

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



16 AUG -3 P2:20

SENATE

S.B. No. 976

BY:

BY: 

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Introduced by Senator **SONNY ANGARA**

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**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 and the Solicitor General is essentially the nation's chief attorney. 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. Recently, the OSG was part of the official delegation of the Philippines to the Permanent Court of Arbitration in The Hague, Netherlands, in the historic case involving maritime disputes over the West Philippine Sea with China.

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.



**SONNY ANGARA**

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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 follows:  
2

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

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

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

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

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

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

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

5  
6 (2) All employees shall be covered by accident insurance policies  
7 procured by the office at its own expense during travels while in the  
8 performance of their official duties and functions;

9  
10 (3) Without prejudice to efficiency in the service, scholarship to deserving  
11 employees on official time and at the expense of the Office of the Solicitor  
12 General to enhance their academic growth and upgrade their knowledge  
13 and skills. Scholars under this provision shall be selected on the basis of  
14 competitive examination;

15  
16 (4) A provident fund which shall consist of contributions made both by the  
17 Office of the Solicitor General and by its lawyers and employees to a  
18 common fund for the payment of benefits to such lawyers or employees or  
19 their heirs; and

20  
21 (5) OTHER PERQUISITES AND BENEFITS AS MAY BE DETERMINED  
22 BY THE SOLICITOR GENERAL IN THE EXIGENCIES OF THE  
23 SERVICE.”

24  
25 **SEC. 3.** Section 10 of Republic Act No. 9417 is hereby deleted and replaced by a new Section  
26 10 to read as follows:

27  
28 **“SEC. 10. [Grant of Special Allowances.** – The Solicitor General,  
29 Assistant Solicitor General, Senior State Solicitor, State Solicitors I ad  
30 Associate Solicitors I to III shall be granted special allowances in amounts  
31 to be determined by the Secretary of the Department of Budget and  
32 Management and the Solicitor General. The grant of special allowances  
33 shall be implemented uniformly in such sums and amounts and up to the  
34 extent only that can be supported by the funding source specified in  
35 Section 11 hereof: *Provided,* That the said special allowance shall not  
36 exceed One hundred percent (100%) fo the basic salary of solicitors as  
37 provided in Republic Act No. 6758, otherwise known as the Salary  
38 Standardization Law.] **SURVIVORSHIP BENEFITS.** - UPON DEATH OF A  
39 SOLICITOR GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR  
40 STATE SOLICITOR OR STATE SOLICITOR OF THE OSG, IF SAID OSG  
41 OFFICIAL HAD RETIRED OR WAS IN THE SERVICE AT THE TIME OF  
42 DEATH, THE SURVIVING LEGITIMATE SPOUSE AND DEPENDENT

1 CHILDREN OF SAID OSG OFFICIAL SHALL BE ENTITLED TO RECEIVE  
2 ON A MONTHLY BASIS ALL THE RETIREMENT BENEFITS THAT THE  
3 DECEASED WAS RECEIVING OR ENTITLED TO RECEIVE AT THE  
4 TIME OF DEATH UNDER THE PROVISIONS OF THE APPLICABLE  
5 RETIREMENT LAWS THEN IN FORCE. A 'DEPENDENT' MEANS A  
6 LEGITIMATE, ILLEGITIMATE OR LEGALLY ADOPTED CHILD WHO IS  
7 CHIEFLY DEPENDENT WITH THE ABOVE-ENUMERATED DECEASED  
8 OSG OFFICIALS IF SUCH DEPENDENT IS NOT MORE THAN TWENTY-  
9 ONE (21) YEARS OF AGE, UNMARRIED AND NOT GAINFULLY  
10 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  
13 CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS DURING  
14 HIS/HER LIFETIME OR UNTIL HE/SHE REMARRIES: *PROVIDED*, THAT  
15 IF THE SURVIVING LEGITIMATE SPOUSE IS RECEIVING BENEFITS  
16 UNDER EXISTING RETIREMENT LAWS, HE/SHE SHALL ONLY BE  
17 ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT PROVIDED  
18 FOR IN THIS ACT AND THE BENEFITS HE/SHE IS RECEIVING:  
19 *PROVIDED FURTHER*, THAT SAID BENEFITS SHALL BE GRANTED TO  
20 ALL AFOREMENTIONED MEMBERS OF THE OFFICE OF THE  
21 SOLICITOR GENERAL WHO DIED OR RETIRED PRIOR TO THE  
22 EFFECTIVITY OF THIS ACT.

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

32  
33 **SEC. 4.** Section 11 of Republic Act No. 9417 is hereby amended to read as follows:  
34

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

- 39  
40 (i) [Five percent (5%)] TWENTY PERCENT (20%) of  
41 monetary awards OR ASSETS given by the Court to client  
42 departments, agencies and instrumentalities of the

1 Government, including those under court-approved  
2 compromise agreements AND TWENTY PERCENT (20%)  
3 OF ASSETS AWARDED TO THE GOVERNMENT IN  
4 FORFEITURE PROCEEDINGS;

5  
6 (ii) Fifty percent (50%) of fees collected by the Special  
7 Committee on Naturalization; and

8  
9 (iii) All other income, fees and revenues earned and collected  
10 by the Office of the Solicitor General.

11  
12 For this purpose, the Office of the Solicitor General is  
13 hereby authorized to charge deputation, certification and other  
14 similar fees in the cases that it handles.

15  
16 The amounts collected pursuant to this section shall  
17 constitute a trust fund in the name of the Office of the Solicitor  
18 General to be managed and used by the Solicitor General to carry  
19 out the provisions of this Act.

20  
21 THE OFFICE OF THE SOLICITOR GENERAL IS  
22 LIKEWISE, AUTHORIZED TO BORROW FUNDS AND DISPOSE  
23 OF ITS ASSETS TO CARRY OUT THE PROVISIONS OF THIS  
24 ACT.”

25  
26 **SEC. 5. *Retroactivity.*** The retirement benefits provided for under Section 10 of this Act shall  
27 have retroactive effect as of the date of effectivity of Republic Act No. 9417.

28  
29 **SEC. 6. *Separability Clause.*** If any provision of this Act is declared unconstitutional or invalid,  
30 other parts or provisions hereof not affected shall continue in full force and effect.

31  
32 **SEC. 7. *Effectivity.*** This Act shall take effect fifteen (15) days following its publication in the  
33 Official Gazette or in at least two (2) newspapers of general circulation.

34  
35 Approved,