

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



Senate
Office of the Secretary

'16 JUL 21 10:35

SENATE

S. B. No. 736

RECEIVED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

**AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL AND
FOR OTHER PURPOSES**

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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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
5 and the same qualifications for appointment, rank, CATEGORY,
6 prerogatives, salaries, allowances, [benefits] EMOLUMENTS, [and]
7 privileges AND RETIREMENT AND ALL OTHER BENEFITS OF AN
8 [as the Presiding Justice of the Court of Appeals;] ASSOCIATE JUSTICE
9 OF THE SUPREME COURT; an Assistant Solicitor General, those of an
10 Associate Justice of the Court of Appeals.
11

12 The qualifications for appointment, rank, CATEGORY,
13 prerogatives, salaries, ALLOWANCES, EMOLUMENTS, PRIVILEGES,
14 AND RETIREMENT AND ALL OTHER BENEFITS [and privileges] of
15 Solicitors shall be the same as judges, specified as follows:
16

17 Senior State Solicitor - Regional Trial Court Judge
18 State Solicitor II - Metropolitan Trial Court Judge
19 State Solicitor I - Municipal Trial Court in Cities Judge
20

21 The Solicitor General shall determine the qualifications,
22 prerogatives and responsibilities of the Associate Solicitors."
23
24

25 SECTION 2. Section 5 of Republic Act No. 9417 is hereby amended to read as
26 follows:

27
28 "Sec. 5. *Benefits and Privileges.* - Subject to the availability of
29 funds, the Office of the Solicitor General may provide its employees
30 with the following benefits:
31

- 1 (1) Health care service through a health maintenance organization
2 (HMO). Expenses for the mandatory annual executive check-up of
3 the Solicitor General, the Assistant Solicitor General, and the
4 Service Heads, shall be for the account of the Office;
- 5 (2) All employees shall be covered by accident insurance policies
6 procured by the office at its own expense during travels while in
7 the performance of their official duties and functions;
- 8 (3) Without prejudice to efficiency in the service, scholarship to
9 deserving employees on official time and at the expense of the
10 Office of the Solicitor General to enhance their academic growth
11 and upgrade their knowledge and skills. Scholars under this
12 provision shall be selected on the basis of competitive examination;
13 [and]
- 14 (4) A provident fund which shall consist of contributions made both
15 by the Office of the Solicitor General and by its lawyers and
16 employees to a common fund for the payment of benefits to such
17 lawyers or employees or their heirs; **AND**
- 18 (5) Other perquisites and benefits as may be determined by the
19 Solicitor General in the exigencies of the service.”
20

21 **SECTION 3.** Section 11 of Republic Act No. 9417 is hereby amended to read as
22 follows:
23

24 **“Sec. 11. Funding.** - The funds required for the implementation,
25 including those for health care services, insurance premiums,
26 professional, educational, registration fees, contracted
27 transportation benefits, the other benefits above, shall be taken
28 from:
29

30 (i) **TWENTY PERCENT (20%)** [five percent (5%)] of monetary
31 awards **OR ASSETS** given by the Courts to client departments,
32 agencies and instrumentalities of the Government, including those
33 under court-approved compromise agreements **AND TWENTY**
34 **PERCENT (20%) OF ASSETS AWARDED TO THE**
35 **GOVERNMENT IN FORFEITURE PROCEEDINGS;**

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

38 (iii) all other income, fees and revenues earned and collected by
39 the Office of the Solicitor General.
40

41 For this purposes, the Office of the Solicitor General is hereby
42 authorized to charge deputation, certification and other similar fees
43 in the cases that it handles.
44

45 The amounts collected pursuant to this section shall constitute a
46 trust fund in the name of the Office of the Solicitor General to be
47 managed and used by the Solicitor General to carry out the
48 provisions of this Act.
49

50 **THE OFFICE OF THE SOLICITOR GENERAL IS LIKEWISE**
51 **AUTHORIZED TO BORROW FUNDS AND DISPOSE OF ITS**
52 **ASSETS TO CARRY OUT THE PROVISIONS OF THIS ACT.”**
53

1 **SECTION 4.** A New Section 10 shall hereafter be added to Republic Act No.
2 9417, after which renumber the succeeding sections accordingly:

3
4 **"SEC. 10. SURVIVORSHIP.** - UPON DEATH OF A SOLICITOR
5 GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR
6 STATE SOLICITOR OR STATE SOLICITOR OF THE OSG, IF
7 SAID OSG OFFICIAL HAD RETIRED OR WAS IN THE
8 SERVICE AT THE TIME OF DEATH, THE SURVIVING
9 LEGITIMATE SPOUSE AND DEPENDENT CHILDREN OF
10 SAID OSG OFFICAL SHALL BE ENTITLED TO RECEIVE ON A
11 MONTHLY BASIS ALL THE RETIREMENT BENEFITS THAT
12 THE DECEASED WAS RECEIVING OR ENTITLED TO
13 RECEIVE AT THE TIME OF DEATH UNDER THE
14 PROVISIONS OF THE APPLICABLE RETIREMENT LAWS
15 THEN IN FORCE.

16
17 A "DEPENDENT" MEANS A LEGITIMATE,
18 ILLEGITIMATE OR LEGALLY ADOPTED CHILD WHO IS
19 CHIEFLY DEPENDENT WITH THE ABOVE-ENUMERATED
20 DECEASED OSG OFFICIALS IF SUCH DEPENDENT IS NOT
21 MORE THAN TWENTY-ONE (21) YEARS OF AGE,
22 UNMARRIED AND NOT GAINFULLY EMPLOYED OR IF
23 SUCH DEPENDENT, REGARDLESS OF AGE, IS INCAPABLE
24 OF SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL
25 DEFECT. THE SAID SURVIVING LEGITIMATE SPOUSE
26 SHALL CONTINUE TO RECEIVE SUCH RETIREMENT
27 BENEFITS DURING HIS/HER LIFETIME OR UNTIL HE/SHE
28 REMARRIES. *PROVIDED*, THAT IF THE SURVIVING
29 LEGITIMATE SPOUSE IS RECEIVING BENEFITS UNDER
30 EXISTING RETIREMENT LAWS, HE/SHE SHALL ONLY BE
31 ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT
32 PROVIDED FOR IN THIS ACT AND THE BENEFITS HE/SHE
33 IS RECEIVING. *PROVIDED FURTHER*, THAT SAID BENEFITS
34 SHALL BE GRANTED TO ALL AFOREMENTIONED
35 MEMBERS OF THE OFFICE OF THE SOLICITOR GENERAL
36 WHO DIED OR RETIRED PRIOR TO THE EFFECTIVITY OF
37 THIS ACT.

38
39 FUNDS FOR THE INITIAL IMPLEMENTATION OF
40 THIS SECTION SHALL BE TAKEN OUT OF THE CURRENT
41 APPROPRIATIONS FOR THE RETIREMENT OF THE
42 OFFICERS AND EMPLOYEES OF THE OFFICE OF THE
43 SOLICITOR GENERAL AND/OR SAVING OF SAID OFFICE.
44 THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR
45 THE CONTINUED IMPLEMENTATION OF THIS SECTION
46 SHALL BE INCLUDED IN THE ANNUAL GENERAL
47 APPROPRIATIONS ACT."

48
49 **SECTION 5. Retroactive Clause.** - The retirement benefits provided for under
50 Section 1 of this Act shall have retroactive effect as of the date of effectivity of Republic
51 Act No. 9417.

