

HOUSE OF REPRESENTATIVES

H. No. 10007

BY REPRESENTATIVES REVILLA, OAMINAL, SY-ALVARADO, VELOSO, YAP (E.), RODRIGUEZ, ABUEG-ZALDIVAR, CALDERON, BELMONTE, CHATTO, SALCEDA, DALIPE, SAVELLANO, AGABAS, BOLILIA, NIETO, CABATBAT, BAUTISTA-BANDIGAN, BIAZON, CUA, CUARESMA, DAZA, DUAVIT, FARINAS I (R.C.), GARCIA (J.E.), GASATAYA, GO (E.C.), LIMKAICHONG, NUÑEZ-MALANYAON, SAGARBARRIA, TEJADA, VIOLAGO, ZAMORA (W.K.), BALINDONG, BORDADO, BRAVO, CARI, DAGOOC, DALOG, DELOSO-MONTALLA, DIMAPORO (A.), DUJALI, DY (F.), GORRICETA, GULLAS, GUYA, HOFER, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, NAVA, OUANO-DIZON, PLAZA, SANCHEZ, TAMBUNTING, TAN (A.S.), TIANGCO, TUTOR, VARGAS ALFONSO, VERGARA, BANAS-NOGRALES, CASTELO, GO (M.), LARA, LACSON, LOYOLA, LUSOTAN, RAMIREZ-SATO, SANGCOPAN, TADURAN, YAP (V.), VILLARICA AND SY-ALVARADO, PER COMMITTEE REPORT NO. 1148

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:

- 1 **SECTION 1. Short Title.** – This Act shall be known as the "OSG Benefits and
2 *Incentives Act*".
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- 4 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to promote
5 the welfare of the officials of the Office of the Solicitor General (OSG) by augmenting the
6 retirement, death, and survivorship benefits of the Solicitor General, Assistant Solicitors
7 General, Senior State Solicitors, and State Solicitors of the OSG in order to fulfill its role,
8 as the "Tribune of the People", of upholding the best interest of the government, as well
9 as to perform its mandate as the principal law office of the Government of the Republic
10 of the Philippines representing the government and its departments, bureaus, agencies,
11 and instrumentalities, and its officials and agents in their official capacity, in any
12 litigation, proceeding, investigation, or matter requiring the services of lawyers.

1
2 **SEC. 3. Retirement Benefits.** – When a Solicitor General, an Assistant Solicitor
3 General, Senior State Solicitor, State Solicitor II or a State Solicitor I, who has rendered
4 at least fifteen years (15) of service in the OSG or in any other branch of the Government,
5 or in both, (a) retires for having attained the age of sixty-five (65) years, or (b) resigns
6 by reason of the incapacity to discharge the duties of the office as certified by the
7 Solicitor General, they shall receive, during the residue of their natural lives, in the
8 manner hereinafter provided, a retirement pension based on the highest monthly salary
9 plus the highest monthly aggregate of transportation, living and representation
10 allowances, which they were receiving at the time of the retirement or resignation.

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12 When a Solicitor General, an Assistant Solicitor General, Senior State Solicitor, State
13 Solicitor II or a State Solicitor I has attained the age of sixty (60) years and has rendered
14 at least fifteen (15) years of service in Government, the last five (5) years of which must
15 have been rendered in the OSG, they shall likewise be entitled to retire and receive,
16 during the residue of their natural lives the same benefits provided for in this section:
17 *Provided*, That those with less than fifteen (15) years of service in the government shall
18 be entitled to a pro rata pension computed as follows:
19

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

20 Upon retirement, the Solicitor General, Assistant Solicitor General, Senior State
21 Solicitor, State Solicitor II or State Solicitor I shall automatically be entitled to a lump sum
22 of five (5) years gratuity computed on the basis of the highest monthly salary plus the
23 highest monthly aggregate of transportation, living, and representation allowances they
24 were receiving on the date of their retirement and, thereafter, upon survival after the
25 expiration of five (5) years to further annuity payable monthly during the residue of
26 their natural lives pursuant to the preceding paragraphs: *Provided*, That if the reason
27 for the retirement be any total permanent disability, as certified by the Solicitor General,
28 contracted during the incumbency in the office and prior to the date of retirement, they
29 shall receive a gratuity equivalent to ten (10) years' salary and allowances
30 aforementioned: *Provided, further*, That should the retirement be with the attendance of
31 any partial permanent disability, as certified by the Solicitor General, contracted during
32 the incumbency in the office and prior to the date of retirement, they shall receive an
33 additional gratuity equivalent to two (2) years lump sum that they are entitled to under
34 this Act: *Provided, finally*, That if the Solicitor General, Assistant Solicitor General, Senior
35 State Solicitor, State Solicitor II or State Solicitor I survive after ten (10) years or seven
36 (7) years, as the case may be, they shall continue to receive a monthly retirement pension
37 as computed under this Act during the residue of their natural lives. Nothing in this Act
38 shall be construed as to prevent the President of the Philippines from appointing any
39 person sixty-five (65) years of age or older as Solicitor General.
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41 **SEC 4. Death Benefits.** – In case a Solicitor General, Assistant Solicitor General,
42 Senior State Solicitor, State Solicitor II or State Solicitor I dies while in actual service,
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1 regardless of the age and length of service as required in the preceding section, the heirs
2 shall receive a lump sum of five (5) years gratuity computed on the basis of the highest
3 aggregate of transportation, living and representation allowances received by the
4 concerned Solicitor as such: *Provided*, That when the deceased had rendered at least
5 fifteen (15) years of government service, either in the OSG or in any branch of the
6 government, or both, the heirs shall instead be entitled to a lump sum of ten (10) years
7 gratuity computed on the same basis as indicated in this provision. In case a Solicitor
8 General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State
9 Solicitor I is killed by reason of their official duties, their heirs shall receive a lump sum of
10 ten (10) years gratuity computed on the same basis as indicated herein: *Provided*, That
11 the deceased had served in the OSG for at least five (5) years, regardless of age, at the
12 time of death. When a Solicitor is killed intentionally while in service, the presumption is
13 that the death is work related.

14
15 **SEC. 5. Survivorship Benefits.** – In case a Solicitor General, Assistant Solicitor
16 General, Senior State Solicitor, State Solicitor II or State Solicitor I dies during retirement,
17 or was eligible to retire optionally at the time of death, the surviving legitimate spouse of
18 said Solicitor shall be entitled to receive all the retirement benefits that the
19 deceased Solicitor was receiving or entitled to receive. Said surviving legitimate spouse
20 shall continue to receive such retirement benefits during the spouse’s lifetime or
21 until the spouse remarries: *Provided*, That if the surviving spouse is receiving
22 benefits under existing retirement laws, the spouse shall only be entitled to the
23 difference between the amount provided for in this Act and the benefits that the spouse is
24 receiving.

25
26 **SEC. 6. Conditions.** – While receiving the pension and benefits granted herein,
27 no retired or resigned Solicitor General, Assistant Solicitor General, Senior State Solicitor,
28 State Solicitor II and State Solicitor I, or their surviving spouse, shall appear as counsel
29 before any judicial or quasi-judicial agency in any civil case wherein the Government or
30 any agency, subdivision, or instrumentality thereof is an adverse party, or in any
31 criminal case where any officer or employee of the Government is accused of an offense
32 committed in relation to their office, or collect any fee for appearance in any administrative
33 proceeding to maintain an interest adverse to the Government, whether national,
34 provincial, or municipal, or to any of its legally constituted officers. When a Solicitor
35 General, Assistant Solicitors General, Senior State Solicitor and State Solicitors,
36 or their surviving spouse, covered by and receiving any benefit under this Act, assume an
37 elective position in Government, they shall not, upon assumption of office and during their
38 tenure as an elective official, receive the monthly pension or any of the allowances due
39 them.

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

45
46 **SEC. 8. Appropriations.** – The amount necessary to cover the initial implementation
47 of this Act shall be taken from the current year’s appropriations of the OSG or its savings.
48 Thereafter, such sums as may be necessary for the continued implementation of this Act
49 shall be included in the annual General Appropriations Act.

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51 **SEC. 9. Implementing Rules and Regulations.** – Within sixty (60) days from the
52 approval of this Act, the Solicitor General shall, in coordination with the Secretary of
53 Budget and Management, promulgate such rules and regulations as may be necessary to
54 carry out the provisions of this Act.

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

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

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

Approved,