, or a State Solicitor covered by this Act dies during his
31 or her retirement, or was eligible to retire optionally at the time of death, the
32 surviving legitimate spouse of said Solicitor shall be entitled to receive all the

1 retirement benefits that the deceased Solicitor was receiving or entitled to receive.
2 Said surviving legitimate spouse shall continue to receive such retirement benefits
3 during his or her lifetime or until he or she remarries: *Provided,* That if the surviving
4 spouse is receiving benefits under existing retirement laws, he or she shall only be
5 entitled to the difference between the amount provided for in this Act and the
6 benefits that he or she is receiving.

7 The conditions provided under Section 3 of this Act shall likewise apply to the
8 surviving spouse herein.

9 SEC. 6. *Funding.* - The funds required for the implementation of this Act for
10 the retirement benefits, death benefits, and survivorship benefits shall be provided
11 for in the General Appropriations Act.

12 SEC. 7. *Automatic Increase.* — All retirement benefits of Solicitors General,
13 Assistant Solicitors General, and State Solicitors shall be automatically increased
14 whenever there is an increase in the salary and allowance in the same position from
15 which they retired.

16 SEC. 8. *Separability Clause.* — If any portion or provision of this Act is
17 subsequently declared invalid or unconstitutional, other provisions hereof which are
18 not affected thereby shall remain in full force and effect.

19 SEC. 9. *Repealing Clause.* — All laws, acts, presidential decrees, executive
20 orders, presidential proclamations, issuances, rules and regulations, or parts thereof
21 which are contrary to or inconsistent with any of the provisions of this Act are
22 hereby repealed, amended, or modified accordingly.

23 SEC. 10. *Effectivity.* — This Act shall take effect fifteen (15) days after its
24 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,