

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
Third Regular Session

COMMITTEE REPORT NO. 1148

Submitted by the Committees on Justice and Appropriations on August 19, 2021

Re: House Bill No. 10007

Recommending its approval in substitution of House Bills Numbered 5570 and 5737

Sponsors: Representatives Vicente "Ching" S.E. Veloso III, Eric Go Yap, Strike B. Revilla and Henry S. Oaminal

Mr. Speaker:

The Committees on Justice and Appropriations, to which were referred House Bill No. 5570 introduced by Rep. Strike B. Revilla, entitled:

"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"; and

House Bill No. 5737 introduced by Rep. Henry S. Oaminal, entitled:

"AN ACT
AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS FOR THE SOLICITOR GENERAL, ASSISTANT SOLICITOR GENERAL, SENIOR STATE SOLICITOR, SOLICITORS, OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE SOLICITOR GENERAL AND APPROPRIATING FUNDS THEREFOR";

have considered the same and recommend that the attached House Bill No. 10007 entitled:

"AN ACT
AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS OF THE SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, SENIOR STATE SOLICITORS, AND STATE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL AND APPROPRIATING FUNDS THEREFOR"

be approved in substitution of House Bills Numbered 5570 and 5737, with Representatives Strike B. Revilla, Henry S. Oaminal, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Vicente "Ching" S.E. Veloso III, Eric Go Yap, Rufus B. Rodriguez, Cyrille "Beng" F. Abueg-Zaldivar, Peter John D. Calderon, Jose Christopher Y. Belmonte, Edgar M. Chatto, Joey Sarte Salceda, Manuel Jose "Mannix" M. Dalipe, Deogracias Victor "DV" B. Savellano, Tyrone D. Agabas, Lianda B. Bolilia, John Marvin "Yul Servo" C. Nieto, Argel Joseph T. Cabatbat, Lorna P. Bautista-Bandigan, Ruffy B. Biazon, Junie E. Cua, Luisa Lloren Cuaresma, Paul Ruiz Daza, Michael John R. Duavit, Rudys Caesar G. Fariñas I,

Jose Enrique "Joet" S. Garcia III, Greg G. Gasataya, Ed Christoper S. Go, Jocelyn Sy Limkaichong, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Jose "Pingping" I. Tejada, Micaela S. Violago, Way Kurat Zamora, Yasser Alonto Balindong, Gabriel H. Bordado, Jr., Narciso R. Bravo, Jr., Carl Nicolas C. Cari, Sergio C. Dagooc, Maximo Y. Dalog, Jr., Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan R. Dujali, Faustino "Inno" A. Dy V, Michael B. Gorriceta , Eduardo "Eddie" R. Gullas, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Emmarie "Lolypop" Ouano-Dizon, Eddiebong G. Plaza, Hector S. Sanchez, Joy Myra S. Tambunting, Alyssa Sheena P. Tan, John Reynald M. Tiangco, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Rosanna "Ria" V. Vergara, Shirlyn L. Banas-Nogralas, Precious Hipolito Castelo, Mark O. Go, Joseph "Jojo" L. Lara, Virgilio S. Lacson, Dahlia A. Loyola, Macnell M. Lusotan, Josephine Ramirez-Sato, Amihilda J. Sangcopan, Rowena Niña O. Taduran and Victor A. Yap as authors thereof.

Respectfully submitted,



ERIC GO YAP
Chairperson
Committee on Appropriations



VICENTE "CHING" S.E. VELOSO III
Chairperson
Committee on Justice

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10007

(in substitution of House Bills Numbered 5570 and 5737)

Introduced by Representatives Strike B. Revilla, Henry S. Oaminal, Jose Antonio "Kuya Jonathan" R. Sy-Alvarado, Vicente "Ching" S.E. Veloso III, Eric Go Yap, Rufus B. Rodriguez, Cyrille "Beng" F. Abueg-Zaldivar, Peter John D. Calderon, Jose Christopher Y. Belmonte, Edgar M. Chatto, Joey Sarte Salceda, Manuel Jose "Mannix" M. Dalipe, Deogracias Victor "DV" B. Savellano, Tyrone D. Agabas, Lianda B. Bolilia, John Marvin "Yul Servo" C. Nieto, Argel Joseph T. Cabatbat, Lorna P. Bautista-Bandigan, Ruffy B. Biazon, Junie E. Cua, Luisa Lloren Cuaresma, Paul Ruiz Daza, Michael John R. Duavit, Rudys Caesar G. Fariñas I, Jose Enrique "Joet" S. Garcia III, Greg G. Gasataya, Ed Christopher S. Go, Jocelyn Sy Limkaichong, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Jose "Pingping" I. Tejada, Micaela S. Violago, Way Kurat Zamora, Yasser Alonto Balindong, Gabriel H. Bordado, Jr., Narciso R. Bravo, Jr., Carl Nicolas C. Cari, Sergio C. Dagooc, Maximo Y. Dalog, Jr., Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan R. Dujali, Faustino "Inno" A. Dy V, Michael B. Gorriceta, Eduardo "Eddie" R. Gullas, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Emmarie "Lolypop" Ouano-Dizon, Eddiebong G. Plaza, Hector S. Sanchez, Joy Myra S. Tambunting, Alyssa Sheena P. Tan, John Reynald M. Tiangco, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Rosanna "Ria" V. Vergara, Shirlyn L. Banas-Nogralles, Precious Hipolito Castelo, Mark O. Go, Joseph "Jojo" L. Lara, Virgilio S. Lacson, Dahlia A. Loyola, Macnell M. Lusotan, Josephine Ramirez-Sato, Amihilda J. Sangcopan, Rowena Niña O. Taduran and Victor A. Yap

AN ACT

AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS OF THE SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, SENIOR STATE SOLICITORS, AND STATE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL, AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the "*OSG Benefits and Incentives Act*".

SEC. 2. Declaration of Policy. – It is the declared policy of the State to promote the welfare of the officials of the Office of the Solicitor General (OSG) by augmenting the retirement, death, and survivorship benefits of the Solicitor General, Assistant Solicitors General, Senior State Solicitors, and State Solicitors of the OSG in order to fulfill its role, as the "Tribune of the People", of upholding the best interest of the government, as well as to perform its mandate as the principal law office of the Government of the Republic of the Philippines representing the government and 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 lawyers.

SEC. 3. Retirement Benefits. — When a Solicitor General, an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or a State Solicitor I, who has rendered at least fifteen years (15) of service in the OSG or in any other branch of the Government, or in both, (a) retires for having attained the age of sixty-five (65) years, or (b) resigns by reason of the incapacity to discharge the duties of the office as certified by the Solicitor General, they shall receive, during the residue of their natural lives, in the manner hereinafter provided, a retirement pension based on the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances, which they were receiving at the time of the retirement or resignation.

When a Solicitor General, an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or a State Solicitor I has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in Government, the last five (5) years of which must have been rendered in the OSG, they shall likewise be entitled to retire and receive, during the residue of their natural lives the same benefits provided for in this section: *Provided*, That those with less than fifteen (15) years of service in the government shall be entitled to a pro rata pension computed as follows:

No. of years		(Highest Monthly Salary plus
in government service	x	the Highest Monthly Aggregate
<hr style="width: 20%; margin: 0 auto;"/>		of Transportation, Living and
15 years		Representation Allowance)

Upon retirement, the Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I shall automatically be entitled to a lump sum of five (5) years gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living, and representation allowances they were receiving on the date of their retirement and, thereafter, upon survival after the expiration of five (5) years to further annuity payable monthly during the residue of their natural lives pursuant to the preceding paragraphs: *Provided*, That if the reason for the retirement be any total permanent disability, as certified by the Solicitor General, contracted during the incumbency in the office and prior to the date of retirement, they shall receive a gratuity equivalent to ten (10) years' salary and allowances aforementioned: *Provided, further*, That should the retirement be with the attendance of any partial permanent disability, as certified by the Solicitor General, contracted during the incumbency in the office and prior to the date of retirement, they shall receive an additional gratuity equivalent to two (2) years lump sum that they are entitled to under this Act: *Provided, finally*, That if the Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I survive after ten (10) years or seven (7) years, as the case may be, they shall continue to receive a monthly retirement pension as computed under this Act during the residue of their natural lives. Nothing in this Act shall be construed as to prevent the President of the Philippines from appointing any person sixty-five (65) years of age or older as Solicitor General.

SEC 4. Death Benefits. — In case a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I dies while in actual service,

regardless of the age and length of service as required in the preceding section, the heirs shall receive a lump sum of five (5) years gratuity computed on the basis of the highest aggregate of transportation, living and representation allowances received by the concerned Solicitor as such: *Provided*, That when the deceased had rendered at least fifteen (15) years of government service, either in the OSG or in any branch of the government, or both, the heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same basis as indicated in this provision. In case a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I is killed by reason of their official duties, their heirs shall receive a lump sum of ten (10) years gratuity computed on the same basis as indicated herein: *Provided*, That the deceased had served in the OSG for at least five (5) years, regardless of age, at the time of death. When a Solicitor is killed intentionally while in service, the presumption is that the death is work related.

SEC. 5. Survivorship Benefits. — In case a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I dies during retirement, or was eligible to retire optionally at the time of death, the surviving legitimate spouse of said Solicitor shall be entitled to receive all the retirement benefits that the deceased Solicitor was receiving or entitled to receive. Said surviving legitimate spouse shall continue to receive such retirement benefits during the spouse's lifetime or until the spouse remarries: *Provided*, That if the surviving spouse is receiving benefits under existing retirement laws, the spouse shall only be entitled to the difference between the amount provided for in this Act and the benefits that the spouse is receiving.

SEC. 6. Conditions. — While receiving the pension and benefits granted herein, no retired or resigned Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II and State Solicitor I, or their surviving spouse, shall appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the Government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case where any officer or employee of the Government is accused of an offense committed in relation to their office, or collect any fee for appearance in any administrative proceeding to maintain an interest adverse to the Government, whether national, provincial, or municipal, or to any of its legally constituted officers. When a Solicitor General, Assistant Solicitors General, Senior State Solicitor and State Solicitors, or their surviving spouse, covered by and receiving any benefit under this Act, assume an elective position in Government, they shall not, upon assumption of office and during their tenure as an elective official, receive the monthly pension or any of the allowances due them.

SEC. 7. Automatic Increase. — All retirement benefits of Solicitors General, Assistant Solicitors General, Senior State Solicitors and State Solicitors shall be automatically increased whenever there is an increase in the salary and allowance in the same position from which they retired.

SEC. 8. Appropriations. - The amount necessary to cover the initial implementation of this Act shall be taken from the current year's appropriations of the OSG or its savings. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 9. Implementing Rules and Regulations. - Within sixty (60) days from the approval of this Act, the Solicitor General shall, in coordination with the Secretary of Budget and Management, promulgate such rules and regulations as may be necessary

to carry out the provisions of this Act.

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

SEC. 11. *Repealing Clause.* - All laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 12. *Effectivity.* - This Act shall take effect after fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,

**House of Representatives
Committee Affairs Department**

FACT SHEET

House Bill No. 10007

(in substitution of House Bills Numbered 5570 and 5737)
(Approved by the Committee on December 17, 2019)

“AN ACT

AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS OF THE SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, SENIOR STATE SOLICITORS, AND STATE SOLICITORS OF THE OFFICE OF THE SOLICITOR GENERAL AND APPROPRIATING FUNDS THEREFOR”

INTRODUCED BY: Representatives Strike B. Revilla, Henry S. Oaminal, Jose Antonio “Kuya Jonathan” R. Sy-Alvarado, Vicente “Ching” S.E. Veloso III, Eric Go Yap, Rufus B. Rodriguez, Cyrille “Beng” F. Abueg-Zaldivar, Peter John D. Calderon, Jose Christopher Y. Belmonte, Edgar M. Chatto, Joey Sarte Salceda, Manuel Jose “Mannix” M. Dalipe, Deogracias Victor “DV” B. Savellano, Tyrone D. Agabas, Lianda B. Bolilia, John Marvin “Yul Servo” C. Nieto, Argel Joseph T. Cabatbat, Lorna P. Bautista-Bandigan, Ruffy B. Biazon, Junie E. Cua, Luisa Lloren Cuaresma, Paul Ruiz Daza, Michael John R. Duavit, Rudys Caesar G. Fariñas I, Jose Enrique “Joet” S. Garcia III, Greg G. Gasataya, Ed Christoper S. Go, Jocelyn Sy Limkaichong, Corazon T. Nuñez-Malanyaon, Manuel T. Sagarbarria, Jose “Pingping” I. Tejada, Micaela S. Violago, Way Kurat Zamora, Yasser Alonto Balindong, Gabriel H. Bordado, Jr., Narciso R. Bravo, Jr., Carl Nicolas C. Cari, Sergio C. Dagooc, Maximo Y. Dalog, Jr., Cheryl P. Deloso-Montalla, Abdullah D. Dimaporo, Alan R. Dujali, Faustino “Inno” A. Dy V, Michael B. Gorricketa, Eduardo “Eddie” R. Gullas, Godofredo N. Guya, Ann K. Hofer, Glona G. Labadlabad, Edward Vera Perez Maceda, Maricel G. Natividad-Nagaño, Ma. Lucille L. Nava, M.D., Emmarie “Lolypop” Ouano-Dizon, Eddiebong G. Plaza, Hector S. Sanchez, Joy Myra S. Tambunting, Alyssa Sheena P. Tan, John Reynald M. Tiangco, Kristine Alexie B. Tutor, Samantha Louise Vargas Alfonso, Rosanna “Ria” V. Vergara, Shirlyn L. Banas-Nogralas, Precious Hipolito Castelo, Mark O. Go, Joseph “Jojo” L. Lara, Virgilio S. Lacson, Dahlia A. Loyola, and Macnell M. Lusotan

*Committee Referral: **Committee on Justice (Primary)**
Committee Chairperson: **Rep. VICENTE “CHING” S.E. VELOSO III**
Committee Referral: **Committee on Appropriations (Secondary)**
Committee Chairperson: **Rep. ERIC GO YAP***

OBJECTIVES:

- To provide parity in the benefits received of government lawyers in the Office of the Solicitor General (OSG), the National Prosecution Service, and the Office of the Ombudsman.
- To entice the best and the brightest lawyers to join the OSG and to recognize and reward those who will serve the OSG loyally and conscientiously.

KEY PROVISIONS:

- Grants retirement benefits to the Solicitor General, Assistant Solicitor Generals, Senior State Solicitors, and State Solicitors, using the following formula:

$\frac{\text{No. of years in government service}}{15 \text{ years}} \times (\text{Highest Monthly Salary plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowance})$

- Provides for the grant of a lump sum of five (5) years gratuity to the Solicitor General, Assistant Solicitors General, Senior State Solicitors and State Solicitors upon retirement; ten (10) years gratuity

if the reason for the retirement be any total permanent disability contracted during the incumbency in office; or an additional two (2) years gratuity if the retirement be attended with any partial permanent disability contracted during the incumbency in office.

- Provides for a lifetime monthly retirement pension if the retired Solicitor General, Assistant Solicitor General, Senior State Solicitor, or State Solicitor survives after five (5), seven (7) or ten (10) years, as the case may be.
- Grants death benefits to the heirs of a Solicitor General, Assistant Solicitor General, Senior State Solicitor, or State Solicitor who dies while in actual service, as follows:
 - Five (5) years gratuity computed on the basis of the highest monthly aggregate of transportation, living and representation allowances received by the concerned Solicitor, regardless of the age and length of service of the decedent;
 - Ten (10) years gratuity computed on the same basis if the decedent had rendered at least fifteen (15) years in the government service;
 - Ten (10) years gratuity if the decedent was killed by reason of their official duties, provided that the deceased had served in the OSG for at least five (5) years, regardless of age, at the time of death.
- Entitles the surviving legitimate spouse of a Solicitor General, Assistant Solicitor General, Senior State Solicitor, or State Solicitor to receive all the retirement benefits being received if the latter dies during retirement, or entitled to receive if the latter was eligible to retire optionally at the time of death.
- Disqualifies a retired Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II and State Solicitor I, or their surviving spouse, receiving pension and benefits under the Act, from appearing as counsel before any judicial or quasi-judicial agency in any civil case where the Government or any agency, subdivision or instrumentality is an adverse party, or in any criminal case where any officer or employee of the Government is accused of an offense committed in relation to their office, or from collecting any fee in exchange for appearing before any administrative proceeding involving a matter that is adverse to the interest of the Government, whether in the national, provincial, or municipal level, or of any of its legally constituted officers.
- Prohibits a retired Solicitor General, Assistant Solicitor General, Senior State Solicitor, or State Solicitor, or their surviving spouse, from receiving the monthly pension or benefits due them under this Act if they assume an elective government position.

RELATED LAW:

- 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."