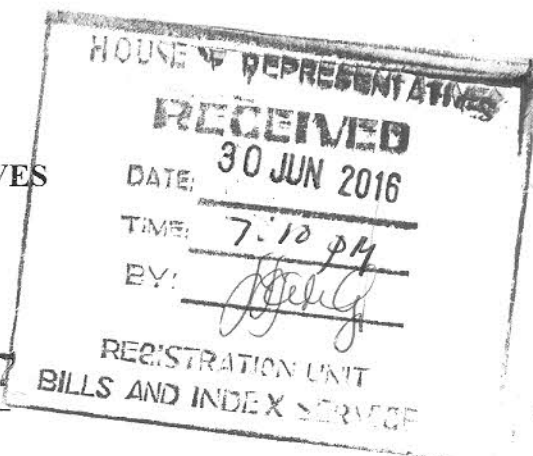


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

17<sup>th</sup> CONGRESS  
First Regular Session

HOUSE BILL NO. **547**



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Introduced by **REP. EVELINA G. ESCUDERO**

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#### EXPLANATORY NOTE

It is the declared policy of the State to protect the rights and promote the welfare of the Filipino worker. Pursuant to this policy and to ensure efficient and effective performance in the legal service of the Government, the Office of the Solicitor General should be further strengthened.

This bill provides for the upgrading of the standards, benefits and privileges and increasing the funding of the Office of the Solicitor General. It also provides for survivorship benefits to surviving spouse and legitimate children of a deceased or retired OSG member.

Approval of this bill is earnestly sought.

  
**EVELINA G. ESCUDERO**

Republic of the Philippines  
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17<sup>th</sup> CONGRESS  
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HOUSE BILL NO. 547

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**AN ACT**  
**TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL AND FOR**  
**OTHER PURPOSES**

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

**SECTION 1.** Section 3 of Republic Act No. 9417 is hereby amended to read as follows:

“**Sec. 3. Standards.** - The Solicitor General shall have cabinet rank and the same qualifications for appointment, rank, **CATEGORY**, prerogatives, salaries, allowances, [benefits] **EMOLUMENTS**, [and] privileges **AND RETIREMENT AND ALL OTHER BENEFITS OF AN** [as the Presiding Justice of the Court of Appeals;] **ASSOCIATE JUSTICE OF THE SUPREME COURT**; an Assistant Solicitor General, those of an Associate Justice of the Court of Appeals.

The qualifications for appointment, rank, **CATEGORY**, prerogatives, salaries, **ALLOWANCES, EMOLUMENTS, PRIVILEGES, AND RETIREMENT AND ALL OTHER BENEFITS** [and privileges] 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        |
| State Solicitor I      | - | Municipal Trial Court in Cities Judge |

The Solicitor General shall determine the qualifications, prerogatives and responsibilities of the Associate Solicitors.”

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

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

- (1) Health care service through a health maintenance organization (HMO). Expenses for the mandatory annual executive check-up of the Solicitor General, the Assistant Solicitor General, and the Service Heads, shall be for the account of the Office;
- (2) All employees shall be covered by accident insurance policies procured by the office at its own expense during travels while in the performance of their official duties and functions;

- (3) Without prejudice to efficiency in the service, scholarship to deserving employees on official time and at the expense of the Office of the Solicitor General to enhance their academic growth and upgrade their knowledge and skills. Scholars under this provision shall be selected on the basis of competitive examination; [and]
- (4) A provident fund which shall consist of contributions made both by the Office of the Solicitor General and by its lawyers and employees to a common fund for the payment of benefits to such lawyers or employees or their heirs; **AND**
- (5) Other perquisites and benefits as may be determined by the Solicitor General in the exigencies of the service.

**SEC. 3.** Section 11 of Republic Act No. 9417 is hereby amended to read as follows:

**“Sec. 11. *Funding.*** - The funds required for the implementation, including those for health care services, insurance premiums, professional, educational, registration fees, contracted transportation benefits, the other benefits above, shall be taken from:

- (i) **TWENTY PERCENT (20%)** [five percent (5%)] of monetary awards **OR ASSETS** given by the Courts to client departments, agencies and instrumentalities of the Government, including those under court-approved compromise agreements **AND TWENTY PERCENT (20%) OF ASSETS AWARDED TO THE GOVERNMENT IN FORFEITURE PROCEEDINGS;**
- (ii) fifty percent (50%) of fees collected by the Special Committee on Naturalization; and
- (iii) all other income, fees and revenues earned and collected by the Office of the Solicitor General.

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

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

**THE OFFICE OF THE SOLICITOR GENERAL IS LIKEWISE AUTHORIZED TO BORROW FUNDS AND DISPOSE OF ITS ASSETS TO CARRY OUT THE PROVISIONS OF THIS ACT.**

**SEC. 4.** A New Section 10 shall hereafter be added to Republic Act No. 9417, after which renumber the succeeding sections accordingly:

**“SEC. 10. *SURVIVORSHIP.*** - **UPON DEATH OF A SOLICITOR GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR STATE SOLICITOR OR STATE SOLICITOR OF THE OSG, IF SAID OSG OFFICIAL HAD RETIRED OR WAS IN THE SERVICE AT THE TIME OF DEATH, THE SURVIVING LEGITIMATE SPOUSE AND DEPENDENT CHILDREN OF SAID OSG OFFICAL SHALL BE ENTITLED TO RECEIVE ON A MONTHLY BASIS ALL THE RETIREMENT BENEFITS THAT THE DECEASED WAS RECEIVING OR ENTITLED TO RECEIVE AT THE TIME OF DEATH UNDER THE PROVISIONS OF THE APPLICABLE RETIREMENT LAWS THEN IN FORCE.**

A "DEPENDENT" MEANS A LEGITIMATE, ILLEGITIMATE OR LEGALLY ADOPTED CHILD WHO IS CHIEFLY DEPENDENT WITH THE ABOVE-ENUMERATED DECEASED OSG OFFICIALS IF SUCH DEPENDENT IS NOT MORE THAN TWENTY-ONE (21) YEARS OF AGE, UNMARRIED AND NOT GAINFULLY EMPLOYED OR IF SUCH DEPENDENT, REGARDLESS OF AGE, IS INCAPABLE OF SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL DEFECT. THE SAID SURVIVING LEGITIMATE SPOUSE SHALL CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS DURING HIS/HER LIFETIME OR UNTIL HE/SHE REMARRIES. *PROVIDED*, THAT IF THE SURVIVING LEGITIMATE SPOUSE IS RECEIVING BENEFITS UNDER EXISTING RETIREMENT LAWS, HE/SHE SHALL ONLY BE ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT AND THE BENEFITS HE/SHE IS RECEIVING. *PROVIDED FURTHER*, THAT SAID BENEFITS SHALL BE GRANTED TO ALL AFOREMENTIONED MEMBERS OF THE OFFICE OF THE SOLICITOR GENERAL WHO DIED OR RETIRED PRIOR TO THE EFFECTIVITY OF THIS ACT.

FUNDS FOR THE INITIAL IMPLEMENTATION OF THIS SECTION SHALL BE TAKEN OUT OF THE CURRENT APPROPRIATIONS FOR THE RETIREMENT OF THE OFFICERS AND EMPLOYEES OF THE OFFICE OF THE SOLICITOR GENERAL AND/OR SAVING OF SAID OFFICE. THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE CONTINUED IMPLEMENTATION OF THIS SECTION SHALL BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT.

**SEC. 5. *Retroactive Clause.*** - The retirement benefits provided for under Section 1 of this Act shall have retroactive effect as of the date of effectivity of Republic Act No. 9417.

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

**SEC. 7. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

*Approved,*