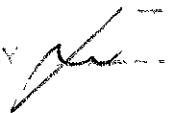


10 AUG 12 AM 46

15th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY 

SENATE

S.B. No. 2400

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

To reinforce the Office of the Solicitor General as an institution, this bill intends to give the Solicitor General a fixed term of seven years without reappointment, as well as fiscal autonomy. These measures are proposed in order to detach the Solicitor General, as principal lawyer of the Republic of the Philippines, from any political pressure and uphold the OSG's independence.

As the Supreme Court remarked in *Gonzales vs. Chavez*, 205 SCRA 816:

"x x x even when "confronted with a situation where one government office takes an adverse position against another government agency, as in this case, the Solicitor General should not refrain from performing his duty as the lawyer of the government. It is incumbent upon him to present to the court what he considers would legally uphold the best interest of the government although it may run counter to a client's position."

With these complex duties of the Solicitor General, it is very important that he is free from any political pressure for such is critical for the proper performance of his duty to espouse the interest of the State.


The imperative role and function of the Office of the Solicitor General was best summarized by the Supreme Court as follows: "(E)ndowed with a broad perspective that spans the legal interest of virtually the entire government officialdom, the OSG may be expected to transcend the parochial concerns of a particular client agency and instead, promote and protect the public weal. Given such objectivity, it can discern, metaphorically speaking, the panoply that is the forest and not just the individual trees. Not merely will it strive for a legal victory circumscribed by the narrow interest of the client office or official, but as well, the vast concerns of the sovereign which it is committed to serve." (<http://www.osg.gov.ph/>)

Immediate passage of this bill is highly needed.


RAMON BONG REVILLA, JR.
Senator

10 AUG 12 AM 11:46

15th CONGRESS OF THE REPUBLIC)
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SENATE

S.B. No. 2400

Introduced by Senator Ramon Bong Revilla, Jr.

AN ACT
STRENGTHENING THE AUTONOMY AND INDEPENDENCE OF THE OFFICE OF THE
SOLICITOR GENERAL AND FOR OTHER PURPOSES

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

SECTION 1. Section 3 of Republic Act No. 9417 "An Act to Strengthen the Office of the Solicitor General by Expanding and Streamlining Its Bureaucracy Upgrading Employee Skills and Augmenting Benefits and Appropriating Funds Therefor and For Other Purposes," is hereby amended to read as follows:

"SEC. 3. **Standards.** -The Solicitor General shall have cabinet rank, **WITH A TERM OF SEVEN (7) YEARS WITHOUT REAPPOINTMENT**, 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 shall have the same qualifications for appointment, rank, prerogatives, salaries, allowances, benefits and privileges as the 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:

- | | |
|--------------------------|--|
| Senior State Solicitor - | Regional Trial Court Judge |
| State Solicitor II - | Metropolitan Trial Court Judge |
| State Solicitor I - | Municipal Trial Court in Cities
Judge |

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

SECTION 2. Section 5 of Republic Act. 9417 is hereby amended to read as follows:

"SEC. 5. **Benefits and Privileges.** -Subject to the availability of funds, the Office of the Solicitor General may provide its employees with the following benefits:

(1) 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 the Service Heads, shall be for the account of the office;

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

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

(4) A 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; **AND,**

(5) OTHER PERQUISITES AND BENEFITS AS MAY BE DETERMINED BY THE SOLICITOR GENERAL IN THE EXIGENCIES OF THE SERVICE.”

SECTION 3. Section 11 of Republic Act No. 9417 is hereby amended to read as follows:

“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 benefits, the other benefits above, shall be taken from:

(i) [five percent (5%)] **TEN PERCENT (10%)** of monetary awards **OR ASSETS** given by the Courts to client departments, agencies and instrumentalities of the Government, including those under court-approved compromise agreements[;], **AND TEN PERCENT (10%) OF ASSETS AWARDED TO THE GOVERNMENT IN FORFEITURE PROCEEDINGS;**

(ii) fifty percent (50%) of fees collected by the Special Committee on Naturalization; and

(iii) 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.

THE OFFICE OF THE SOLICITOR GENERAL SHALL ENJOY FISCAL AUTONOMY TO ENSURE ITS INDEPENDENCE IN CARRYING OUT ITS ROLE AS THE PRINCIPAL LAW FIRM OF THE GOVERNMENT

AND THE TRIBUNE OF THE PEOPLE. ANNUAL APPROPRIATIONS FOR THE OFFICE OF THE SOLICITOR GENERAL SHALL BE AUTOMATICALLY AND REGULARLY RELEASED. THE OFFICE OF THE SOLICITOR GENERAL IS, LIKEWISE, AUTHORIZED TO BORROW FUNDS AND DISPOSE ITS ASSETS TO CARRY OUT THE PROVISIONS OF THIS ACT.”

SECTION 4. Repealing Clause - All laws, executive orders, rules and regulations or any part thereof inconsistent herewith are deemed repealed, modified or amended accordingly.

SECTION 5. Separability Clause. - In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 6. Effectivity. - This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation.

Approved,