

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



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SENATE
S.B. NO. 1180

RECEIVED BY: _____

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
AUGMENTING THE EMPLOYEE BENEFITS FOR THE SOLICITORS OF THE
OFFICE OF THE SOLICITOR GENERAL BY PROVIDING RETIREMENT, DEATH
AND SURVIVORSHIP BENEFITS, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

The Office of the Solicitor General is the law office of the Government of the Republic of the Philippines. It represents the Government, its departments, bureaus, agencies and instrumentalities, and its officials and agents in their official capacity, in any litigation, proceeding, investigation, or matter requiring the services of a lawyer.

Despite the formidable and extensive legal duties of the OSG, the retirement, death, and survivorship benefits of its lawyers are not comparable to those already being enjoyed by lawyers in other government offices, although the OSG lawyers perform the same, if not greater, responsibility than these other lawyers.

While Republic Act No. 9417 entitled, "An Act to Strengthen the Office of the Solicitor General by Expanding and Streamlining its Bureaucracy, Upgrading Employee Skills and Augmenting Benefits, and Appropriating Funds Therefor and For Other Purposes" already provides that Senior State Solicitors and State Solicitors of the OSG shall have the same rank, salaries, and privileges of trial court judges, the other benefits, such as the retirement, death, and survivorship benefits, as well as provision for the automatic increase thereof, are enjoyed only by the members of the Judiciary,

National Prosecution Services, Public Attorney's Office, Office of the Ombudsman, Labor Arbiters, among others. Sadly, these benefits have not followed suit for the lawyers of the OSG. This inequality among the legal offices of the National Government erodes the thrust to standardize and rationalize the current compensation framework in the bureaucracy. The varied benefits undermine the principle of "equal pay for work of equal value".

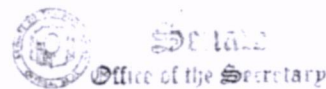
Inevitably, the disparity causes a higher turnover of State Solicitors. Lawyers who have been trained by the OSG eventually leave to find employment with advantageous retirement benefits.

To entice only the best and the brightest lawyers to join and build their careers in the OSG until their twilight years, it is only appropriate to provide its lawyers with competitive remunerative retirement benefits in parity with their counterparts in the government service performing essentially the same vital functions. Through these incentives, the government would be recognizing and rewarding those who choose to climb up the ranks and devote the best years of their life in the OSG.

The proposed provisions will ensure that the OSG will be able to faithfully, effectively, and efficiently perform its mandate to uphold State interest and the interest of the People.

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


RAMON BONG REVILLA, JR.



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

1 Section 1. *Retirement Benefits.* – When the Solicitor General has served in such
2 capacity continuously for at least three (3) consecutive years, regardless of age or
3 years in government service, he or she shall likewise be entitled to the retirement
4 benefits under this Act.

5 When an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or
6 a State Solicitor I, who has rendered at least fifteen (15) years of service in the Office
7 of the Solicitor General (OSG) or in any other branch of the government, or in both,
8 (a) retires for having attained the age of sixty-five (65) years, or (b) resigns by reason
9 of his or her incapacity to discharge the duties of his or her office as certified by the
10 Solicitor General, he or she shall receive, during the residue of his or her natural life,
11 in the manner hereinafter provided, a retirement pension based on the highest
12 monthly salary plus the highest monthly aggregate of transportation, living and
13 representation allowances, which he or she was receiving at the time of his or her
14 retirement or resignation.

15 When an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or
16 a State Solicitor I has attained the age of sixty (60) years and has rendered at least

1 fifteen (15) years of service in government, the last five (5) years of which must have
 2 been rendered in the OSG, he or she shall likewise be entitled to retire and receive,
 3 during the residue of his or her natural life the same benefits provided for in this
 4 section: *Provided, however,* That those with less than fifteen (15) years of service in
 5 the Government shall be entitled to a *pro rata* pension computed as follows:

$$\begin{array}{r} \text{No. of years} \\ \text{in government service} \end{array} \times \begin{array}{l} \text{(Highest Monthly Salary plus} \\ \text{the Highest Monthly Aggregate} \\ \text{of Transportation, Living and} \\ \text{Representation Allowance)} \end{array}$$

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10 Upon retirement, an OSG official or employee covered by this Act shall
 11 automatically be entitled to a lump sum of five (5) years gratuity computed on the
 12 basis of the highest monthly salary plus the highest monthly aggregate of
 13 transportation, living, and representation allowances, which he or she was receiving
 14 on the date of his or her retirement and, thereafter, upon survival after the expiration
 15 of five (5) years to further annuity payable monthly during the residue of his or her
 16 natural life pursuant to the preceding paragraphs: *Provided, however,* That if the
 17 reason for the retirement be any total permanent disability, as certified by the Solicitor
 18 General, contracted during his or her incumbency in the office and prior to the date
 19 of retirement, he or she shall receive a gratuity equivalent to ten (10) years' salary
 20 and allowances aforementioned: *Provided, further,* That should the retirement be with
 21 the attendance of any partial permanent disability, as certified by the Solicitor General,
 22 contracted during his or her incumbency in the office and prior to the date of
 23 retirement, he or she shall receive an additional gratuity equivalent to two (2) years
 24 lump sum that he or she is entitled to under this Act: *Provided, furthermore,* That if
 25 he or she survives after ten (10) years or seven (7) years, as the case may be, he or
 26 she shall continue to receive a monthly retirement pension as computed under this
 27 Act during the residue of his or her natural life. Nothing in this Act shall be construed
 28 as to prevent the President of the Philippines from appointing any person sixty-five
 29 (65) years of age or older as Solicitor General.

30 Sec. 2. *Conditions.* – While receiving the pension and benefits granted herein,
 31 no retired or resigned official or employee covered in the immediately preceding
 32 section shall appear as counsel before any judicial or quasi-judicial agency in any civil

1 case wherein the government or any agency, subdivision, or instrumentality thereof
2 is an adverse party, or in any criminal case where any officer or employee of the
3 government is accused of an offense committed in relation to their office, or collect
4 any fee for appearance in any administrative proceedings to maintain an interest
5 adverse to the government, whether national, provincial, or municipal, or to any of its
6 legally constituted officers.

7 When a Solicitor General, Assistant Solicitors General, and State Solicitors
8 covered by and receiving any benefit under this Act shall assume an elective position
9 in government, he or she shall not, upon assumption of office and during his or her
10 tenure as an elective official, receive the monthly pension or any of the allowances
11 due him or her.

12 *Sec. 3. Death Benefits.* – In case a Solicitor General, Assistant Solicitor General,
13 Senior State Solicitor, State Solicitor II or State Solicitor I dies while in actual service,
14 regardless of his or her age and length of service as required in the preceding section,
15 his or heirs shall receive a lump sum of five (5) years gratuity computed on the basis
16 of the highest aggregate of transportation, living and representation allowances
17 received by the concerned Solicitor as such: *Provided, however,* That where said
18 Solicitor has rendered at least fifteen (15) years of government service, either in the
19 OSG or in any branch of the Government, or both, his or her heirs shall instead be
20 entitled to a lump sum of ten (10) years gratuity computed on the same basis as
21 indicated in this provision: *Provided, further,* That the lump sum of ten (10) years
22 gratuity shall be received by the heirs of the Solicitor who was killed by reason of his
23 or her duties as such: *Provided, furthermore,* That the Solicitor has served in the OSG
24 for at least five (5) years, regardless of age, at the time of death. When a Solicitor is
25 killed intentionally while in service, the presumption is that the death is work-related.

26 *Sec. 4. Survivorship Benefits; Coverage.* – In case a Solicitor General, Assistant
27 Solicitor General, Senior State Solicitor, or a State Solicitor covered by this Act dies
28 during his or her retirement, or was eligible to retire optionally at the time of death,
29 the surviving legitimate spouse of said Solicitor shall be entitled to receive all the
30 retirement benefits that the deceased Solicitor was receiving or entitled to receive.
31 Said surviving legitimate spouse shall continue to receive such retirement benefits
32 during his or her lifetime or until he or she remarries: *Provided,* That if the surviving

1 spouse is receiving benefits under existing retirement laws, he or she shall only be
2 entitled to the difference between the amount provided for in this Act and the benefits
3 that he or she is receiving.

4 The conditions provided under Section 2 of this Act shall likewise apply to the
5 surviving spouse herein.

6 Sec. 5. *Funding.* – The funds required for the implementation of this Act for
7 the retirement benefits, death benefits, and survivorship benefits shall be provided for
8 in the General Appropriations Act.

9 Sec. 6. *Automatic Increase.* – All retirement benefits of Solicitors General,
10 Assistant Solicitors General, and State Solicitors shall be automatically increased
11 whenever there is an increase in the salary and allowance in the same position from
12 which they retired.

13 Sec. 7. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
14 parts thereof which are contrary to or inconsistent with the provisions of this Act are
15 hereby amended, repealed or modified accordingly.

16 Sec. 8. *Separability Clause.* – If any provision of this Act is declared invalid or
17 unconstitutional, the provisions not affected thereby shall continue to be in full force
18 and effect.

19 Sec. 9. *Effectivity.* – This Act shall take effect immediately after fifteen (15)
20 days from its publication in the Official Gazette or in at least two (2) newspapers of
21 general circulation.

22 *Approved,*