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



'13 JUL -8 P1:18

SENATE

S. B. No. 597

RECEIVED BY: *Ju*

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

It is the declared policy of the State to protect the rights and promote the welfare of the Filipino worker. Pursuant to this policy and to ensure efficient and effective performance in the legal service of the Government, the Office of the Solicitor General should be further strengthened.

This bill provides for the upgrading of the standards, benefits and privileges and increasing the funding of the Office of the Solicitor General. It also provides for survivorship benefits to surviving spouse and legitimate children of a deceased or retired OSG member.

Approval of this bill is earnestly sought.

FRANCIS G. ESCUDERO



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Introduced by Senator FRANCIS G. ESCUDERO

**AN ACT
TO FURTHER STRENGTHEN 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:

1 **SECTION 1.** Section 3 of Republic Act No. 9417 is hereby amended to read as
2 follows:

3
4 **"Sec. 3. Standards.** - The Solicitor General shall have cabinet rank and the
5 same qualifications for appointment, rank, **CATEGORY**, prerogatives, salaries,
6 allowances, [benefits] **EMOLUMENTS**, [and] privileges **AND RETIREMENT AND**
7 **ALL OTHER BENEFITS OF AN** [as the Presiding Justice of the Court of Appeals;]
8 **ASSOCIATE JUSTICE OF THE SUPREME COURT**; an Assistant Solicitor General,
9 those of an Associate Justice of the Court of Appeals.

10
11 The qualifications for appointment, rank, **CATEGORY**, prerogatives, salaries,
12 **ALLOWANCES, EMOLUMENTS, PRIVILEGES, AND RETIREMENT AND ALL**
13 **OTHER BENEFITS** [and privileges] of Solicitors shall be the same as judges, specified
14 as follows:

15
16 Senior State Solicitor - Regional Trial Court Judge
17 State Solicitor II - Metropolitan Trial Court Judge
18 State Solicitor I - Municipal Trial Court in Cities Judge

19
20 The Solicitor General shall determine the qualifications, prerogatives and
21 responsibilities of the Associate Solicitors."

22
23 **SEC. 2.** Section 5 of Republic Act No. 9417 is hereby amended to read as
24 follows:

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

28
29 (1) Health care service through a health maintenance organization (HMO).
30 Expenses for the mandatory annual executive check-up of the Solicitor
31 General, the Assistant Solicitor General, and the Service Heads, shall be for
32 the account of the Office;

- 1 (2) All employees shall be covered by accident insurance policies procured by
2 the office at its own expense during travels while in the performance of their
3 official duties and functions;
- 4 (3) Without prejudice to efficiency in the service, scholarship to deserving
5 employees on official time and at the expense of the Office of the Solicitor
6 General to enhance their academic growth and upgrade their knowledge
7 and skills. Scholars under this provision shall be selected on the basis of
8 competitive examination; [and]
- 9 (4) A provident fund which shall consist of contributions made both by the
10 Office of the Solicitor General and by its lawyers and employees to a
11 common fund for the payment of benefits to such lawyers or employees or
12 their heirs; AND
- 13 (5) Other perquisites and benefits as may be determined by the Solicitor
14 General in the exigencies of the service.

15
16 SEC. 3. Section 11 of Republic Act No. 9417 is hereby amended to read as
17 follows:

18
19 "Sec. 11. *Funding.* - The funds required for the implementation, including
20 those for health care services, insurance premiums, professional, educational,
21 registration fees, contracted transportation benefits, the other benefits above, shall be
22 taken from:

- 23
- 24 (i) **TWENTY PERCENT (20%)** [five percent (5%)] of monetary awards **OR**
25 **ASSETS** given by the Courts to client departments, agencies and
26 instrumentalities of the Government, including those under court-
27 approved compromise agreements **AND TWENTY PERCENT (20%) OF**
28 **ASSETS AWARDED TO THE GOVERNMENT IN FORFEITURE**
29 **PROCEEDINGS;**
- 30 (ii) fifty percent (50%) of fees collected by the Special Committee on
31 Naturalization; and
- 32 (iii) all other income, fees and revenues earned and collected by the Office of
33 the Solicitor General.
- 34

35 For this purposes, the Office of the Solicitor General is hereby authorized
36 to charge deputation, certification and other similar fees in the cases that it
37 handles.

38

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

42

43 **THE OFFICE OF THE SOLICITOR GENERAL IS LIKEWISE**
44 **AUTHORIZED TO BORROW FUNDS AND DISPOSE OF ITS ASSETS TO**
45 **CARRY OUT THE PROVISIONS OF THIS ACT.**

46

47 SEC. 4. A New Section 10 shall hereafter be added to Republic Act No. 9417,
48 afterwhich renumber the succeeding sections accordingly:

49

50 "SEC. 10. *SURVIVORSHIP.* - **UPON DEATH OF A SOLICITOR GENERAL,**
51 **ASSISTANT SOLICITOR GENERAL, SENIOR STATE SOLICITOR OR STATE**
52 **SOLICITOR OF THE OSG, IF SAID OSG OFFICIAL HAD RETIRED OR WAS IN**
53 **THE SERVICE AT THE TIME OF DEATH, THE SURVIVING LEGITIMATE**

1 SPOUSE AND DEPENDENT CHILDREN OF SAID OSG OFFICAL SHALL BE
2 ENTITLED TO RECEIVE ON A MONTHLY BASIS ALL THE RETIREMENT
3 BENEFITS THAT THE DECEASED WAS RECEIVING OR ENTITLED TO
4 RECEIVE AT THE TIME OF DEATH UNDER THE PROVISIONS OF THE
5 APPLICABLE RETIREMENT LAWS THEN IN FORCE.

6 A "DEPENDENT" MEANS A LEGITIMATE, ILLEGITIMATE OR LEGALLY
7 ADOPTED CHILD WHO IS CHIEFLY DEPENDENT WITH THE ABOVE-
8 ENUMERATED DECEASED OSG OFFICIALS IF SUCH DEPENDENT IS NOT
9 MORE THAN TWENTY-ONE (21) YEARS OF AGE, UNMARRIED AND NOT
10 GAINFULLY EMPLOYED OR IF SUCH DEPENDENT, REGARDLESS OF AGE, IS
11 INCAPABLE OF SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL
12 DEFECT. THE SAID SURVIVING LEGITIMATE SPOUSE SHALL CONTINUE
13 TO RECEIVE SUCH RETIREMENT BENEFITS DURING HIS/HER LIFETIME OR
14 UNTIL HE/SHE REMARRIES. PROVIDED, THAT IF THE SURVIVING
15 LEGITIMATE SPOUSE IS RECEIVING BENEFITS UNDER EXISTING
16 RETIREMENT LAWS, HE/SHE SHALL ONLY BE ENTITLED TO THE
17 DIFFERENCE BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT AND
18 THE BENEFITS HE/SHE IS RECEIVING. PROVIDED FURTHER, THAT SAID
19 BENEFITS SHALL BE GRANTED TO ALL AFOREMENTIONED MEMBERS OF
20 THE OFFICE OF THE SOLICITOR GENERAL WHO DIED OR RETIRED PRIOR
21 TO THE EFFECTIVITY OF THIS ACT.

22 FUNDS FOR THE INITIAL IMPLEMENTATION OF THIS SECTION
23 SHALL BE TAKEN OUT OF THE CURRENT APPROPRIATIONS FOR THE
24 RETIREMENT OF THE OFFICERS AND EMPLOYEES OF THE OFFICE OF THE
25 SOLICITOR GENERAL AND/OR SAVING OF SAID OFFICE. THEREAFTER,
26 SUCH SUMS AS MAY BE NECESSARY FOR THE CONTINUED
27 IMPLEMENTATION OF THIS SECTION SHALL BE INCLUDED IN THE
28 ANNUAL GENERAL APPROPRIATIONS ACT.

29
30 SEC. 5. *Retroactive Clause.* - The retirement benefits provided for under Section
31 1 of this Act shall have retroactive effect as of the date of effectivity of Republic Act
32 No, 9417.

33
34 SEC. 6. *Separability Clause.* - If any provision of this Act is declared
35 unconstitutional or invalid, other parts or provisions hereof not affected shall continue
36 in full force and effect.

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38 SEC. 7. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
39 publication in the Official Gazette or in two (2) newspapers of general circulation.

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41 *Approved,*
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