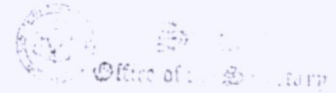


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S. B. No. 825

'19 JUL 30 A9:16

RECEIVED

Introduced by Senator SONNY ANGARA

AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9417 AND EXECUTIVE
ORDER NO. 292, 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. 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.

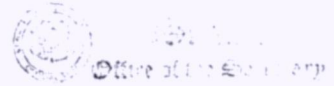
Briefly, the bill seeks to amend the OSG law in the following manner:

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; and
5. Funding for the benefits stated shall be sourced from the monetary awards or assets granted by the courts and assets awarded to the Government in forfeiture proceedings;

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



SONNY ANGARA



SENATE
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Introduced by Senator SONNY ANGARA

AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9417 AND EXECUTIVE
ORDER NO. 292, AND APPROPRIATING FUNDS THEREFOR

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

1 Section 1. Section 35, Book IV, Title III, Chapter 12 of Executive Order 292, is
2 hereby amended to read as follows:

3 "Sec. 35. *Powers and Functions.* – The Office of the Solicitor
4 General shall represent the Government of the Philippines, its
5 agencies and instrumentalities, and its officials and agents in any
6 litigation, proceeding, investigation, or matter requiring the
7 services of a lawyer. When authorized by the President or head of
8 the office concerned, it shall also represent government owned or
9 controlled corporations. The Office of the Solicitor General shall
10 constitute the law office of the Government and, as such, shall
11 discharge duties requiring the services of a lawyer. It shall have
12 the following specific powers and functions:

13 (1) Represent the Government in the Supreme Court and the
14 Court of Appeals in all criminal proceedings; represent the
15 Government and its officers in the Supreme Court, the Court
16 of Appeals, and all other courts or tribunals in all civil actions

1 and special proceedings in which the Government or any
2 officer thereof in his official capacity is a party.

3 (2) Investigate, initiate court action, or in any manner
4 proceed against any person, corporation, or firm for the
5 enforcement of any contract, bond, guarantee, mortgage,
6 pledge, or other collateral executed in favor of the
7 Government. Where the proceedings are to be conducted
8 outside of the Philippines, the Solicitor General may employ
9 counsel to assist in the discharge of the aforementioned
10 responsibilities.

11 (3) Appear in any court in any action involving the validity of
12 any treaty, law, executive order or proclamation, rule or
13 regulation when in his judgment his intervention is
14 necessary or when requested by the Court.

15 (4) Appear in all proceedings involving the acquisition or loss
16 of Philippine citizenship.

17 (5) Represent the Government in all land registration and
18 related proceedings. Institute actions for the reversion to the
19 Government of lands of the public domain and improvements
20 thereon as well as lands held in violation of the Constitution.

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

29 (7) Deputize, whenever in the opinion of the Solicitor General
30 the public interest requires, any provincial or city fiscal to
31 assist him in the performance of any function or discharge of
32 any duty incumbent upon him, within the jurisdiction of the

1 aforesaid provincial or city fiscal. When so deputized, the
2 fiscal shall be under the control and supervision of the
3 Solicitor General with regard to the conduct of the
4 proceedings assigned to the fiscal, and he may be required to
5 render reports or furnish information regarding the
6 assignment.

7 (8) Deputize legal officers of government departments,
8 bureaus, agencies, and offices to assist the Solicitor General
9 and appear or represent the Government in all cases
10 involving their respective offices, brought before the courts,
11 and exercise supervision and control over such legal officers
12 with respect to such cases.

13 (9) Call on any department, bureau, office, agency, or
14 instrumentality of the Government, for such service,
15 assistance and cooperation as may be necessary in fulfilling
16 its functions and responsibilities and for this purpose enlist
17 the services of any government official or employee in the
18 pursuit of its tasks.

19 Departments, bureaus, agencies, offices,
20 instrumentalities and corporations to whom the Office of the
21 Solicitor General renders legal services are authorized to
22 disburse funds from their sundry operating and other funds
23 for the latter Office. For this purpose, the Solicitor General
24 and his staff are specifically authorized to receive allowances
25 as may be provided by the Government offices,
26 instrumentalities and corporations concerned, in addition to
27 their regular compensation.

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

1 (11) Act and represent the Republic and/or the People before
2 any court, tribunal, body, or commission in any matter, action,
3 or proceeding which, in his opinion, affects the welfare of the
4 people as the ends of justice may require.

5 **(12) CONCILIATE, MEDIATE, ADMINISTRATIVELY**
6 **SETTLE, OR ADJUDICATE ALL DISPUTES, CLAIMS,**
7 **AND CONTROVERSIES INVOLVING MIXED**
8 **QUESTIONS OF FACT AND LAW, OR QUESTIONS OF**
9 **FACT ONLY, SOLELY BETWEEN OR AMONG THE**
10 **DEPARTMENTS, BUREAUS, OFFICES, AGENCIES, AND**
11 **INSTRUMENTALITIES OF THE NATIONAL**
12 **GOVERNMENT, INCLUDING CONSTITUTIONAL**
13 **OFFICES OR AGENCIES;**

14 **(13) RENDER OPINION AND ADVICE ON MATTERS**
15 **REFERRED BY THE DEPARTMENTS, BUREAUS,**
16 **OFFICES, AGENCIES, AND INSTRUMENTALITIES OF**
17 **THE NATIONAL GOVERNMENT BEING REPRESENTED**
18 **BY THE OSG;**

19 **(14) SUBJECT TO THE APPROVAL OF THE PRESIDENT,**
20 **ENGAGE THE SERVICES OF COUNSEL TO ASSIST IN**
21 **THE DISCHARGE OF HIS DUTIES AND**
22 **RESPONSIBILITIES IN CASES REQUIRING HIGHLY**
23 **SPECIALIZED LEGAL SKILLS, KNOWLEDGE OR**
24 **EXPERTISE, INCLUDING, BUT NOT LIMITED TO,**
25 **FOREIGN ARBITRATIONS AND LITIGATIONS. THE**
26 **ENGAGEMENT OF SUCH COUNSEL IN FOREIGN**
27 **ARBITRATIONS AND LITIGATIONS SHALL BE EXEMPT**
28 **FROM THE COVERAGE OF REPUBLIC ACT NO. 9184;**

29 **(15) ENTER INTO ANY CONTRACT OR TRANSACTION**
30 **FOR THE ACQUISITION, OWNERSHIP, POSSESSION,**
31 **ADMINISTRATION, LEASE, DISPOSITION, OR**

1 **ACCEPTANCE OF REAL OR PERSONAL PROPERTY, OR**
2 **ANY INTEREST THEREIN, IN ITS NAME;**

3 **(16) PROVIDE A LEGAL INTERNSHIP PROGRAM FOR**
4 **LAW STUDENTS; AND**

5 **(17) Perform such other functions as may be provided by**
6 **law."**

7 Sec. 2. Section 3 of Republic Act No. 9417 is hereby amended to read, as
8 follows:

9 "Sec. 3. *Standards, **QUALIFICATIONS, SALARIES AND***
10 ***BENEFITS.*** – The Solicitor General shall have [~~a cabinet~~
11 ~~rank~~] **THE RANK OF A CABINET SECRETARY** and the
12 same qualifications for appointment, rank, **CATEGORY,**
13 prerogatives, **SALARY GRADE AND** salaries, allowances,
14 **EMOLUMENTS,** [~~benefits and~~] **AND OTHER** privileges, [~~as~~
15 ~~the Presiding Justice of the Court of Appeals~~], **AND SHALL**
16 **BE SUBJECT TO THE SAME INHIBITIONS AND**
17 **DISQUALIFICATIONS, AS THOSE OF AN ASSOCIATE**
18 **JUSTICE OF THE SUPREME COURT** [~~an Assistant Solicitor~~
19 ~~General, those of an Associate Justice of the Court of~~
20 ~~Appeals.];~~

21 **AN ASSISTANT SOLICITOR GENERAL SHALL BE**
22 **APPOINTED BY THE PRESIDENT, AND SHALL HAVE**
23 **THE SAME QUALIFICATIONS FOR APPOINTMENT,**
24 **RANK, CATEGORY, PREROGATIVES, SALARY GRADE**
25 **AND SALARIES, ALLOWANCES, EMOLUMENTS,**
26 **PRIVILEGES, AND SHALL BE SUBJECT TO THE SAME**
27 **INHIBITIONS AND DISQUALIFICATIONS, AS THOSE**
28 **OF AN ASSOCIATE JUSTICE OF THE COURT OF**
29 **APPEALS.**

30 **A SENIOR STATE SOLICITOR SHALL BE**
31 **APPOINTED BY THE PRESIDENT, AND SHALL HAVE**
32 **THE SAME RANK, CATEGORY, PREROGATIVES,**

1 SALARIES, ALLOWANCES, EMOLUMENTS,
2 PRIVILEGES, RETIREMENT AND ALL OTHER BENEFITS
3 OF A REGIONAL TRIAL COURT JUDGE, AND SHALL
4 HAVE THE FOLLOWING QUALIFICATIONS:

- 5 (1) A CITIZEN OF THE PHILIPPINES;
- 6 (2) AT LEAST THIRTY-FIVE (35) YEARS OF
7 AGE;
- 8 (3) FOR AT LEAST TEN (10) YEARS, HAS BEEN
9 ENGAGED IN THE PRACTICE OF LAW IN THE
10 PHILIPPINES OR HAS HELD A PUBLIC
11 OFFICE IN THE PHILIPPINES REQUIRING
12 ADMISSION TO THE PRACTICE OF LAW AS
13 AN INDISPENSABLE REQUISITE; AND,
- 14 (4) PROVEN COMPETENCE, INTEGRITY,
15 PROBITY, AND INDEPENDENCE.

16 A STATE SOLICITOR II SHALL BE APPOINTED
17 BY THE PRESIDENT, AND SHALL HAVE THE SAME
18 RANK, CATEGORY, PREROGATIVES, SALARIES,
19 ALLOWANCES, EMOLUMENTS, PRIVILEGES,
20 RETIREMENT AND ALL OTHER BENEFITS OF JUDGE OF
21 A METROPOLITAN TRIAL COURT, AND SHALL HAVE
22 THE FOLLOWING QUALIFICATIONS:

- 23 (1) A CITIZEN OF THE PHILIPPINES;
- 24 (2) AT LEAST THIRTY (30) YEARS OF AGE;
- 25 (3) FOR AT LEAST FIVE (5) YEARS, HAS BEEN
26 ENGAGED IN THE PRACTICE OF LAW IN THE
27 PHILIPPINES OR HAS HELD A PUBLIC
28 OFFICE IN THE PHILIPPINES REQUIRING
29 ADMISSION TO THE PRACTICE OF LAW AS
30 AN INDISPENSABLE REQUISITE; AND,
- 31 (4) PROVEN COMPETENCE, INTEGRITY,
32 PROBITY, AND INDEPENDENCE.

1 A STATE SOLICITOR I SHALL BE APPOINTED BY
2 THE PRESIDENT, AND SHALL HAVE THE SAME RANK,
3 CATEGORY, PREROGATIVES, SALARIES,
4 ALLOWANCES, EMOLUMENTS, PRIVILEGES,
5 RETIREMENT AND ALL OTHER BENEFITS OF JUDGE OF
6 A MUNICIPAL TRIAL COURT IN CITIES, AND SHALL
7 HAVE THE FOLLOWING QUALIFICATIONS:

- 8 (1) A CITIZEN OF THE PHILIPPINES;
9 (2) AT LEAST THIRTY (30) YEARS OF AGE;
10 (3) FOR AT LEAST FIVE (5) YEARS, HAS BEEN
11 ENGAGED IN THE PRACTICE OF LAW IN THE
12 PHILIPPINES OR HAS HELD A PUBLIC
13 OFFICE IN THE PHILIPPINES REQUIRING
14 ADMISSION TO THE PRACTICE OF LAW AS
15 AN INDISPENSABLE REQUISITE; AND,
16 (4) PROVEN COMPETENCE, INTEGRITY,
17 PROBITY, AND INDEPENDENCE.

18 AN ASSOCIATE SOLICITOR III SHALL BE
19 APPOINTED BY THE SOLICITOR GENERAL AND SHALL
20 HAVE THE FOLLOWING QUALIFICATIONS:

- 21 (1) A CITIZEN OF THE PHILIPPINES;
22 (2) A MEMBER OF THE PHILIPPINE BAR;
23 (3) FOR AT LEAST THREE (3) YEARS, HAS
24 BEEN ENGAGED IN THE PRACTICE OF LAW
25 IN THE PHILIPPINES; AND,
26 (4) WITH SIXTEEN (16) HOURS OF RELEVANT
27 TRAINING.

28 AN ASSOCIATE SOLICITOR II SHALL BE
29 APPOINTED BY THE SOLICITOR GENERAL AND SHALL
30 HAVE THE FOLLOWING QUALIFICATIONS:

- 31 (1) A CITIZEN OF THE PHILIPPINES;
32 (2) A MEMBER OF THE PHILIPPINE BAR;

1 **(3) FOR AT LEAST ONE (1) YEAR, HAS BEEN**
2 **ENGAGED IN THE PRACTICE OF LAW IN THE**
3 **PHILIPPINES; AND,**

4 **(4) WITH FOUR (4) HOURS OF RELEVANT**
5 **TRAINING.**

6 **AN ASSOCIATE SOLICITOR I SHALL BE**
7 **APPOINTED BY THE SOLICITOR GENERAL AND SHALL**
8 **HAVE THE FOLLOWING QUALIFICATIONS:**

9 **(1) A CITIZEN OF THE PHILIPPINES;**

10 **(2) A MEMBER OF THE PHILIPPINE BAR; AND**

11 **(3) SUCH OTHER QUALIFICATIONS,**
12 **PREROGATIVES AND RESPONSIBILITIES AS**
13 **MAY BE REQUIRED OR DETERMINED BY THE**
14 **SOLICITOR GENERAL.**

15 Sec. 3. Section 5 of Republic Act No. 9417 is hereby amended to read, as
16 follows:

17 "Sec. 5. *Benefits and Privileges.* – Subject to the availability of
18 funds, the Office of the Solicitor General may provide its
19 employees with the following benefits:

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

25 (2) All employees shall be covered by accident insurance policies
26 procured by the office at its own expense during travels while
27 they are in the performance of their official duties and functions;

28 (3) Without prejudice to the efficiency of the service, scholarship
29 to deserving employees on official time and at the expense of the
30 Office of the Solicitor General to enhance their academic growth
31 and upgrade their knowledge and skills. Scholars under this

1 provision shall be selected on the basis of competitive
2 examinations; [~~and~~]

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

7 **(5) IN ACCORDANCE WITH LAW AND THE GUIDELINES**
8 **SET BY THE DEPARTMENT OF BUDGET AND**
9 **MANAGEMENT AND THE COMMISSION ON AUDIT, AND**
10 **AS APPROVED BY THE PRESIDENT, OTHER BENEFITS AS**
11 **ENJOYED BY OTHER GOVERNMENT OFFICES, OR AS MAY**
12 **BE DETERMINED BY THE SOLICITOR GENERAL IN THE**
13 **EXIGENCIES OF THE SERVICE."**

14 Sec. 4. A new section is hereby inserted after Section 4 of Republic Act No.
15 9417 to be known as Section 4-A, which shall read as follows:

16 **"SEC. 4-A. RETIREMENT BENEFITS. – WHEN A SOLICITOR**
17 **GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR**
18 **STATE SOLICITOR, STATE SOLICITOR II OR A STATE**
19 **SOLICITOR I WHO HAS RENDERED AT LEAST FIFTEEN**
20 **(15) YEAR OF SERVICE IN THE OFFICE OF THE**
21 **SOLICITOR GENERAL OR IN ANY OTHER BRANCH OF THE**
22 **GOVERNMENT, OR IN BOTH, (A) RETIRES FOR HAVING**
23 **ATTAINED THE AGE OF SIXTY-FIVE (65) YEARS, OR (B)**
24 **RESIGNS BY REASON OF HIS OR HER INCAPACITY TO**
25 **DISCHARGE THE DUTIES OF HIS OR HER OFFICE AS**
26 **CERTIFIED BY THE SOLICITOR GENERAL, HE OR SHE**
27 **SHALL RECEIVE, DURING THE RESIDUE OF HIS OR HER**
28 **NATURAL LIFE, IN THE MANNER HEREINAFTER**
29 **PROVIDED, A RETIREMENT PENSION BASED ON THE**
30 **HIGHEST MONTHLY SALARY, PLUS THE HIGHEST**
31 **MONTHLY AGGREGATE OF TRANSPORTATION, LIVING**
32 **AND REPRESENTATION ALLOWANCES, WHICH HE OR SHE**

1 WAS RECEIVING AT THE TIME OF HIS OR HER
2 RETIREMENT OR RESIGNATION.

3 WHEN A SOLICITOR GENERAL, ASSISTANT
4 SOLICITOR GENERAL, SENIOR STATE SOLICITOR, STATE
5 SOLICITOR II OR A STATE SOLICITOR I HAS ATTAINED
6 THE AGE OF SIXTY (60) YEARS AND HAS RENDERED AT
7 LEAST FIFTEEN (15) YEARS OF SERVICE IN
8 GOVERNMENT, THE LAST FIVE (5) YEARS OF WHICH
9 MUST HAVE BEEN RENDERED IN THE OFFICE OF THE
10 SOLICITOR GENERAL, HE OR SHE SHALL LIKEWISE BE
11 ENTITLED TO RETIRE AND RECEIVE DURING THE
12 RESIDUE OF HIS OR HER NATURAL LIFE THE SAME
13 BENEFITS PROVIDED FOR IN THIS SECTION: *PROVIDED,*
14 *HOWEVER,* THAT THOSE WITH LESS THAN FIFTEEN (15)
15 YEARS OF SERVICE IN THE GOVERNMENT SHALL BE
16 ENTITLED TO A *PRO-RATA* PENSION COMPUTED AS
17 FOLLOWS:

18 No. of years in government Basic Pay plus the Highest Monthly
19 15 years x Aggregate of Transportation, Living
20 and Representation Allowance

21 AN ASSISTANT SOLICITOR GENERAL, SENIOR STATE
22 SOLICITOR, STATE SOLICITOR II, AND STATE SOLICITOR
23 I MAY OPT TO SERVE UP TO THE AGE OF SEVENTY (70)
24 YEARS."

25 Sec. 5. A new section is hereby inserted after Section 4 of Republic Act No.
26 9417 to be known as Section 4-B, which shall read as follows:

27 "SEC. 4-B. *CONDITIONS.* – WHILE RECEIVING THE
28 PENSION AND BENEFITS GRANTED HEREIN, NO RETIRED
29 OR RESIGNED OFFICIAL OR EMPLOYEE COVERED IN THE
30 IMMEDIATELY PRECEDING SECTION SHALL APPEAR AS
31 COUNSEL BEFORE ANY JUDICIAL OR QUASI-JUDICIAL
32 AGENCY IN ANY CIVIL CASE WHEREIN THE

1 GOVERNMENT OR ANY AGENCY, SUBDIVISION, OR
2 INSTRUMENTALITY THEREOF IS AN ADVERSE PARTY, OR
3 IN ANY CRIMINAL CASE WHEREIN ANY OFFICER OR
4 EMPLOYEE OF THE GOVERNMENT IS ACCUSED OF AN
5 OFFENSE COMMITTED IN RELATION TO THEIR OFFICE,
6 OR COLLECT ANY FEE FOR APPEARANCE IN ANY
7 ADMINISTRATIVE PROCEEDINGS TO MAINTAIN AN
8 INTEREST ADVERSE TO THE GOVERNMENT, WHETHER
9 NATIONAL, PROVINCIAL, OR MUNICIPAL OR TO ANY OF
10 ITS LEGALLY CONSTITUTED OFFICERS.

11 WHEN A SOLICITOR GENERAL, ASSISTANT
12 SOLICITORS GENERAL, STATE SOLICITORS AND
13 ASSOCIATE SOLICITORS COVERED BY AND RECEIVING
14 ANY BENEFIT UNDER THIS ACT, SHALL ASSUME AN
15 ELECTIVE POSITION IN GOVERNMENT, HE OR SHE SHALL
16 NOT, UPON ASSUMPTION OF OFFICE AND DURING HIS
17 OR HER TENURE AS AN ELECTIVE OFFICIAL, RECEIVE THE
18 MONTHLY PENSION OR ANY OF THE ALLOWANCES DUE
19 HIM OR HER."

20 Sec. 6. A new section is hereby inserted after Section 4 of Republic Act No.
21 9417 to be known as Section 4-C, which shall read as follows:

22 "SEC. 4-C. *DEATH BENEFITS.* – IN CASE A SOLICITOR
23 GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR
24 STATE SOLICITOR, STATE SOLICITOR II, OR STATE
25 SOLICITOR I DIES WHILE IN ACTUAL SERVICE,
26 REGARDLESS OF HIS/HER AGE AND LENGTH OF SERVICE
27 AS REQUIRED IN THE PRECEDING SECTION, HIS/HER
28 HEIRS SHALL RECEIVE A LUMP SUM OF FIVE (5) YEARS'
29 GRATUITY COMPUTED ON THE BASIS OF THE HIGHEST
30 MONTHLY SALARY PLUS THE HIGHEST AGGREGATE OF
31 TRANSPORTATION, LIVING AND REPRESENTATION
32 ALLOWANCES RECEIVED BY THE CONCERNED SOLICITOR

1 AS SUCH: *PROVIDED, HOWEVER,* THAT WHERE SAID
2 SOLICITOR HAS RENDERED AT LEAST FIFTEEN (15)
3 YEARS OF GOVERNMENT SERVICE, EITHER IN THE
4 OFFICE OF THE SOLICITOR GENERAL OR IN ANY BRANCH
5 OF THE GOVERNMENT, OR BOTH, HIS/HER HEIRS SHALL
6 INSTEAD BE ENTITLED TO A LUMP SUM OF TEN (10)
7 YEARS GRATUITY COMPUTED ON THE SAME BASIS AS
8 INDICATED IN THIS PROVISION: *PROVIDED, FURTHER,*
9 THAT THE LUMP SUM OF TEN (10) YEARS GRATUITY
10 SHALL BE RECEIVED BY THE SOLICITOR WHO WAS
11 KILLED BY REASON OF HIS/HER DUTIES AS SUCH:
12 *PROVIDED,* THAT THE SOLICITOR HAS SERVED IN THE
13 OSG FOR AT LEAST FIVE (5) YEARS, REGARDLESS OF
14 AGE, AT THE TIME OF DEATH. WHEN A SOLICITOR IS
15 KILLED INTENTIONALLY WHILE IN SERVICE, THE
16 PRESUMPTION IS THAT THE DEATH IS WORK-RELATED."

17 Sec. 7. A new section is hereby inserted after Section 12 of Republic Act No.
18 9417 to be known as Section 12-A, which shall read as follows:

19 "SEC. 12-A. *AUTOMATIC INCREASE.* – ALL PENSION
20 BENEFITS OF RETIRED SOLICITOR GENERAL, ASSISTANT
21 SOLICITORS GENERAL, AND STATE SOLICITORS, SHALL
22 BE AUTOMATICALLY INCREASED WHENEVER THERE IS
23 AN INCREASE IN THE SALARY AND ALLOWANCE IN THE
24 SAME POSITION FROM WHICH THEY RETIRED."

25 Sec. 8. A new section is hereby inserted after Section 4 of Republic Act No.
26 9417 to be known as Section 4-D, which shall read as follows:

27 "SEC. 4-D. *SURVIVORSHIP BENEFITS; COVERAGE.* – IN
28 CASE A SOLICITOR GENERAL, ASSISTANT SOLICITOR
29 GENERAL, SENIOR STATE SOLICITOR, OR A STATE
30 SOLICITOR COVERED BY THIS ACT DIES DURING HIS OR
31 HER RETIREMENT, THE SURVIVING LEGITIMATE SPOUSE
32 AND DEPENDENT CHILDREN OF SAID SOLICITOR, SHALL

1 BE ENTITLED TO RECEIVE ALL THE RETIREMENT
2 BENEFITS THAT THE DECEASED SOLICITOR WAS
3 RECEIVING OR ENTITLED TO RECEIVE. A "DEPENDENT"
4 MEANS A LEGITIMATE, ILLEGITIMATE, OR LEGALLY-
5 ADOPTED CHILD WHO IS CHIEFLY DEPENDENT ON THE
6 SAID DECEASED SOLICITOR IF SUCH DEPENDENT IS NOT
7 MORE THAN TWENTY-ONE (21) YEARS OF AGE,
8 UNMARRIED AND NOT GAINFULLY EMPLOYED, OR IF
9 SUCH DEPENDENT, REGARDLESS OF AGE, IS INCAPABLE
10 OF SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL
11 DEFECT. SAID SURVIVING LEGITIMATE SPOUSE SHALL
12 CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS
13 DURING HIS OR HER LIFETIME OR UNTIL HE OR SHE
14 REMARRIES: *PROVIDED*, THAT IF THE SURVIVING
15 SPOUSE IS RECEIVING BENEFITS UNDER EXISTING
16 RETIREMENT LAWS, HE OR SHE SHALL ONLY BE
17 ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT
18 PROVIDED FOR IN THIS ACT AND THE BENEFITS THAT HE
19 OR SHE IS RECEIVING.

20 THE CONDITIONS PROVIDED UNDER SECTION 6 OF
21 THIS ACT, SHALL LIKEWISE APPLY TO THE SURVIVING
22 SPOUSE AND
23 DEPENDENTS HEREIN."

24 Sec. 9. A new section is hereby inserted after Section 5 of Republic Act No.
25 9417 to be known as Section 5-A, which shall read as follows:

26 "SEC. 5-A. *CAPACITY DEVELOPMENT.* – IN ORDER TO
27 BUILD AND DEVELOP THE CAPABILITY OF THE OSG AS
28 AN ORGANIZATION TO ACHIEVE DEVELOPMENT GOALS,
29 AS WELL AS ENHANCE ITS ABILITIES TO ACHIEVE
30 MEASURABLE AND SUSTAINABLE RESULTS, THE
31 SOLICITOR GENERAL, IN CONSULTATION WITH THE
32 ASSISTANT SOLICITORS GENERAL, SHALL FORMULATE,

1 DEVELOP, AND IMPLEMENT PLANS, ACTIVITIES, AND
2 PROGRAMS TOWARDS THE IMPROVEMENT OF
3 KNOWLEDGE, SKILLS, AND SYSTEMS. TO ACHIEVE THIS
4 OBJECTIVE, THE SOLICITOR GENERAL MAY AUTHORIZE
5 OSG LAWYERS TO TRAVEL ANYWHERE IN THE
6 PHILIPPINES AND ABROAD TO ATTEND SEMINARS,
7 FORA, CONFERENCES, OR LECTURES ON DIFFERENT
8 AREAS OF LAW, PLEADINGS AND PRACTICE IN
9 INTERNATIONAL COURTS AND TRIBUNALS, PUBLIC-
10 PRIVATE PARTNERSHIPS, AND PUBLIC CORPORATE
11 GOVERNANCE, AMONG OTHERS. THE SOLICITOR
12 GENERAL MAY ALSO AUTHORIZE THE ADMINISTRATIVE
13 STAFF OF THE OSG TO UNDERGO RELEVANT TRAINING
14 TO IMPROVE THEIR SKILLS.

15 THE OSG EMPLOYEE WHO UNDERGOES CAPACITY
16 DEVELOPMENT TRAINING MUST RENDER COMPULSORY
17 SERVICE OBLIGATION BASED ON THE TOTAL COST OF
18 THE TRAINING, INCLUDING INCIDENTAL COSTS SUCH AS
19 AIRFARE, ACCOMMODATION, AND ALLOWANCES, AS
20 FOLLOWS:

21 COSTS TO THE GOVERNMENT	SERVICE OBLIGATION
22 OVER PHP 500,000.00	3 YEARS
23 OVER PHP 300, 000.00 BUT NOT	2 YEARS
24 EXCEEDING PHP 500,000.00	
25 PHP 150,000 AND BELOW.	1 YEAR

26 FOR FAILURE TO RENDER THE REQUIRED LENGTH OF
27 SERVICE REFERRED TO IN THE IMMEDIATELY
28 PRECEDING PARAGRAPH ON ACCOUNT OF VOLUNTARY
29 RESIGNATION, SEPARATION FROM THE SERVICE
30 THROUGH HIS/HER OWN FAULT OR OTHER CAUSES
31 WITHIN HIS/HER CONTROL, THE TRAINEE SHALL
32 REFUND IN FULL TO THE GOVERNMENT, WITHIN SIX (6)
33 MONTHS FROM SEPARATION FROM THE OSG, SUCH

1 AMOUNT AS MAY HAVE BEEN SPENT FOR EXPENSES
2 INCIDENT TO HIS/HER CAPACITY DEVELOPMENT.

3 FURTHERMORE, EVERY TRAINEE SHALL, AFTER
4 COMPLETION OF THE CAPACITY DEVELOPMENT
5 TRAINING, SUBMIT TO THE SOLICITOR GENERAL A POST
6 TRAINING REPORT STATING THEREIN HIS/HER
7 RECOMMENDATION/PROPOSAL RELATIVE TO HIS PLAN
8 TO APPLY RELEVANT ASPECTS OF THE TRAINING ON THE
9 JOB, AND OTHER TRAINING MATERIALS, WITHIN SIXTY
10 (60) DAYS UPON RETURN TO DUTY.

11 NON-COMPLIANCE WITH THE REPORTORIAL
12 REQUIREMENTS OF THE TRAINEE SHALL RESULT IN THE
13 WITHHOLDING OF THE TRAINEE'S SALARY EQUIVALENT
14 TO THE COST OF TRAINING OR CONFERENCE,
15 INCLUDING AIRFARE, TRANSPORTATION ALLOWANCE,
16 AND OTHER EXPENSES BORNE BY THE GOVERNMENT. IT
17 SHALL ONLY BE LIFTED UPON COMPLETION OF THE
18 REQUIREMENTS AS CERTIFIED BY THE SOLICITOR
19 GENERAL."

20 Sec. 10. Section 6 of Republic Act No. 9417, is hereby amended to
21 read, as follows:

22 "Sec. 6. *Seminar and Other Professional Fees.* – Subject to the
23 availability of funds, fees for relevant seminars, as well as
24 professional membership fees for lawyers, registration fees, and
25 related miscellaneous expenses incurred in completing the
26 mandatory continuing legal education (MCLE) course shall be
27 borne by the office: **PROVIDED, THAT LAWYERS WHOSE**
28 **LIFETIME MEMBERSHIP FEES TO THE INTEGRATED BAR**
29 **OF THE PHILIPPINES (IBP) HAVE BEEN PAID OR**
30 **REIMBURSED BY THE OSG SHALL MAINTAIN THEIR**
31 **SERVICE IN THE OSG FOR AT LEAST FIVE (5) YEARS:**
32 **PROVIDED, FURTHER, THAT SHOULD SUCH LAWYERS**

1 **RESIGN OR IN ANY MANNER SEPARATE FROM THE**
2 **OFFICE BEFORE THE END OF THE BOND, THEY SHALL BE**
3 **REQUIRED TO REIMBURSE THE PAID UP IBP**
4 **MEMBERSHIP DUES OR FEES *PRO RATA*.**

5 Professional membership, registration fees, including those
6 for mandatory continuing professional education (CPE), and
7 related miscellaneous expenses of other employees holding
8 positions for which a professional license is required by the office
9 shall also be borne by the OSG."

10 Sec. 11. Section 11 of Republic Act No. 9417 is hereby amended to read as
11 follows:

12 "Sec. 11. *Funding.* – The funds required for the implementation
13 of this Act, including those for health care services,
14 **SURVIVORSHIP BENEFITS**, insurance premiums, professional,
15 educational, registration fees, [~~contracted~~] transportation
16 benefits, **PROVIDENT FUND OSG CONTRIBUTION** [~~the other~~
17 ~~benefits above, shall be taken from:~~] **AND OTHER BENEFITS**
18 **AND PRIVILEGES MENTIONED IN THE OTHER**
19 **PROVISIONS OF THIS ACT, SHALL BE PROVIDED FOR IN**
20 **THE GENERAL APPROPRIATIONS ACT AND AUGMENTED**
21 **BY FUNDS SOURCED FROM THE FOLLOWING:**

22 (i) [~~five percent (5%)~~] **TEN PERCENT (10%)** of
23 monetary awards **OR VALUE OF ASSETS UPON**
24 **LIQUIDATION**, [~~given~~] **AS ADJUDGED** by the Courts **OR**
25 **TRIBUNALS** to client departments, agencies and
26 instrumentalities of the Government, including those under court
27 approved compromise agreements;

28 (ii) **TEN PERCENT (10%) OF MONETARY AWARDS**
29 **OR VALUE OF ASSETS ADJUDGED TO THE GOVERNMENT**
30 **IN FORFEITURE PROCEEDINGS;**

31 (iii) Fifty percent (50%) of fees collected by the Special
32 Committee on Naturalization; and

1 ~~[(iii)]~~ **(iv)** All other income, fees and revenues earned and
2 collected by the Office of the Solicitor General.

3 For this purpose, the Office of the Solicitor General is hereby
4 authorized to charge deputation, certification, and other similar
5 fees in the cases that it handles.

6 The amounts collected pursuant to this Section shall
7 constitute a trust fund in the name of the Office of the Solicitor
8 General to be managed and used by the Solicitor General to carry
9 out the provisions of this Act."

10 Sec. 12. *Separability Clause.* – If any portion or provision of this Act is
11 subsequently declared invalid or unconstitutional, other provisions hereof which are
12 not affected thereby shall remain in full force and effect.

13 Sec. 13. *Repealing Clause.* – Pertinent provisions of Republic Act No. 9417,
14 entitled "An Act to Strengthen the Office of the Solicitor General by Expanding and
15 Streamlining its Bureaucracy, Upgrading Employee Skills and Augmenting Benefits,
16 and Appropriating Funds Therefor and For Other Purposes", Executive Order No.
17 292, otherwise known as the Revised Administrative Code of 1987, as amended, and
18 all other laws, acts, presidential decrees, executive orders, presidential
19 proclamations, issuances, rules and regulations, or parts thereof which are contrary
20 to or inconsistent with any of the provisions of this Act are hereby repealed,
21 amended, or modified accordingly.

22 Sec. 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its
23 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,