

SENATE

S.B. No. 1604

'17 OCT 11 P5:33

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Introduced by Sen. Juan Miguel F. Zubiri

RECEIVED BY: 

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**AN ACT**  
**TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL BY**  
**PROVIDING FOR ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING,**  
**AND RATIONALIZING ITS ORGANIZATION, THEREBY AMENDING REPUBLIC ACT**  
**NO. 9417 AND REPEALING REPUBLIC ACT NO. 2327, EXECUTIVE ORDER NOS. 1**  
**AND 2, S. 1986, AND ALL RELATED LAWS, AND APPROPRIATING FUNDS**  
**THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The main function of the Office of the Solicitor General (OSG) is to represent the Government, its departments, bureaus, agencies and instrumentalities, and its officials and agents, in any litigation, proceeding, investigation, or matter requiring the services of lawyers. When authorized by the President or head of the office concerned, it shall also represent government-owned or -controlled corporations.

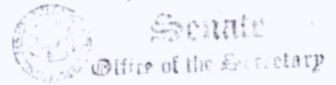
The Office of the Government Corporate Counsel (OGCC), on the other hand, is the principal law office of government-owned and controlled corporations (GOCCs) pursuant to Republic Act No. 2327.

In 1986, the Presidential Commission on Good Government (PCGG) was created by virtue of Executive Orders 1 and 2, with the task to recover all ill-gotten wealth accumulated by former President Ferdinand E. Marcos, his family and associates, as well as to investigate and prosecute cases involving them.

This bill seeks to consolidate the abovementioned offices into one by strengthening the OSG and abolishing the OGCC and PCGG with the end in view of eliminating the overlapping of functions, addressing the expanding needs of GOCCs for legal representation, ensuring the efficient discharge of the functions of said offices and enhancing government efforts to recover ill-gotten wealth and investigate and prosecute cases relative thereto.

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

  
**JUAN MIGUEL F. ZUBIRI**



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TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR  
GENERAL BY PROVIDING FOR ITS POWERS AND FUNCTIONS, AND  
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ORGANIZATION, THEREBY AMENDING REPUBLIC ACT NO. 9417 AND  
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AND 2, S. 1986, AND ALL RELATED LAWS, AND APPROPRIATING  
FUNDS THEREFOR AND FOR OTHER RELATED PURPOSES**

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

1       **SECTION 1. Short Title.** – This Act shall be known as the "OSG  
2 Charter."

3       **SECTION 2. Declaration of Policy.** — It is the declared policy of the  
4 State to strengthen the Office of the Solicitor General (OSG) in order to fulfill  
5 its role of upholding the best interest of the government as the Tribune of the  
6 People, as well as to perform its mandate as the principal law office of the  
7 Government of the Republic of the Philippines representing the Government,  
8 its departments, bureaus, agencies, and instrumentalities, and its officials and  
9 agents in their official capacity, in any litigation, proceeding, investigation, or  
10 matter requiring the services of lawyers.

11       It is also the policy of the State to ensure efficiency and economy in the  
12 operations of government, eliminate the overlapping of functions, consolidate  
13 the legal services in the government into one office, effectively address the  
14 expanding needs of government owned and controlled corporations (GOCCs)  
15 towards the improvement of fiscal management and good corporate  
16 governance, and concentrate and enhance government efforts for the full and  
17 effective recovery of ill-gotten wealth and properties, including the efficient  
18 investigation and prosecution of cases relative thereto. Towards this end, the  
19 Office of the Government Corporate Counsel (OGCC) and the Presidential  
20 Commission on Good Government (PCGG) are hereby abolished and their  
21 respective powers and functions are transferred to the OSG.

22       With the transfer of the powers and functions of the OGCC and the  
23 PCGG to the OSG, and to ensure the efficient and effective legal  
24 representation of the Government, its departments, bureaus, agencies, and

1 instrumentalities, GOCCs, and its officials and agents in their official capacity,  
2 the members of the legal and administrative staff of the OSG shall be  
3 increased and their positions upgraded to adequately meet the Republic's  
4 burgeoning need for legal services. The skills of OSG lawyers shall be further  
5 improved, and the benefits of all OSG employees augmented. The professional  
6 growth of these employees shall be encouraged.

7           **SECTION 3. Definition.** – For purposes of this Act, the term—

8           (a) "Capacity development" shall refer to the process whereby the  
9 OSG, as an organization, develops its capability over time to achieve  
10 development goals while enhancing its ability to achieve measurable and  
11 sustainable results, through improvement of knowledge, skills, and systems.

12           (b) "GOCCs" shall refer to government-owned and -controlled  
13 corporations, their subsidiaries, other corporate offsprings, including  
14 government-acquired asset corporations, government corporate entities and  
15 government instrumentalities with corporate powers, government financial  
16 institutions, and other government corporate entities, agencies and offices.

17           (c) "Ill-gotten wealth" shall refer to any asset, property, business  
18 enterprise or material possession of the persons referred to in Executive  
19 Orders Nos. 1 and 2, s. 1986, acquired by them directly, or indirectly through  
20 dummies, nominees, agents, subordinates, and/or business associates by any  
21 of the following means or similar schemes:

- 22                           (1) through misappropriation, conversion, misuse, or  
23                           malversation of public funds or raids on the public  
24                           treasury;
- 25                           (2) through the receipt, directly or indirectly, of any  
26                           commission, gift, share, percentage, kickbacks, or  
27                           any other form of pecuniary benefit from any  
28                           person and/or entity in connection with any  
29                           government contract or project or by reason of the  
30                           office or position of the official concerned;
- 31                           (3) by the illegal or fraudulent conveyance or  
32                           disposition of assets belonging to the government  
33                           or any of its subdivisions, agencies or  
34                           instrumentalities, or government-owned or  
35                           controlled corporations;
- 36                           (4) by obtaining, receiving, or accepting directly or  
37                           indirectly any shares of stock, equity, or any other  
38                           form of interest or participation in any business  
39                           enterprise or undertaking;
- 40                           (5) through the establishment of agricultural,  
41                           industrial, or commercial monopolies or other  
42                           combination and/or by the issuance, promulgation,  
43                           and/or implementation of decrees and orders  
44                           intended to benefit particular persons or special  
45                           interests; and

1 (6) by taking undue advantage of official position,  
2 authority, relationship, or influence for personal  
3 gain or benefit.

4 **SECTION 4. Organizational Structure.** – The Office of the Solicitor  
5 General shall be an independent and autonomous office attached to the Office  
6 of the President for budgetary purposes.

7 The OSG shall be headed by the Solicitor General, who is the principal  
8 law officer and legal defender of the Government. He shall have the authority  
9 and responsibility for the exercise of the OSG's mandate and for the discharge  
10 of its duties and functions, and shall have supervision and control over the  
11 OSG and its constituent units.

12 The Solicitor General shall be assisted by a Legal Staff composed of  
13 Assistant Solicitors General and such number of Solicitors as may be necessary  
14 to operate the OSG.

15 There shall be at least fifty (50) legal divisions in the OSG. Each  
16 division, headed by an Assistant Solicitor General, shall consist of at least ten  
17 (10) lawyers and such other personnel as may be necessary for the OSG to  
18 effectively carry out its functions.

19  
20 The administrative structure of the OSG shall be organized into the  
21 Financial Management Service, Docket Management Service, Case  
22 Management Service, Human Resources Management and Administrative  
23 Service, and Budget and Planning Service, which shall be composed of the  
24 necessary divisions and sections. Each Service shall be headed by a Director,  
25 who shall be appointed by the President.

26 There shall be an Office of Legal Services (OLS) within the OSG to be  
27 headed by a Chief Legal Officer, who shall be a lawyer, appointed by the  
28 Solicitor General and serve at the latter's pleasure. The qualifications, salary  
29 grade, and benefits of the Chief Legal Officer and his/her legal staff shall be  
30 determined by the Solicitor General. The Chief Legal Officer shall be assisted  
31 by such other personnel as may be necessary to effectively carry out the  
32 functions of the OLS.

33 **SECTION 5. Powers and Functions.** – The OSG shall represent the  
34 Government of the Philippines, its agencies and instrumentalities, including  
35 GOCCs, and its officials and agents acting in their official capacity, in any  
36 litigation, proceeding, investigation, or matter requiring the services of a  
37 lawyer. The OSG shall constitute the principal law office of the Government  
38 and, as such, shall discharge duties requiring the services of a lawyer. It shall  
39 have the following specific powers and functions:

40 (a) represent the Government and the People of the Philippines in  
41 the Supreme Court and the Court of Appeals in all criminal proceedings;  
42 represent the Government and its officers in the Supreme Court, the Court of  
43 Appeals, and all other courts or tribunals in all civil actions and special

1 proceedings in which the Government has been impleaded as a party, or any  
2 official of the Government sued in the lawful performance of duty.

3 (b) investigate, initiate court action, or in any manner proceed  
4 against any person, corporation, or firm for the enforcement of any contract,  
5 bond, guarantee, mortgage, pledge, or other collateral executed in favor of  
6 the Government.

7 (c) appear in any court in any action involving the validity of any  
8 treaty, law, executive order or proclamation, or rule or regulation when in his  
9 judgment his intervention is necessary or when requested by the Court.

10 (d) appear in all proceedings involving the acquisition or loss of  
11 Philippine citizenship.

12 (e) represent the Government in all land registration and related  
13 proceedings. Institute actions for the reversion to the Government of lands of  
14 the public domain and improvements thereon as well as lands held in violation  
15 of the Constitution.

16  
17 (f) conciliate, mediate, settle, or adjudicate all disputes, claims, and  
18 controversies solely between or among the departments, bureaus, offices,  
19 agencies, and instrumentalities of the National Government, including GOCCs.

20 (g) render opinion and advice on matters referred by the  
21 departments, bureaus, offices, agencies, and instrumentalities of the National  
22 Government, including GOCCs.

23 (h) prepare, upon request of the President or other proper officer of  
24 the National Government, rules and guidelines for government entities  
25 governing the preparation of contracts, making of investments, undertaking of  
26 transactions, and drafting of forms or other documents needed for official use,  
27 for the purpose of facilitating their enforcement and ensuring that they are  
28 entered into or prepared conformably to law and for the best interests of the  
29 public.

30 (i) deputize, whenever in the opinion of the Solicitor General the  
31 public interest requires, any provincial or city prosecutor to assist him in the  
32 performance of any function or discharge of any duty incumbent upon him,  
33 within the jurisdiction of the aforesaid provincial or city prosecutor. When so  
34 deputized, the prosecutor shall be under the control and supervision of the  
35 Solicitor General with regard to the conduct of the proceedings assigned to  
36 the prosecutor, and he may be required to render reports or furnish  
37 information regarding the assignment.

38 (j) Any law to the contrary notwithstanding, the OSG shall be the  
39 legal counsel and principal law office of all GOCCs. All GOCCs shall refer to the  
40 OSG the following:

41 (i) before their execution, all contracts for review; and

1 (ii) all cases for representation before regular courts, quasi-  
2 judicial bodies, administrative agencies, and arbitral  
3 tribunals, Provided That the Solicitor General may  
4 thereafter authorize the GOCC's legal department because  
5 of urgency or expediency to appear as collaborating  
6 counsel to handle GOCC's cases.

7 As legal counsel of all GOCCs, the OSG shall also perform the following  
8 functions:

9 (1) exercise control and supervision over the legal  
10 departments of all GOCCs through designated Assistant Solicitors  
11 General and Solicitors;

12 (2) exercise visitorial powers over GOCCs;

13 (3) replace the OGCC as ex-officio member in the Property  
14 Insurance Fund and enforce the Property Insurance Law pursuant to  
15 Republic Act No. 656, as amended by Presidential Decree 245, in  
16 domestic or international transactions;

17 (4) conduct periodic performance audits of the in-house  
18 lawyers or legal departments of the GOCCs and to recommend  
19 appropriate actions to GOCCs;

20 (5) require the in-house lawyers or legal departments of  
21 GOCCs to submit periodic reports of work performed and/or  
22 accomplished and to supervise and control the necessary legal action;  
23 and

24 (6) perform other functions as maybe provided by law and  
25 such additional tasks as may be required by the GOCCs, with the  
26 conformity of the Solicitor General.

27 (k) deputize legal officers of government departments, bureaus,  
28 agencies, offices, and GOCCs to assist the Solicitor General and appear or  
29 represent the Government in cases involving their respective offices, brought  
30 before the courts, and exercise supervision and control over such legal officers  
31 with respect to such cases.

32 (l) call on any department, bureau, office, agency, or  
33 instrumentality of the Government, including any GOCC, for such service,  
34 assistance, and cooperation as may be necessary in fulfilling its functions and  
35 responsibilities and for this purpose enlist the services of any government  
36 official or employee in the pursuit of his tasks.

37 Departments, bureaus, agencies, offices, instrumentalities, and GOCCs  
38 to whom the OSG renders legal services are authorized to disburse funds from  
39 their sundry operating and other funds for the OSG. For this purpose, the  
40 Solicitor General, Assistant Solicitors General, Senior State Solicitors, State  
41 Solicitors, and Associate Solicitors are specifically authorized to receive

1 allowances as may be provided by the Government offices, instrumentalities,  
2 and GOCCs concerned, in addition to their regular compensation.

3 (m) The powers and functions of the PCGG are hereby transferred to  
4 the OSG which include the following:

5 (1) file and prosecute all cases investigated by the PCGG  
6 under Executive Order No. 1, dated 28 February 1986,  
7 Executive Order No. 2, dated 12 March 1986, and  
8 Executive Order No. 432, dated 26 May 2005, as may be  
9 warranted by its findings;

10 (2) continue handling cases relative to the recovery of ill-  
11 gotten wealth and behest loans;

12 (3) grant immunity from criminal prosecution to any person  
13 who provides information or testifies in any investigation  
14 previously conducted by the PCGG or future cases  
15 investigated by the OSG involving ill-gotten wealth, to  
16 establish the unlawful manner in which any respondent,  
17 defendant or accused has acquired or accumulated the  
18 property or properties in question in any case where such  
19 information or testimony is necessary to ascertain or  
20 prove the latter's guilt or his civil liability. The immunity  
21 thereby granted shall be continued to protect the witness  
22 who repeats such testimony before the Sandiganbayan  
23 when required to do so; and

24 (4) call upon any department, bureau, office, agency,  
25 instrumentality or corporation of the government, or any  
26 officer or employee thereof, for such assistance as it may  
27 need in the discharge of its functions relative to recovery  
28 of ill-gotten wealth and behest loans;

29 (n) represent, upon the instructions of the President, the Republic of  
30 the Philippines in international litigations, negotiations, or  
31 conferences where the legal position of the Republic must be  
32 defended or presented;

33 (o) subject to the approval of the President, engage the services of  
34 counsel to assist in the discharge of his duties and  
35 responsibilities in cases requiring highly specialized legal skills,  
36 knowledge or expertise, including but not limited to foreign  
37 arbitrations and litigations. However, due to the fiduciary nature  
38 of the relationship between the OSG and the counsel, the  
39 engagement of the latter shall be exempt from Republic Act No.  
40 9184 otherwise known as the Government Procurement Reform  
41 Act.

42 (p) act and represent the Republic and the people before any court,  
43 tribunal, body, or commission in any matter, action, or

1 proceeding which, in his opinion, affects the welfare of the  
2 people as the ends of justice may require;

3 (q) acquire, own, hold, or lease real and personal property; sell or  
4 otherwise dispose of the same; enter into contracts including  
5 loan agreements and joint venture agreements; and do and  
6 perform any and all acts that may be necessary or proper to  
7 carry out the purposes of this Act;

8 (r) provide a Legal Internship Program to help law students prepare  
9 and train for and experience legal practice in public service.

10 (s) perform such other functions as may be provided by law.

11 **SECTION 6. Abolition of the Office of the Government**  
12 **Corporate Counsel and the Presidential Commission on Good**  
13 **Government.** – The legal representation of the Government, its agencies,  
14 and instrumentalities, including GOCCs, and officials and agents acting in their  
15 official capacity, and the powers and functions of the PCGG shall be  
16 consolidated in the OSG, the principal law office and legal defender of the  
17 Government. For this purpose, the OGCC and the PCGG are hereby abolished,  
18 and all the powers and functions of said Offices which are not inconsistent  
19 with the provisions of this Act are hereby transferred to the OSG.

20 After settlement of its liabilities, if any, all budgetary appropriations,  
21 funds, properties, records, equipment, rights, choses in action, and other  
22 assets of the OGCC and the PCGG are hereby transferred to the OSG.

23 **SECTION 7. Appointments.** – The Solicitor General shall be  
24 appointed by the President.

25 The Assistant Solicitors General, Senior State Solicitors, and State  
26 Solicitors shall be appointed by the President upon recommendation of the  
27 Solicitor General. Associate Solicitors shall be appointed by the Solicitor  
28 General.

29 The Financial Management Service, Docket Management Service, Case  
30 Management Service, Human Resources Management and Administrative  
31 Service, and Budget and Planning Service shall each be headed by a Director  
32 to be appointed by the President upon the recommendation of the Solicitor  
33 General. The Service Heads shall possess the necessary CES eligibility and  
34 qualifications for the position prescribed under pertinent civil service laws,  
35 rules, and regulations: Provided, that if a Service Head who does not possess  
36 the necessary eligibility and qualifications is occupying the position at the time  
37 of the effectivity of this Act, he or she shall continue to perform such functions  
38 as officer-in-charge and shall have a maximum of two (2) years to comply  
39 with the said eligibility and qualifications: Provided, further, that if the Service  
40 Head fails or is unable to meet the eligibility and qualifications for the position  
41 after the lapse of two (2) years from effectivity of this Act, he or she shall be  
42 ipso jure removed from said position.



1 Administrative personnel in the OSG shall be appointed by the Solicitor  
2 General.

3 **SECTION 8. Standards.** – The Solicitor General shall have the rank of  
4 a Cabinet Secretary and the same qualifications for appointment, rank,  
5 category, prerogatives, salaries, allowances, emoluments, privileges,  
6 retirement-and all other benefits of an Associate Justice of the Supreme Court.  
7

8 The Assistant Solicitor General shall have the same qualifications for  
9 appointment, rank, category, prerogatives, salaries, allowances, emoluments,  
10 privileges, retirement and all other benefits of an Associate Justice of the  
11 Court of Appeals.

12 The qualifications for appointment, rank, category, prerogatives,  
13 salaries, allowances, emoluments, privileges, retirement and all other benefits  
14 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

15 State Solicitor I – Municipal Trial Court in Cities Judge

16 The Solicitor General shall be entitled to the same retirement benefits  
17 and privileges as an Associate Justice of the Supreme Court, provided he has  
18 served in such capacity for at least two (2) years. Such retirement benefits  
19 and privileges shall accrue to him or her upon reaching the age of sixty five  
20 (65) years.

21 Assistant Solicitor Generals, Senior State Solicitors, State Solicitors II,  
22 and State Solicitors I shall be entitled to the same retirement benefits and  
23 privileges as their counterparts in the Judiciary upon reaching the age of sixty  
24 (60) years, provided that they have served in such capacities for at least five  
25 years. An Assistant Solicitor General, Senior State Solicitor, State Solicitor II,  
26 and State Solicitor I may opt to serve up to the age of seventy (70) years.

27 The Solicitor General shall determine the qualifications, prerogatives,  
28 and responsibilities of the Associate Solicitors.  
29

30 **SECTION 9. Office of Legal Services.** – The OLS shall perform such  
31 functions and duties as may be assigned by the Solicitor General, which may  
32 include drafting proposed legislative measures to strengthen the OSG and  
33 enable it to efficiently and effectively discharge its mandate for submission by  
34 the Solicitor General to Congress and to the President of the Philippines;  
35 conducting research on legal issues that may be assigned by the Solicitor  
36 General; and assisting the Solicitor General, Assistant Solicitors General, State  
37 Solicitors, Associate Solicitors, and all other employees of the OSG who are  
38 impleaded in their official capacity in any litigation, proceeding, investigation,  
39 or matter requiring the services of a lawyer.  
40

1           **SECTION 10. Capacity Development.** – In order to build and  
2 develop the capability of the OSG as an organization to achieve development  
3 goals, as well as enhance its abilities to achieve measurable and sustainable  
4 results, the Solicitor General, in consultation with the Assistant Solicitors  
5 General, shall formulate, develop, and implement plans, activities, and  
6 programs towards the improvement of knowledge, skills, and systems. To  
7 achieve this objective, the Solicitor General may by himself authorize OSG  
8 lawyers to travel anywhere in the Philippines and abroad to attend seminars,  
9 fora, conferences, or lectures on different areas of law, pleadings and practice  
10 in international courts and tribunals, public-private partnerships, and public  
11 corporate governance, among others. The Solicitor General may also authorize  
12 the administrative staff of the OSG to undergo relevant training to improve  
13 their skills.

14           **SECTION 11. Compensation.** — The salary grades of the Solicitor  
15 General, Assistant Solicitors General, Senior State Solicitors, State Solicitors,  
16 and Associate Solicitors shall be as follows:

POSITION	SALARY GRADE
Solicitor General	31
Assistant Solicitor General	30
Senior State Solicitor	29
State Solicitor II	28
State Solicitor I	27
Associate Solicitor III	26
Associate Solicitor II	25
Associate Solicitor I	24

17           The Solicitor General, Assistant Solicitor General, and Solicitors shall be  
18 entitled to step increments and longevity pay which shall be equivalent to  
19 those being received by their counterparts in the judiciary.

20  
21           The positions and salaries of non-legal personnel in the OSG shall be in  
22 the level of their counterparts in the Court of Appeals.

23           **SECTION 12. Benefits and Privileges.** — The OSG shall provide its  
24 employees with the following benefits:

25           (1) health care services through a health maintenance organization  
26 (HMO). Expenses for the mandatory annual executive check-up of the Solicitor  
27 General, the Assistant Solicitors General and OSG officials whose positions  
28 correspond to Salary Grade 28 and above shall be for the account of the OSG;

29           (2) hazard pay, as well as accident insurance policies procured by the  
30 OSG at its own expense to protect its officials while they are in the  
31 performance of their official duties and functions;

32           (3) without prejudice to efficiency in the service, scholarships to  
33 deserving employees on official time and at the expense of the OSG to  
34 enhance their academic growth and upgrade their knowledge and skills.

1 Scholarships under this provision shall be granted on the basis of competitive  
2 examination. Scholars shall be required to render service in the OSG upon  
3 immediate completion of the program, course or degree, in accordance with  
4 applicable Civil Service laws, rules and regulations.

5 (4) a provident fund which shall consist of contributions made both by  
6 the OSG and by its lawyers and employees to a common fund for the payment  
7 of benefits to such lawyers or employees or their heirs;

8 (5) other perquisites and benefits as enjoyed by other government  
9 offices or as may be determined by the Solicitor General in the exigencies of  
10 the service and in accordance with law.

11 **SECTION 13. Seminar and Other Professional Fees.** — Subject to  
12 the availability of funds, fees for relevant seminars, as well as professional  
13 membership fees for lawyers, registration fees, and related miscellaneous  
14 expenses incurred in completing the mandatory continuing legal education  
15 (MCLE) course shall be borne by the OSG: Provided, that the lawyer whose  
16 lifetime membership fees/dues to the Integrated Bar of the Philippines (IBP)  
17 have been paid up or reimbursed by the OSG, shall maintain his or her service  
18 in the OSG for at least five (5) years: Provided, further, that should the lawyer  
19 resign or in any manner sever his or her service from the Office, he or she  
20 shall be required to reimburse the paid up IBP membership dues/fees in pro  
21 rata.

22 Professional membership, registration fees, including those for  
23 mandatory continuing professional education (CPE), and related miscellaneous  
24 expenses of other employees holding positions for which a professional license  
25 is required by the office shall also be borne by the OSG.

26 **SECTION 14. Survivorship Benefits; Coverage.** —Upon the death  
27 of a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State  
28 Solicitor, or an Associate Solicitor of the OSG, if said official had retired or was  
29 in the service at the time of death, the surviving legitimate spouse and  
30 dependent children, or in their absence, the surviving parents of said official  
31 shall be entitled to receive on a monthly basis all the retirement benefits that  
32 the deceased official was receiving or entitled to receive at the time of death  
33 under the provisions of the applicable retirement laws. A "dependent" means  
34 a legitimate, illegitimate, or legally adopted child who is chiefly dependent  
35 with the above-enumerated deceased officials if such dependent is not more  
36 than twenty-one (21) years of age, unmarried and not gainfully employed or if  
37 such dependent, regardless of age, is incapable of self-support because of  
38 mental or physical defect. The surviving legitimate spouse shall continue to  
39 receive such retirement benefits during his or her lifetime or until he or she  
40 remarries: Provided, that if the surviving legitimate spouse is receiving  
41 benefits under existing retirement laws, the surviving legitimate spouse shall  
42 only be entitled to the difference between the amount provided for in this Act  
43 and the benefits the surviving spouse has been receiving: Provided, further,  
44 that said benefits shall be granted to all aforementioned members of the OSG  
45 who died or retired prior to the effectivity of this Act: Provided, furthermore,  
46 that the surviving legitimate spouse receiving the benefit shall not, if he or she

1 is a member of the Bar, appear as counsel before any court in any civil case  
2 wherein the Government or any subdivision or instrumentality thereof,  
3 including GOCCs, is the adverse party, or in any criminal case wherein an  
4 incumbent or former officer or employee of the Government is accused of an  
5 offense committed in relation to his or her office, or collect any fee for his or  
6 her appearance in any administrative proceeding; and when the surviving  
7 legitimate spouse shall assume an elective public office, he or she shall not,  
8 upon assumption of office and during his or her term, receive the said  
9 survivorship benefits.

10 **SECTION 15. Grant of Special Allowances.** — Any law to the  
11 contrary, notwithstanding, the Solicitor General, Assistant Solicitors General,  
12 Senior State Solicitors, State Solicitors and Associate Solicitors shall be granted  
13 special allowances in amounts to be determined by the Solicitor General.

14 The grant of special allowances shall be implemented uniformly in such  
15 sums and amounts and up to the extent only that can be supported by the  
16 funding source specified in Section 18 (a) to (d) hereof: Provided, that each  
17 grant of the said special allowance shall not exceed One hundred percent  
18 (100%) of the basic salary of solicitors as provided in Republic Act No. 6758,  
19 otherwise known as the Salary Standardization Law: Provided, further, that  
20 said special allowances shall be exempt from income tax.

21 **SECTION 16. Other Benefits.** — Notwithstanding any law, or  
22 administrative rule or regulation, the lawyers of the OSG shall be entitled to  
23 receive honoraria and allowances directly from each client department,  
24 agency, and instrumentality of the Government, as well as from each client  
25 GOCC for the legal services that said lawyers render, which may include  
26 attendance in hearings, providing legal advice, drafting of contracts and legal  
27 documents, and performing designated functions; Provided, that said  
28 honoraria and allowances shall be exempt from income tax.

29 **SECTION 17. Franking Privilege.** — All official mail matters and  
30 telegrams of the OSG addressed for delivery within the Philippines shall be  
31 received, transmitted, and delivered free of charge: Provided, that such mail  
32 matters when addressed to private persons or non-government offices shall  
33 not exceed one hundred twenty (120) grams.

34 **SECTION 18. Funding.** — The funds required for the implementation  
35 of this Act, including those for health care services, survivorship benefits;  
36 insurance premiums, professional, educational, and registration fees;  
37 transportation benefits; and other benefits and privileges mentioned in the  
38 other provisions of this Act, shall be provided for in the General Appropriations  
39 Act and augmented by funds sourced from the following:

40 (a) twenty percent (20%) of monetary awards or value of assets  
41 adjudged by the Courts or tribunals to client departments, agencies and  
42 instrumentalities of the Government, and GOCCs, including those under court-  
43 approved compromise agreements;

1 (b) twenty percent (20%) of assets adjudged to the Government in  
2 forfeiture proceedings;

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

5 (d) all other income, fees and revenues earned and collected by the  
6 Office of the Solicitor General.

7 For this purpose, the OSG is hereby authorized to charge deputation,  
8 certification, and other similar fees in the cases that it handles.

9 The amounts collected pursuant to this section shall constitute a trust  
10 fund in the name of the OSG to be managed and used by the Solicitor General  
11 to carry out the provisions of this Act.

12 **SECTION 19. Transfer of Cases.** – All cases being handled by the  
13 OGCC shall be transferred to the OSG: Provided, however, that the handling  
14 OGCC lawyer shall submit a status report of all cases he or she is handling to  
15 the Solicitor General: Provided, further, that a certification under oath that the  
16 records of the case transmitted to the OSG are complete shall be made by the  
17 handling OGCC lawyer as a pre-condition for receiving the separation or  
18 retirement benefits under this Act.

19 **SECTION 20. Case Migration.** – Upon the effectivity of this Act, a  
20 transition "Case Migration Committee" (CMC) shall be created composed of:  
21 three (3) members from each of the respective records and docket divisions of  
22 the OSG, the OGCC, and the PCGG, at least two (2) members from the legal  
23 divisions of all GOCCs, and at least two lawyers each from the OSG, the  
24 OGCC, and the PCGG.

25 The CMC shall ensure the smooth turnover of all cases and legal  
26 concerns of the OGCC and the PCGG to the OSG, with corresponding status  
27 reports, complete records, and other relevant documents, taking care that no  
28 case or legal concern shall be prejudiced in the process of turnover.

29 The CMC shall have the responsibility of determining which cases and  
30 legal concerns need immediate attention or are extremely urgent. These cases  
31 and legal concerns shall immediately be transferred and/or referred to the  
32 OSG.

33 The CMC shall complete its work within thirty (30) days from its  
34 constitution. The CMC shall submit a comprehensive report to the Solicitor  
35 General.

36 **SECTION 21. Retirement or Separation from Service.** –

37  
38 Consequent to the abolition of the OGCC and the PCGG, OGCC and  
39 PCGG officials and employees shall, as far as practicable, be integrated into  
40 the strengthened OSG.  
41

1           Those who have attained fifty (50) years of age and have rendered at  
2 least fifteen (15) years in government service, the last five (5) years of which  
3 shall have been continuously rendered in the OGCC or the PCGG, shall be  
4 qualified for retirement with full retirement gratuity and pension pursuant to  
5 applicable laws. Those who lack any one of the above qualifications shall  
6 receive a separation pay equivalent to one and a half (1 1/2) months for every  
7 year of service in government, which will be provided for in the General  
8 Appropriations Act.

9           **SECTION 22. Implementing Rules and Regulations.** — Within  
10 thirty (30) days from the approval of this Act, the Solicitor General, in  
11 coordination with the Secretary of Budget and Management, shall promulgate  
12 such rules and regulations as may be necessary to carry out the provisions of  
13 this Act. Until such time that the rules and regulations are promulgated and  
14 Section 21 of this law is implemented, the officials and administrative  
15 personnel of the OGCC and PCGG shall remain in their positions in a holdover  
16 capacity.

17           **SECTION 23. Retroactivity.** — The retirement benefits provided for  
18 in Section 8 and the survivorship benefits provided for under Section 14 of this  
19 Act shall have retroactive effect as of the date of effectivity of Republic Act  
20 No. 9417.

21           **SECTION 24. Appropriations.** — The amount necessary for the  
22 initial implementation of this Act shall be taken from the current  
23 appropriations of the OSG and/or its savings. Thereafter, such sums as may  
24 be necessary for the continued implementation of this Act shall be included in  
25 the annual General Appropriations Act.

26           **SECTION 25. Repealing Clause.** — Pertinent provisions of Executive  
27 Order No. 292, otherwise known as the Revised Administrative Code of 1987,  
28 as amended, Republic Act No. 9417, and all laws, decrees, orders, rules and  
29 regulations or parts thereof which are contrary to or inconsistent with the  
30 provisions of this Act are hereby repealed or amended accordingly.

31           This Act expressly repeals Republic Act No. 2327, Executive Orders 1  
32 and 2, series of 1986, and all other related laws which may be inconsistent  
33 with this Act.

34           **SECTION 26. Separability Clause.** — If any provision of this Act is  
35 declared invalid or unconstitutional, the provisions not affected thereby shall  
36 continue to be in full force and effect.

37           **SECTION 27. Effectivity.** — This Act shall take effect after fifteen  
38 (15) days from its publication in two national newspapers of general  
39 circulation.

Approved,