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RECEIVED BY: 

Introduced by
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EXPLANATORY NOTE

The Office of the Solicitor General (OSG) is the law office of the Republic of the Philippines. It is the biggest law firm and has the biggest case load. It represents the Government - its departments, agencies, and instrumentalities, and its officials and agents, who are suing or are being sued in their official capacities, before the local court system and in international fora. It is also the counsel of the People of the *Philippines before the appellate courts.*

The OSG is an "independent and autonomous office," headed by the Solicitor General "who is the principal law officer and legal defender of the government" (Sec. 34, Chap. 12, Title III, E.O. 292). As such, the Solicitor General is solely responsible for the conduct of government litigation and other fields of advocacy.

The OSG is a veritable training ground for advocates, and future judges and justices. As observed by the Supreme Court, "[o]ne would be hard put to name a single legal group or law firm that can match the expertise, experience, resources, staff and prestige of the OSG which were painstakingly built up for almost a century" (Gonzales vs. Chavez, 205 SCRA 816).

The legal staff of the OSG consists of one hundred sixty-six (166) lawyers - the Solicitor General included. The OSG has fifteen (15) divisions with ten (10) lawyers each. An Assistant Solicitor General heads every division. Unbelievably, with a total office caseload of around two hundred fifty thousand (250,000) cases, each solicitor or associate solicitor in the OSG handles an average of more than one thousand seven hundred (1,700) cases! Compare this to their counterparts in private law firms who handle an average of fifty (50) to a hundred (100) cases each. For the year 2005 alone, OSG lawyers filed almost fifteen thousand (15,000) briefs, comments, complaints and reports. Theirs is an absolutely herculean task, considering that OSG jurisdiction covers the whole length and breadth of the Philippines with occasional calls for

duty abroad. Add to that the numerous appellate court cases they have to handle.

Like all good soldiers in the service of their country, OSG lawyers leave the comforts and security of home and family in all kinds of weather and conditions, sometimes against formidable odds, to carry out their duties and functions on behalf of the Republic. There is a limit to human endurance, though.

Despite the voluminous workload, the physically and mentally demanding, time-consuming tasks they must accomplish and the risks that confront them, OSG employees receive remuneration which is a pittance compared to the earnings of a private law practitioner or some lawyers in certain government offices as may be gleaned from the Endnotes¹. For example, the Chief Public Attorney has a salary grade of 31 while the Solicitor General's is only 30. And yet, under the law, the Solicitor General's position has long been equivalent to that of the Presiding Justice of the Court of Appeals (or an Associate Justice of the Supreme Court) which has a salary grade of 31. What could be more inequitable than a government lawyer rendering legal assistance to indigent citizens of the Republic being paid more than the legal representative of the sovereign Republic itself? Again, the salary of an entry level OSG lawyer approximates the salary of a courier or messenger in the Government Service Insurance System (GSIS).

If exemplary performance is to be consistently achieved by the Republic's counsel, then conditions obtaining in the OSG must change. *The legal staff must be expanded by increasing the existing divisions to thirty (30) with a corresponding increase in general and administrative support personnel and provision for ample office space. OSG lawyers must be accorded the benefits and privileges befitting the dignity and stature of legal representatives of the Republic to boost their morale. These lawyers must be shielded from the temptations of corruption and lackadaisical attitude towards work. Their positions must be upgraded and their material and psychological needs addressed to inspire and energize them to continue excelling in their work.*

The administrative staff in the Office of the Solicitor General undoubtedly share in the burdens and responsibilities of the legal staff; consequently, they too must share in the benefits and privileges of the latter.

The OSG has been hampered in its efforts to create a career in advocacy essential to maintaining a corps of lawyers focused solely on a crusade to serve the very purpose for which it was established. Because of its low salary scale, the OSG has a hard time convincing its lawyers to continue working for the Government. It would be the height of infamy if the Government were to lose some of its cases by default for lack of legal representatives to handle them. The OSG has been losing its lawyers to private law firms, multinationals and big corporations which have unlimited resources in hiring the best lawyers. Unless positive measures are adopted, the transfer of legal talents will continue without any hope of replacement. Strengthening the OSG by improving employees' working conditions would stem the exodus of lawyers and continue to attract good ones to join its legal staff.

The Senate and the House of Representatives, both revered clients of the OSG, can speed up the wheels of change running towards efficiency and excellence in the Government's legal service by the prompt approval of this bill.


EDGARDO J. ANGARA
 Senator

¹ Endnotes

COMPENSATION OF SOME HEADS OF OFFICES

	OFFICE	POSITION	SALARY GRADE	MONTHLY SALARY
1	Supreme Court	Chief Justice	32	P46,200
	Supreme Court	Ass. Justice	31	P40,425
2	Court of Appeals	Pres. Justice	31	P40, 425
	Court of Appeals	Ass. Justice	30	P28,875
3	Public Attorney's Office	Chief Public Attorney	31	P40,425

COMPENSATION OF LAWYERS OF THE OFFICE OF THE SOLICITOR GENERAL

POSITION	SALARY GRADE	MONTHLY SALARY
Solicitor General	30	P 28,875
Asst. Sol. General	29	₱ 25,333
Solicitor III	28	₱ 24,359
Solicitor II	27	₱ 23,422
Solicitor I	26	₱ 22,521
Assoc. Solicitor III	25	₱ 21,655
Assoc. Solicitor II	22	₱ 19,251
Assoc. Solicitor I	18	₱ 15,841

(15) legal divisions, there shall be thirty (30) legal divisions in the Office of the *Solicitor General*, with a corresponding increase in the general and administrative support personnel and provision for ample office space. Each division, permanently headed by an Assistant Solicitor General, shall consist of ten (10) lawyers and such other personnel as may be necessary for the office to effectively carry out its functions.

The present administrative structure of the Office of the Solicitor General shall be reorganized into the Financial Management Services, Docket and Case Management Services and the Human Resource Management Services. Each of these shall be composed of the necessary divisions and sections.

The legal and non-legal staff of the Office of the Solicitor General occupying the positions affected by the changes embodied in this Act at the time of its approval shall thereafter occupy the upgraded positions mandated by this Act, and discharge the duties and functions of their new positions and receive the corresponding salary increases, allowances and benefits appurtenant thereto, without the necessity of any new appointment.

SEC. 3. Standards. — The Solicitor General shall have cabinet rank and the same qualifications for appointment, rank, prerogatives, salaries, allowances, benefits and privileges as the Presiding Justice of the Court of Appeals; an Assistant Solicitor General, those of an Associate Justice of the Court of Appeals.

The qualifications for appointment, rank, prerogatives, salaries, allowances, benefits and privileges of Solicitors shall be the same as judges, specified as follows:

Solicitor III – Regional Trial Court Judge

Solicitor II – Metropolitan Trial Court Judge

Solicitor I – City Trial Court Judge

The Solicitor General shall determine the qualifications, prerogatives and responsibilities of the Associate Solicitors.

SEC. 4. Compensation. — The basic monthly compensation of the Solicitor General, Assistant Solicitors General, Solicitors and Associate Solicitors shall be as follows:

POSITION	SALARY GRADE	
	From	To
Solicitor General	30	31
Assistant Solicitor General	29	30
Solicitor III	28	29
Solicitor II	27	28
Solicitor I	26	27
Associate Solicitor III	25	26
Associate Solicitor II	22	25
Associate Solicitor I	18	24

The positions, salaries, allowances and benefits of non-legal personnel in the Office of the Solicitor General shall be raised to the level of their counterparts in the Court of Appeals.

Subject to the availability of funds, the salaries, allowances, benefits and privileges of personnel of the Office of the Solicitor General granted under this Act may be further increased to match any corresponding increase in salaries, allowances, benefits and privileges later granted to their respective counterparts in the Court of Appeals.

SEC. 5. Health Care Services. — Subject to the availability of funds, the Office of the Solicitor General shall provide its employees with health care services through a health maintenance organization (HMO). Expenses for the mandatory annual executive check-up of the Solicitor General, the Assistant Solicitors General, and Services Heads, shall be for the account of the office.

SEC. 6. Insurance Coverage. — All employees shall be covered by accident and life insurance policies procured by the office during local and foreign travels while in the performance of their official duties and functions.

SEC. 7. Scholarships and Other Benefits. — Without prejudice to efficiency in the service, deserving employees shall be allowed to avail of educational scholarships, grants and other privileges, local and foreign,

on official time, for their academic growth, to update their knowledge and hone their expertise.

Fees for relevant seminars, as well as professional membership fees for lawyers, registration fees, and related miscellaneous expenses they incur in completing the mandatory continuing legal education (MCLE) course shall be borne by the office. Professional membership, registration fees, including those for mandatory continuing professional education (CPE), and related miscellaneous expenses of other employees holding positions for which a professional license is required by the office shall also be borne by the Office of the Solicitor General.

Subject to the availability of funds, employees shall be provided with contracted transportation services until such time that the office can procure additional motor vehicles for this purpose.

Consistent with the provisions of Executive Order No. 292, otherwise known as the Administrative Code of 1987, employees of the Office of the Solicitor General are allowed to receive honoraria and allowances from client departments, agencies and instrumentalities of the Government. In addition, the legal staff of the Office of the Solicitor General are allowed to charge and receive appearance fees from the said bodies.

The Solicitor General may, subject to the availability of funds, grant employees of the Office of the Solicitor General such other perquisites and benefits as the exigencies of the service may require.

SEC. 8. Franking Privilege. — All official mail matters and telegrams of the Office of the Solicitor General addressed for delivery within the Philippines shall be received, transmitted, and delivered free of charge: provided, that such mail matters when addressed to private persons or non-government offices shall not exceed one hundred and twenty (120) grams.

SEC. 9. Provident Fund. — The Office of the Solicitor General shall establish its own provident fund, which shall consist of

contributions made both by the Office of the Solicitor General and by its lawyers and employees to a common fund for the payment of benefits to such lawyers or employees or their heirs.

SEC. 10. Retirement Benefits. – When a member of the legal staff of the Office of the Solicitor General, who has rendered at least twenty (20) years of service in the Government, the last five (5) years of which must have been rendered continuously in the Office of the Solicitor General, retires for having reached the age of sixty-five (65) years, or resigns by reason of incapacity to discharge the duties of his office, he shall, during the residue of his natural life, in the manner herein provided, receive a retirement pension based on the highest monthly salary, plus the highest monthly aggregate of transportation, living, and representation allowances which he was receiving at the time of his retirement or resignation.

When a member of the legal staff of the Office of the Solicitor General has reached the age of sixty (60) years and has rendered at least twenty (20) years of service in the Government, the last five (5) years of which must have been rendered continuously in the Office of the Solicitor General, he shall likewise be entitled to retire and receive during the residue of his natural life the same benefits provided in this section; Provided, however, That those with less than twenty (20) years of service in the Government, the last five years of which must have been rendered continuously in the Office of the Solicitor General, shall be entitled to a pro-rata monthly pension computed as follows:

$$\frac{\text{NO. OF YEARS IN GOVERNMENT}}{\text{20 YEARS}} \times \text{BASIC PAY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING, AND REPRESENTATION ALLOWANCES}$$

SEC. 11. Funding. — The funds required for the implementation of this Act, including those for health care services, insurance premiums, professional, educational, registration fees, contracted transportation services, the other perquisites and benefits above, shall be taken from (i) twenty-five percent (25%) of monetary awards given by the Courts to

client departments, agencies and instrumentalities of the Government, including those under court-approved compromise agreements; (ii) fifty percent (50%) of fees collected by the Special Committee on Naturalization; (iii) existing funds in the name of the Office of the Solicitor General; and (iv) all other income, fees and revenues earned and collected by the Office of the Solicitor General. For this purpose, the Office of the Solicitor General is hereby authorized to charge deputation, certification and other similar fees in the cases that it handles.

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

SEC. 12. Implementing Rules and Regulations. — Within sixty (60) days from the approval of this Act, the Solicitor General, in coordination with the Secretary of Budget and Management, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 13. Appropriations. — The initial amount needed to implement office streamlining and physical expansion shall be taken from the funds and budget of the Office of the Solicitor General. Thereafter, such amounts as may be necessary to fully implement this Act shall be included in the Annual General Appropriations Act.

SEC. 14. Repealing Clause. — Pertinent provisions of Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended, and all laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act, are hereby repealed or amended accordingly.

SEC. 15. Separability Clause. — If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

SEC. 16. Effectivity. — This Act shall take effect after fifteen (15) days from its publication in two (2) national newspapers of general circulation.

Approved,


EDGARDO J. ANGARA
Senator

JOKER P. ARROYO
Senator

PIA S. CAYETANO
Senator

MIRIAM DEFENSOR SANTIAGO
Senator

FRANKLIN M. DRILON
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