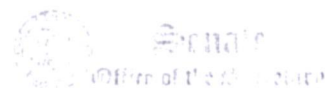


SENATE  
S. No. 1626



17 DEC 4 P 4:00

Introduced by **Senator Richard J. Gordon**

RECEIVED BY 

**AN ACT FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL BY INCREASING ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING, AND RATIONALIZING ITS ORGANIZATION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9417, REPUBLIC ACT NO. 2327, AND EXECUTIVE ORDER NOS. 1 AND 2, S. 1986, AUGMENTING ITS EMPLOYEE BENEFITS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**

**EXPLANATORY NOTE**

The Office of the Solicitor General (OSG) is the principal law office and legal defender of the Government of the Republic of the Philippines. The agency represents the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers.<sup>1</sup> The Office of the Government Corporate Counsel (OGCC), on the other hand, is the principal and statutory law office of government-owned-and-controlled corporations (GOCCs), their subsidiaries, government financial institutions, government corporate offspring, government instrumentalities with corporate powers and government acquired asset corporations.<sup>2</sup> The Presidential Commission on Good Government (PCGG) is charged, among others, with assisting the President in recovering ill-gotten wealth accumulated by former President Ferdinand E. Marcos, his immediate family, relatives, subordinates and close associates, and file and prosecute all cases investigated by the agency.<sup>3</sup>

This bill seeks to consolidate the foregoing functions into the OSG in order to achieve efficiency and economy, remove overlapping functions, and to eliminate possibilities of conflict in positions between the government's law offices. In order to fulfill its increased mandate, the number of legal divisions in the OSG will be increased to fifty (50). Furthermore, in order to ensure a speedy and efficient turnover of cases, a Case Migration Committee shall be formed to supervise the smooth turnover of all cases and legal concerns of the OGCC and the PCGG to the OSG, with corresponding status reports, complete records, and other relevant documents.

Furthermore, considering the importance of the functions performed by the OSG, benefits and privileges of senior lawyers from the OSG shall be augmented to make it at par with their counterparts in the National Prosecution Service and the Public Attorney's Office. This is in order to induce competent lawyers to enter and remain in public employment and render faithful and efficient service while so employed.

Foregoing considered, the immediate approval of this bill is sought.

  
**RICHARD J. GORDON**

<sup>1</sup> E.O. No. 292, Title III, Ch. 12, Secs. 34-35, as amended.

<sup>2</sup> E.O. No. 292, Title III, Ch. 3, Sec. 10, as amended.

<sup>3</sup> E.O. No. 1, Sec. 2.

SENATE  
S. No. 1626

SENATE  
OFFICE OF THE CLERK

17 DEC -4 P 4:00

Introduced by **Senator Richard J. Gordon**

RECEIVED  


**AN ACT FURTHER STRENGTHENING THE OFFICE OF THE SOLICITOR GENERAL BY INCREASING ITS POWERS AND FUNCTIONS, AND REDEFINING, EXPANDING, AND RATIONALIZING ITS ORGANIZATION, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 9417, REPUBLIC ACT NO. 2327, AND EXECUTIVE ORDER NOS. 1 AND 2, S. 1986, AUGMENTING ITS EMPLOYEE BENEFITS, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.**

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

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

2           **SEC. 2. Declaration of Policy.** — It is the declared policy of the State to strengthen  
3 the Office of the Solicitor General (OSG) in order for the agency to fulfill its roles as the  
4 Tribune of the People and the principal law office of the government, which represents the  
5 Republic of the Philippines, its agencies and instrumentalities and its officials and agents in  
6 any litigation, proceeding, investigation or matter requiring the services of lawyers.

7           It is also the policy of the State to ensure efficiency and economy in the operations of  
8 government, eliminate the overlapping of functions, consolidate the legal services in the  
9 government into one office, and concentrate and enhance government efforts for the full  
10 and effective recovery of ill-gotten wealth and properties, including the efficient  
11 investigation and prosecution of cases relative thereto. Towards this end, the Office of the  
12 Government Corporate Counsel (OGCC) and the Presidential Commission on Good  
13 Government (PCGG) are hereby abolished and their respective powers and functions are  
14 transferred to the OSG.

15           With the transfer of the powers and functions of the OGCC and the PCGG to the OSG,  
16 and to ensure the efficient and effective legal representation of the Government, its  
17 departments, bureaus, agencies, and instrumentalities, GOCCs, and officials and agents in  
18 their official capacity, the number of legal and administrative staff of the OSG shall be  
19 increased, as well as their positions and benefits upgraded, to adequately meet the  
20 Republic's burgeoning need for legal services.

21           **SEC. 3. Definition of Terms.** - The following phrases or terms, when used in this Act,  
22 shall have the meanings given to them in this section unless the context clearly indicates  
23 otherwise:



1 (a) "Capacity development" refers to the process whereby the OSG, as an  
2 organization, develops its capability over time to achieve development goals while  
3 enhancing its ability to achieve measurable and sustainable results, through improvement  
4 of knowledge, skills, and systems.

5 (b) "GOCC" refers to government-owned and -controlled corporations, their  
6 subsidiaries, other corporate offspring, including government-acquired asset corporations,  
7 government corporate entities and government instrumentalities with corporate powers,  
8 government financial institutions, and other government corporate entities, agencies and  
9 offices.

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

14 (1) Through misappropriation, conversion, misuse, or malversation of public  
15 funds or raids on the public treasury;

16 (2) Through the receipt, directly or indirectly, of any commission, gift, share,  
17 percentage, kickbacks, or any other form of pecuniary benefit from any person  
18 and/or entity in connection with any government contract or project or by reason of  
19 the office or position of the official concerned;

20 (3) By the illegal or fraudulent conveyance or disposition of assets belonging  
21 to the government or any of its subdivisions, agencies or instrumentalities, or  
22 government-owned or controlled corporations;

23 (4) By obtaining, receiving, or accepting directly or indirectly any shares of  
24 stock, equity, or any other form of interest or participation in any business  
25 enterprise or undertaking;

26 (5) Through the establishment of agricultural, industrial, or commercial  
27 monopolies or other combination and/or by the issuance, promulgation, and/or  
28 implementation of decrees and orders intended to benefit particular persons or  
29 special interests; and

30 (6) By taking undue advantage of official position, authority, relationship, or  
31 influence for personal gain or benefit.

32 **SEC. 4. Organizational Structure.** - The Office of the Solicitor General shall be an  
33 independent and autonomous office attached to the Office of the President for budgetary  
34 purposes.

35 The OSG shall be headed by the Solicitor General, who is the principal law officer  
36 and legal defender of the Government. He/she shall have the authority and responsibility

1 for the exercise of the OSG's mandate and the discharge of its duties and functions, and  
2 shall have supervision and control over the OSG and its constituent units.

3 The Solicitor General shall be assisted by a Legal Staff composed of Assistant  
4 Solicitors General and such number of Solicitors and Trial Attorneys as may be necessary  
5 for the proper and efficient operation of the OSG.

6 There shall be at least fifty (50) legal divisions in the OSG. Each division shall be  
7 headed by an Assistant Solicitor General and shall consist of at least ten (10) Solicitors and  
8 Trial Attorneys and such other personnel as may be necessary for each division to  
9 effectively carry out its functions: *Provided*, that the Solicitor General may assign or  
10 transfer the Assistant Solicitors General, Solicitors or Trial Attorneys to any of the divisions  
11 of the OSG.

12 The administrative structure of the OSG shall be organized into the Financial  
13 Management Service, Docket Management Service, Human Resources Management and  
14 Administrative Service, and Budget and Planning Service, which shall each be composed of  
15 its necessary divisions and sections. Each Service shall be headed by a Director, who shall  
16 be appointed by the President.

17 There shall be an Office of Legal Services (OLS) within the OSG. The OLS shall be  
18 headed by a Chief Legal Officer who shall be considered as a "Confidential" appointee of the  
19 Solicitor General, and whose tenure shall be coterminous with the latter. The Chief Legal  
20 Office shall have the same qualifications and salary grade as an Assistant Solicitor General.  
21 The qualifications, salary grade, and benefits of the OLS staff shall be determined by the  
22 Solicitor General. The Chief Legal Officer shall be assisted by such other personnel as may  
23 be necessary to effectively carry out the functions of the OLS.

24 A special task force within the OSG shall be created to be composed of at least five  
25 (5) legal divisions, which shall be primarily responsible for performing the powers and  
26 functions under Section 5 (m) of this Act. Pending judicial determination of the ownership  
27 of ill-gotten assets, the task force shall be responsible for preserving and maintaining such  
28 assets. For this purpose, the members of the task force may be assigned or designated to sit  
29 in the Board of Directors of concerned entities by the Solicitor General. The task force shall  
30 also perform research and development functions.

31 The administrative support of the task force shall be provided by special units  
32 within the Docket Management Section of the OSG, which shall have the function of  
33 maintaining and monitoring the records of cases as well as the safe-keeping of evidence  
34 and documents; and within the Property Management Section of the OSG in the  
35 preservation and maintenance of sequestered assets and of other assets that subject of  
36 pending litigation in the ill-gotten wealth complaints filed by the PCGG with the  
37 Sandiganbayan and related cases.



1           **SEC. 5. Powers and Functions.** - The OSG shall represent the Government of the  
2 Philippines, its agencies and instrumentalities, including GOCCs, and its officials and agents  
3 acting in their official capacity, in any litigation, proceeding, investigation, or matter  
4 requiring the services of a lawyer. As the principal law office of the Government, the OSG  
5 shall have the following specific powers and functions:

6           (a) Represent the Government and the People of the Philippines in the Supreme  
7 Court and the Court of Appeals in all criminal proceedings; represent the Government and  
8 its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in  
9 all civil actions and special proceedings in which the Government has been impleaded as a  
10 party, or any official of the Government sued in the lawful performance of duty;

11           (b) Investigate, initiate court action, or in any manner proceed against any person,  
12 corporation, or firm for the enforcement of any contract, bond, guarantee, mortgage,  
13 pledge, or other collateral executed in favor of the Government;

14           (c) Appear in any court in any action involving the validity of any treaty, law,  
15 executive order or proclamation, or rule or regulation when in his judgment his  
16 intervention is necessary or when requested by the Court;

17           (d) Appear in all proceedings involving the acquisition or loss of Philippine  
18 citizenship;

19           (e) Represent the Government in all land registration and related proceedings, and  
20 institute actions for the reversion to the Government of lands of the public domain and  
21 improvements thereon as well as lands held in violation of the Constitution;

22           (f) Conciliate, mediate, settle, or adjudicate all disputes, claims and controversies  
23 solely between or among the departments, bureaus, offices, agencies, and instrumentalities  
24 of the National Government, including GOCCs;

25           (g) Render opinion and advice on matters referred by the departments, bureaus,  
26 offices, agencies, and instrumentalities of the National Government, including GOCCs;

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

33           (i) Deputize, whenever in the opinion of the Solicitor General the public interest so  
34 requires, any provincial or city prosecutor to assist in the performance of any function or  
35 discharge of any duty incumbent upon the Solicitor general, within the jurisdiction of the  
36 aforesaid provincial or city prosecutor. When so deputized, the prosecutor shall be under  
37 the control and supervision of the Solicitor General with regard to the conduct of the

1 proceedings assigned to the prosecutor, and may be required to render reports or furnish  
2 information regarding the assignment;

3 (j) The provision of any law to the contrary notwithstanding, act as the legal counsel  
4 and serve as the principal law office of all GOCCs. All GOCCs shall refer to the OSG all  
5 contracts for review before their execution and all cases for representation before regular  
6 courts, quasi-Judicial bodies, administrative agencies, and arbitral tribunals: *Provided*, the  
7 Solicitor General may authorize the legal department of the concerned GOCC to appear as  
8 collaborating counsel for purposes of expediency or when the case demands urgency.

9 As legal counsel of all GOCCs, the OSG shall also perform the following duties and  
10 functions:

11 (1) Exercise control and supervision over the legal departments of all GOCCs  
12 directly or through designated Assistant Solicitors General, Solicitors or Trial  
13 Attorneys;

14 (2) Exercise visitorial powers over GOCCs;

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

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

21 (5) Devise a system of record-keeping, such as a centralized database for  
22 legal opinions, to ensure that the integrity of vital documents remain intact; and

23 (6) Require the in-house lawyers or legal departments of GOCCs to submit  
24 periodic reports of work performed and accomplished and to supervise and control  
25 the necessary legal action; and,

26 (7) Perform other functions as may be provided by law, and such additional  
27 tasks as may be required by the GOCCs, including corporate secretary functions,  
28 with the conformity of the Solicitor General.

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

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



1 Departments, bureaus, agencies, offices, instrumentalities, and GOCCs to whom the  
2 OSG renders legal services are authorized to disburse funds from their sundry operating  
3 and other funds for the OSG. For this purpose, the Solicitor General, Assistant Solicitors  
4 General, Senior State Solicitors, State Solicitors, and Associate Solicitors are specifically  
5 authorized to receive allowances as may be provided by the Government offices,  
6 instrumentalities, and GOCCs concerned, in addition to their regular compensation:  
7 *Provided*, that the total extra compensation shall, in no case, exceed fifty percentum (50%)  
8 of his/her annual salary.

9 (m) Exercise and perform the following powers and functions of the PCGG which are  
10 hereby transferred to the OSG:

11 (1) File and prosecute all cases investigated by the PCGG under Executive  
12 Order No. 1, dated February 28, 1986, Executive Order No. 2, dated 12 March 1986,  
13 and Executive Order No. 432, dated May 26, 2005, as may be warranted by its  
14 findings;

15 (2) Continue handling cases relative to the recovery of ill-gotten wealth and  
16 behest loans;

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

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

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

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

1 (p) Represent the Republic or the people before any court, tribunal, body, or  
2 commission in any matter, action, or proceeding that, in his opinion, affects the welfare of  
3 the people as the ends of justice may require;

4 (q) (1) Acquire, own, hold, or lease real and personal property; (2) sell or otherwise  
5 dispose of the same; (3) enter into contracts including loan agreements and joint venture  
6 agreements; and (3) do and 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 and train for  
9 and experience legal practice in public service; and,

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

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

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

21 **SEC. 7. Appointments.** - The Solicitor General shall be appointed by the President of  
22 the Republic of the Philippines.

23 The Assistant Solicitors General, Senior State Solicitors, and State Solicitors shall be  
24 appointed by the President upon the recommendation of the Solicitor General. Associate  
25 Solicitors and Trial Attorneys shall be appointed by the Solicitor General. The  
26 recommendations and appointments by the Solicitor General shall be subject to the  
27 qualifications provided in Section 8 of this Act.

28 The Financial Management Service, Docket Management Service, Human Resources  
29 Management and Administrative Service, and Budget and Planning Service shall each be  
30 headed by a Director to be appointed by the Solicitor General. The Service Heads shall  
31 possess the necessary Career Executive Service eligibility and qualifications for the position  
32 prescribed under existing civil service laws, rules, and regulations: *Provided*, That if a  
33 Service Head who does not possess the necessary eligibility and qualifications is occupying  
34 the position at the time of the effectivity of this Act, such person shall continue to perform  
35 the functions of the position as Officer-in-Charge and shall have a maximum of two (2)  
36 years to comply with the eligibility and qualifications prescribed herein: *Provided further*, if  
37 the Service Head fails or is unable to meet the eligibility and qualifications for the position



1 after the lapse of two (2) years from the effectivity of this Act, such person shall be *ipso jure*  
2 removed from said position.

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

4 **SEC. 8. Standards, Qualifications, Salaries and Benefits.** - The Solicitor General  
5 shall have the rank of a Cabinet Secretary and the same qualifications for appointment,  
6 rank, category, prerogatives, salary grade and salaries, allowances, emoluments, privileges,  
7 retirement and other benefits, and shall be subject to the same inhibitions and  
8 disqualifications, as an Associate Justice of the Supreme Court.

9 An Assistant Solicitor General shall have the same qualifications for appointment,  
10 rank, category, prerogatives, salary grade and salaries, allowances, emoluments, privileges,  
11 retirement and other benefits, and shall be subject to the same inhibitions and  
12 disqualifications, of an Associate Justice of the Court of Appeals.

13 The qualifications for appointment, rank, category, prerogatives, salaries,  
14 allowances, emoluments, privileges, retirement and all other benefits of Solicitors shall be  
15 the same as judges, specified as follows:

16 (a) A Senior State Solicitor shall have the same rank, category, prerogatives, salaries,  
17 allowances, emoluments, privileges, retirement and all other benefits of a Regional Trial  
18 Court Judge, and shall have the following qualifications:

- 19 (1) A citizen of the Philippines;  
20 (2) At least thirty-five (35) years of age;  
21 (3) For at least ten (10) years, has been engaged in the practice of law in the  
22 Philippines or has held a public office in the Philippines requiring  
23 admission to the practice of law as an indispensable requisite; and,  
24 (4) Proven competence, integrity, probity, and independence.

25 (b) A State Solicitor II shall have the same rank, category, prerogatives, salaries,  
26 allowances, emoluments, privileges, retirement and all other benefits of a Metropolitan  
27 Trial Court Judge, while a State Solicitor I, that of a Municipal Trial Court in Cities Judge,  
28 and shall have the following qualifications:

- 29 (1) A citizen of the Philippines;  
30 (2) At least thirty-five (30) years of age;  
31 (3) For at least five (5) years, has been engaged in the practice of law in the  
32 Philippines or has held a public office in the Philippines requiring  
33 admission to the practice of law as an indispensable requisite; and,  
34 (4) Proven competence, integrity, probity, and independence.

35 (c) An Associate Solicitor III shall have the following qualifications:

- 36 (1) A citizen of the Philippines;  
37 (2) A member of the Philippine bar;

- 1 (3) For at least three (3) years, has been engaged in the practice of law in the  
2 Philippines or has held a public office in the Philippines requiring  
3 admission to the practice of law as an indispensable requisite; and,  
4 (4) With Sixteen (16) hours of relevant training.

5 (d) An Associate Solicitor II shall have the following qualifications:

- 6 (1) A citizen of the Philippines;  
7 (2) A member of the Philippine bar;  
8 (3) For at least one (1) year, has been engaged in the practice of law in the  
9 Philippines or has held a public office in the Philippines requiring  
10 admission to the practice of law as an indispensable requisite; and,  
11 (4) With Four (4) hours of relevant training.

12 (e) An Associate Solicitor I shall have the following qualifications:

- 13 (1) A citizen of the Philippines;  
14 (2) A member of the Philippine bar; and,  
15 (3) Such other qualifications, prerogatives and responsibilities as may be  
16 required or determined by the Solicitor General.

17 The Solicitor General shall be entitled to the same retirement benefits and privileges  
18 as an Associate Justice of the Supreme Court upon reaching the age of sixty (60) years;  
19 *Provided, That, he/she shall have served in such capacity continuously for at least three (3)*  
20 *years.*

21 When an Assistant Solicitor General, Senior State Solicitor, or State Solicitor who has  
22 rendered at least fifteen (15) years of service either in the OSG or in any branch of  
23 government, or in both, retires for having attained the age of sixty-five (65) years or  
24 resigns by reason of incapacity to discharge the duties of the office as certified by the  
25 Solicitor General, such Assistant Solicitor General, Senior State Solicitor, or State Solicitor  
26 shall, during the residue of his/her natural life, in the manner hereinafter provided, receive  
27 a retirement pension based on the highest monthly salary, plus the highest monthly  
28 aggregate of transportation, living and representation allowances being received by the  
29 Assistant Solicitor General, Senior State Solicitor, or State Solicitor at the time of retirement  
30 or resignation.

31 When Assistant Solicitor General, Senior State Solicitor, or State Solicitor has  
32 attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in  
33 government, the last five (5) years of which must have been continuously rendered in the  
34 OSG, such official or employee shall likewise be entitled to retire and receive during the  
35 residue of his/her natural life the same benefits provided for in this section: *Provided,*  
36 *however, That those with less than fifteen (15) years of service in the government shall be*  
37 *entitled to a pro-rata pension computed as follows:*



1	<u>No. of years in government</u>	Basic Pay plus the Highest Monthly
2	15 years	x Aggregate of Transportation, Living
3		and Representation Allowance

4       **SEC. 9. *Conditions.*** – While receiving the pension and benefits granted herein, no  
5 retired or resigned official or employee covered in the immediately preceding section shall  
6 appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the  
7 Government or any agency, subdivision, or instrumentality thereof is an adverse party, or  
8 in any criminal case wherein any officer or employee of the Government is accused of an  
9 offense committed in relation to their office, or collect any fee for appearance in any  
10 administrative proceedings to maintain an interest adverse to the government, whether  
11 national, provincial, or municipal or to any of its legally constituted officers.

12       **SEC. 10. *Automatic Increase.*** - All pension benefits of retired officials or employees  
13 of the OSG shall be automatically increased whenever there is an increase in the salary and  
14 allowance in the same position from which they retired.

15       **SEC. 11. *Survivorship Benefits.*** – Upon the death of a retired or incumbent official  
16 or employee, the surviving legitimate spouse and dependent children of said official or  
17 employee shall be entitled to receive on a monthly basis all the retirement benefits that the  
18 deceased had been receiving or entitled to receive at the time of death under the provisions  
19 of the applicable retirement laws then in force. A “dependent” means a legitimate,  
20 illegitimate or legally-adopted child who is chiefly dependent on the said deceased  
21 Ombudsman official or employee if such dependent is not more than twenty-one (21) years  
22 of age, unmarried and not gainfully employed, or if such dependent, regardless of age, is  
23 incapable of self-support because of mental or physical defect. The surviving legitimate  
24 spouse shall continue to receive the retirement benefits during such spouse’s lifetime or  
25 until the surviving spouse remarries: *Provided*, That if the surviving spouse is receiving  
26 benefits under existing retirement laws, such spouse shall only be entitled to the difference  
27 between the amount provided for in this Act and the benefits the surviving spouse is  
28 receiving. *Provided*, furthermore. That the surviving legitimate spouse receiving the benefit  
29 shall not appear as counsel before any court in any civil case wherein the Government or  
30 any subdivision or instrumentality thereof, including GOCCs, is the adverse party, or in any  
31 criminal case wherein an incumbent or former officer or employee of the Government is  
32 accused of an offense committed in relation to their office, or collect any fee for the  
33 appearance in any administrative proceeding: *Provided*, finally. That a surviving legitimate  
34 spouse duly elected to any public office shall not, upon assumption of office and during the  
35 spouse’s term as elected public official, receive the survivorship benefits under this section.

36       **SEC. 12. *Office of Legal Services.*** - The Office of Legal Services (OLS) shall perform  
37 the following duties and functions:

1 (a) Drafting of proposed legislative measures to strengthen the OSG to enable it to  
2 efficiently and effectively discharge its mandate, for submission by the Solicitor General to  
3 Congress and to the President of the Philippines;

4 (b) Conduct research on legal issues that may be assigned by the Solicitor General;

5 (c) Assist the Solicitor General, Assistant Solicitors General, State Solicitors,  
6 Associate Solicitors, and all other employees of the OSG who are impleaded in their official  
7 capacity in any litigation, proceeding, investigation, or matter requiring the services of a  
8 lawyer; and,

9 (d) Such other duties and functions that may be assigned by the Solicitor General.

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

21 The OSG employee who undergoes capacity development training must render  
22 compulsory service obligation based on the total cost of the training, including incidental  
23 costs such as airfare, accommodation, and allowances, as follows:

Amount of the Grant	Service Obligation
Over Php 500,000.00	5 years
Over Php 300, 000.00 but not exceeding Php 500, 000.00	3 years
Over Php 150,000.00 but not exceeding Php 300,000.00	2 years
Php 150,000 and below	1 year

31 For failure to render the required length of service referred to in the immediately  
32 preceding paragraph on account of voluntary resignation, separation from the service  
33 through his/her own fault or other causes within his/her control, the grantee or trainee  
34 shall refund in full to the government within six (6) months from separation from the OSG  
35 such amount as may have been spent for expenses incident to his/her capacity  
36 development.



1 Furthermore, every trainee shall, after completion of the capacity development  
2 training, submit to the Solicitor General a post training report stating therein his/her  
3 recommendation/proposal relative to his plan to apply relevant aspects of the training on  
4 the job, and other training materials, within sixty (60) days upon return to duty.

5 Non-compliance with the reportorial requirements of the trainee shall result in the  
6 withholding of the trainee's salary equivalent to the cost of training or conference,  
7 including airfare, transportation allowance, and other expenses borne by the government.  
8 It shall only be lifted upon completion of the requirements as certified by the Solicitor  
9 General.

10 **SEC. 14. Compensation.** - The salary grades of the Solicitor General, Assistant  
11 Solicitors General, Senior State Solicitors, State Solicitors, and Associate Solicitors shall be  
12 as follows:

13	Position	Salary Grade
14	Solicitor General	31
15	Assistant Solicitor General	30
16	Senior State Solicitor	29
17	State Solicitor II	28
18	State Solicitor I	27
19	Associate Solicitor III	26
20	Associate Solicitor II	25
21	Associate Solicitor I	24

22 The Solicitor General, Assistant Solicitor General, and Solicitors shall be entitled to  
23 step increments and longevity pay which shall be equivalent to those being received by  
24 their counterparts in the Judiciary.

25 The positions and salaries of non-legal personnel in the OSG shall be on the same  
26 level as their counterparts in the Court of Appeals.

27 **SEC 15. Benefits and Privileges.** - Subject to the availability of funds, the Office of  
28 the Solicitor General may provide its employees with the following benefits:

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

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

35 (3) Without prejudice to efficiency in the service, Scholarship to deserving  
36 employees on official time and at the expense of the Office of the Solicitor General to

1 enhance their academic growth and upgrade their knowledge and skills. Scholars under  
2 this provision shall be selected on the basis of competitive examination; and

3 (4) A provident fund which shall consist of contributions made both by the Office of  
4 the Solicitor General and by its lawyers and employees to a common fund for the payment  
5 of benefits to such lawyers or employees or their heirs.

6 **SEC. 16. Seminar and Other Professional Fees.** - Subject to the availability of funds,  
7 fees for relevant seminars, as well as professional membership fees, registration fees, and  
8 related miscellaneous expenses incurred in completing the mandatory continuing legal  
9 education (MCLE) course shall be borne by the OSG for its lawyers: *Provided* That lawyers  
10 whose lifetime membership fees to the Integrated Bar of the Philippines (IBP) have been  
11 paid up or reimbursed by the OSG shall maintain their service in the OSG for at least five (5)  
12 years: *Provided, further,* That should such lawyers resign or in any manner separate from  
13 the Office before the end of the bond, they shall be required to reimburse the paid up IBP  
14 membership dues or fees *pro rata.* (n)

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

19 **SEC. 17. Grant of Special Allowances.** - The Solicitor General, Assistant Solicitor  
20 General, Senior State Solicitor, State Solicitors I and II and Associate Solicitors I to III shall  
21 be granted special allowances in amounts to be determined by the Secretary of the  
22 Department of Budget and Management and the Solicitor General.

23 The grant of special allowances shall be implemented uniformly in such sums and  
24 amounts and up to the extent only that can be supported by the funding source specified in  
25 Section 11 hereof: *Provided,* That the said special allowance shall not exceed Fifty percent  
26 (50%) of the basic salary of solicitors as provided in Republic Act No. 6758, otherwise  
27 known as the Salary Standardization Law.

28 **SEC. 18. Other Benefits.** - The lawyers of the OSG are allowed to receive honoraria  
29 and allowances directly from each client department, agency, GOCC, or instrumentality of  
30 the Government for the legal services rendered, including appearing in hearings, providing  
31 legal advice, drafting of contracts and legal documents, and performing other designated  
32 functions. Such honoraria and allowances shall be exempt from income tax: *Provided,* That  
33 the total of said honoraria and allowances shall not exceed Fifty percent (50%) of the basic  
34 salary of solicitors as provided in Republic Act No. 6758, otherwise known as the Salary  
35 Standardization Law.

36 **SEC. 19. Franking Privilege.** - All official mail matters and telegrams of the OSG  
37 addressed for delivery within the Philippines shall be received, transmitted, and delivered



1 free of charge: Provided, that such mail matters when addressed to private persons or non-  
2 government offices shall not exceed one hundred twenty (120) grams.

3 **SEC. 20. Funding.** - The funds required for the implementation of this Act, including  
4 those for health care services, survivorship benefits, insurance premiums, professional,  
5 educational, and registration fees, transportation benefits, and other benefits and  
6 privileges mentioned in the other provisions of this Act, shall be provided for in the General  
7 Appropriations Act and augmented by funds sourced from the following:

8 (a) Ten percent (10%) of monetary awards or value of assets adjudged by the  
9 Courts or tribunals to client departments, agencies and instrumentalities of the  
10 Government, and GOCCs, including those under court approved compromise agreements;

11 (b) Ten percent (10%) of assets adjudged to the Government in forfeiture  
12 proceedings;

13 (c) Fifty percent (50%) of fees collected by the Special Committee on  
14 Naturalization; and

15 (d) All other income, fees and revenues earned and collected by the OSG.

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

18 The amounts collected pursuant to paragraphs (a) to (d) in this Section shall  
19 constitute a trust fund as defined in the next section.

20 **SEC. 20. Trust Fund.** - There is hereby created an OSG Trust Fund (OTF) sourced  
21 from the amounts collected pursuant to Section 20 of this Act. The OTF shall be  
22 administered by the Solicitor General in accordance with existing government auditing  
23 rules and regulations, and shall be used exclusively for the provision of the benefits and  
24 privileges provided in this Act and for the effective implementation of the powers and  
25 functions of the OSG. All interest income, dividends and earnings accrued from the OTF  
26 shall also form part of the Trust Fund. No portion of the OTF shall revert to the general  
27 fund of the National Government, except when the Trust Fund is no longer necessary for  
28 the purposes for which it was established.

29 **SEC. 21. Transfer of Cases.** - All cases being handled by the OGCC shall be  
30 transferred to the OSG: Provided, however, that the handling OGCC lawyer shall submit a  
31 status report of all cases he or she is handling to the Solicitor General: Provided, further,  
32 that a certification under oath that the records of the case transmitted to the OSG are  
33 complete shall be made by the handling OGCC lawyer as a pre-condition for receiving the  
34 separation or retirement benefits under this Act.

35 **SEC. 22. Case Migration.** - Upon the effectivity of this Act, a transition "Case  
36 Migration Committee" (CMC) shall be created, composed of three (3) members from each of  
37 the respective records and docket divisions of the OSG, the OGCC, and the PCGG, at least

1 two (2) members from the legal divisions of all GOCCs, and at least two (2) lawyers each  
2 from the OSG, the OGCC, and the PCGG.

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

7 The CMC shall have the responsibility of determining which cases and legal concerns  
8 need immediate attention or are extremely urgent. These cases and legal concerns shall be  
9 immediately transferred or referred to the OSG.

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

12 **SEC. 23. Absorption of Personnel.** - The officials and employees of the OGCC and  
13 the PCGG affected by the abolition of their respective offices shall be absorbed in the OSG:  
14 Provided, That said officials or employees possess the necessary eligibility and  
15 qualifications for the position as prescribed in this Act: Provided, further, That such  
16 absorbed personnel shall not be entitled to the retirement or separation benefits provided  
17 in the next section. The absorption of such officials and employees in the OSO shall retroact  
18 to the date of the effectivity of this Act, or to such date that would prevent a gap in the  
19 service of such absorbed personnel.

20 **SEC. 24. Retirement or Separation from Service.** - Consequent to the abolition of  
21 the OGCC and the PCGG. OGCC and PCGG officials and employees who are at least fifty (50)  
22 years of age and have served at least fifteen (15) years in the government service, the last  
23 five (5) years of which shall have been continuously rendered in the OGCC or the PCGG,  
24 shall be qualified for retirement with full retirement gratuity and pension pursuant to  
25 applicable laws, Those who lack any one of the above qualifications shall receive a  
26 separation pay equivalent to one and a half (1 & 1/2) months for every year of service in  
27 government, which will be provided for in the General Appropriations Act.

28 **SEC. 24. Implementing Rules and Regulations.** - Within sixty (60) days from the  
29 approval of this Act, the Solicitor General, in coordination with the Secretary of Budget and  
30 Management, shall promulgate such rules and regulations as may be necessary to  
31 effectively carry out the provisions of this Act. Until such time that the rules and  
32 regulations are promulgated and Section 21 of this law is implemented, the officials and  
33 administrative personnel of the OGCC and PCGG shall remain in their positions in a  
34 holdover capacity.

35 **SEC. 25. Appropriation.** - The amount necessary for the initial implementation of  
36 this Act shall be taken from the current appropriations of the OSG and its savings.



1    Thereafter, such sums as may be necessary for the continued implementation of this Act  
2    shall be included in the annual General Appropriations Act.

3           **SEC. 26. *Repealing Clause.*** - This Act expressly repeals Republic Act No. 2327,  
4    Executive Order No. 1, s. 1986, Executive Order No. 2, s. 1986, and Republic Act No. 9417.  
5    Pertinent provisions of Executive Order No. 292, otherwise known as the Revised  
6    Administrative Code of 1987, as amended, and all laws, decrees, orders, rules and  
7    regulations or parts thereof which are contrary to or inconsistent with the provisions of  
8    this Act are hereby amended, repealed or modified accordingly.

9           **SEC. 27. *Separability Clause.*** - If any provision of this Act is declared invalid or  
10   unconstitutional, the provisions not affected thereby shall continue to be in full force and  
11   effect.

12          **SEC. 28. *Effectivity.*** - This Act shall take effect after fifteen (15) days from its  
13   publication in the Official Gazette or in at least two (2) newspapers of general circulation.

14          *Approved,*