

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



14 JUL 15 P3:41

SENATE
S. B. No. 2312

RECEIVED BY: *[Signature]*

INTRODUCED BY SENATOR SONNY M. ANGARA

AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9417 AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Office of the Solicitor General (OSG) is the law firm of the Republic of the Philippines. 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.

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.

Briefly, the bill seeks to amend the OSG law in the following manner:


1. clarify the retirement benefits of State Solicitors and place them similarly with their counterparts in the National Prosecution Service (NPS) and Public Attorney's Office (PAO);
2. provide for survivorship benefits in case of death of State Solicitors;
3. provide State Solicitors with allowances and benefits granted to judges;
4. grant OSG personnel other perquisites and benefits as may be determined by the Solicitor General;
5. funding for the benefits stated shall be sourced from 20% monetary awards or assets granted by the courts and 20% of assets awarded to the Government in forfeiture proceedings; and
6. grant the OSG the authority to borrow funds and dispose of its assets.

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


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*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
2 as follows:

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

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

1 The Solicitor General shall determine the qualifications,
2 prerogatives and responsibilities of the Associate Solicitors.”
3
4

5 **SEC. 2.** Section 5 of Republic Act No. 9417 is hereby amended to read as follows:
6

7 **“SEC. 5. *Benefits and Privileges.*** - Subject to the availability
8 of funds, the Office of the Solicitor General may provide its
9 employees with the following:
10

11 (1) Health care service through a health maintenance organization
12 (HMO), Expenses for the mandatory annual executive check-up of
13 the Solicitor General, the Assistant Solicitors General, and the
14 Service Heads, shall be for the account of the office;
15

16 (2) All employees shall be covered by accident insurance policies
17 procured by the office at its own expense during travels while in the
18 performance of their official duties and functions;
19

20 (3) Without prejudice to efficiency in the service, scholarship to
21 deserving employees on official time and at the expense of the Office
22 of the Solicitor General to enhance their academic growth and
23 upgrade their knowledge and skills. Scholars under this provision
24 shall be selected on the basis of competitive examination;
25

26 (4) A provident fund which shall consist of contributions made both
27 by the Office of the Solicitor General and by its lawyers and
28 employees to a common fund for the payment of benefits to such
29 lawyers or employees or their heirs; and
30

31 (5) OTHER PERQUISITES AND BENEFITS AS MAY BE
32 DETERMINED BY THE SOLICITOR GENERAL IN THE
33 EXIGENCIES OF THE SERVICE.”
34

35 **SEC. 3.** Section 10 of Republic Act No. 9417 is hereby deleted and replaced by a
36 new Section 10 to read as follows:
37

38
39 **“SEC. 10. *[Grant of Special Allowances.*** – The Solicitor
40 General, Assistant Solicitor General, Senior State Solicitor, State
41 Solicitors I ad Associate Solicitors I to III shall be granted special
42 allowances in amounts to be determined by the Secretary of the
43 Department of Budget and Management and the Solicitor General.
44 The grant of special allowances shall be implemented uniformly in
45 such sums and amounts and up to the extent only that can be

1 supported by the funding source specified in Section 11 hereof:
2 *Provided*, That the said special allowance shall not exceed One
3 hundred percent (100%) fo the basic salary of solicitors as provided
4 in Republic Act No. 6758, otherwise known as the Salary
5 Standardization Law.] **SURVIVORSHIP BENEFITS.** - UPON
6 DEATH OF A SOLICITOR GENERAL, ASSISTANT
7 SOLICITOR GENERAL, SENIOR STATE SOLICITOR OR
8 STATE SOLICITOR OF THE OSG, IF SAID OSG OFFICIAL
9 HAD RETIRED OR WAS IN THE SERVICE AT THE TIME OF
10 DEATH, THE SURVIVING LEGITIMATE SPOUSE AND
11 DEPENDENT CHILDREN OF SAID OSG OFFICIAL SHALL BE
12 ENTITLED TO RECEIVE ON A MONTHLY BASIS ALL THE
13 RETIREMENT BENEFITS THAT THE DECEASED WAS
14 RECEIVING OR ENTITLED TO RECEIVE AT THE TIME OF
15 DEATH UNDER THE PROVISIONS OF THE APPLICABLE
16 RETIREMENT LAWS THEN IN FORCE. A 'DEPENDENT'
17 MEANS A LEGITIMATE, ILLEGITIMATE OR LEGALLY
18 ADOPTED CHILD WHO IS CHIEFLY DEPENDENT WITH THE
19 ABOVE-ENUMERATED DECEASED OSG OFFICIALS IF
20 SUCH DEPENDENT IS NOT MORE THAN TWENTY-ONE (21)
21 YEARS OF AGE, UNMARRIED AND NOT GAINFULLY
22 EMPLOYED OR IF SUCH DEPENDENT, REGARDLESS OF
23 AGE, IS INCAPABLE OF SELF-SUPPORT BECAUSE OF
24 MENTAL OR PHYSICAL DEFECT. THE SAID SURVIVING
25 LEGITIMATE SPOUSE SHALL CONTINUE TO RECEIVE
26 SUCH RETIREMENT BENEFITS DURING HIS/HER LIFETIME
27 OR UNTIL HE/SHE REMARRIES: *PROVIDED*, THAT IF THE
28 SURVIVING LEGITIMATE SPOUSE IS RECEIVING
29 BENEFITS UNDER EXISTING RETIREMENT LAWS, HE/SHE
30 SHALL ONLY BE ENTITLED TO THE DIFFERENCE
31 BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT AND
32 THE BENEFITS HE/SHE IS RECEIVING: *PROVIDED*
33 *FURTHER*, THAT SAID BENEFITS SHALL BE GRANTED TO
34 ALL AFOREMENTIONED MEMBERS OF THE OFFICE OF
35 THE SOLICITOR GENERAL WHO DIED OR RETIRED PRIOR
36 TO THE EFFECTIVITY OF THIS ACT.

37
38 FUNDS FOR THE INITIAL IMPLEMENTATION OF
39 THIS SECTION SHALL BE TAKEN OUT OF THE CURRENT
40 APPROPRIATIONS FOR THE RETIREMENT OF THE
41 OFFICERS AND EMPLOYEES OF THE OFFICE OF THE
42 SOLICITOR GENERAL AND/OR SAVINGS OF SAID
43 OFFICE. THEREAFTER, SUCH SUMS AS MAY BE

1 NECESSARY FOR THE CONTINUED IMPLEMENTATION
2 OF THIS SECTION SHALL BE INCLUDED IN THE ANNUAL
3 GENERAL APPROPRIATIONS ACT.
4

5 **SEC. 4.** Section 11 of Republic Act No. 9417 is hereby amended to read as
6 follows:

7
8 **"SEC. 11. *Funding.*** – The funds required for the
9 implementation of this Act, including those for health care services,
10 insurance premiums, professional, educational, registration fees,
11 contracted transportation benefits, the other benefits above, shall
12 be taken from:

- 13
14 (i) [Five percent (5%)] TWENTY PERCENT (20%) of
15 monetary awards OR ASSETS given by the Court to
16 client departments, agencies and instrumentalities of
17 the Government, including those under court-
18 approved compromise agreements AND TWENTY
19 PERCENT (20%) OF ASSETS AWARDED TO THE
20 GOVERNMENT IN FORFEITURE PROCEEDINGS;
21
22 (ii) fifty percent (50%) of fees collected by the Special
23 Committee on Naturalization; and
24
25 (iii) all other income, fees and revenues earned and
26 collected by the Office of the Solicitor General
27

28 For this purpose, the Office of the Solicitor General is
29 hereby authorized to charge deputation, certification and
30 other similar fees in the cases that it handles.
31

32 The amounts collected pursuant to this section shall
33 constitute a trust fund in the name of the Office of the
34 Solicitor General to be managed and used by the Solicitor
35 General to carry out the provisions of this Act.
36

37 THE OFFICE OF THE SOLICITOR GENERAL IS
38 LIKEWISE, AUTHORIZED TO BORROW FUNDS AND
39 DISPOSE OF ITS ASSETS TO CARRY OUT THE
40 PROVISIONS OF THIS ACT."
41

42 **SEC. 5. *Retroactivity.*** – The retirement benefits provided for under Section 10 of
43 this Act shall have retroactive effect as of the date of effectivity of Republic Act No.
44 9417.
45

1 **SEC. 6. Separability Clause.** – If any provision of this Act is declared
2 unconstitutional or invalid, other parts or provisions hereof not affected shall continue in
3 full force and effect.

4
5 **SEC.7. Effectivity.** – This Act shall take effect fifteen (15) days following its
6 publication in the Official Gazette or in at least two (2) newspapers of general
7 circulation.

8
9 *Approved,*