

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1804

Introduced by HONORABLE LUIS R. VILLAFUERTE
and HONORABLE FERDINAND MARTIN G. ROMUALDEZ

EXPLANATORY NOTE

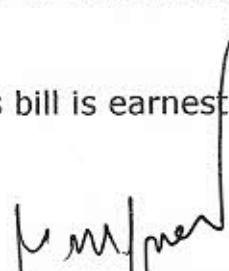
The Office of the Solicitor General represents the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of lawyers. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General represents, upon the instructions of the President, the Republic of the Philippines in international litigations, negotiations or conferences where the legal position of the Republic must be defended or presented. As Tribune of the People, the Office of the Solicitor General acts and represents the Republic and/or the People before any court, tribunal, body or commission in any matter, action or proceedings which, in his opinion, affects the welfare of the people as the ends of justice may require. Thus, the duty of the Office of the Solicitor General is to defend the interests of the Republic of the Philippines and to advocate the rule of law as a fulcrum in advancing the interests of the Government and the rights of all the People of the Republic of the Philippines. As Tribune of the People, the Office of the Solicitor General, at times takes a position contrary to that of its traditional client - the Government.

Given these formidable duties of the Solicitor General, his insulation from political pressure is crucial and necessary for the proper performance of his duty to uphold the interest of the State and to faithfully carry out his role as Tribune of the People.

To further strengthen the Office of the Solicitor General as an institution, this bill aims to give the Solicitor General a fixed term of seven years without reappointment. It is designed to insulate the Solicitor General, as principal lawyer of the Republic of the Philippines and as the Tribune of the People, from political pressure and help ensure his independence.

This bill likewise aims to grant to the Office of the Solicitor General fiscal autonomy to further ensure its independence and perform its twin duty as the principal law officer of Government and the Tribune of the People.

Hence, the approval of this bill is earnestly sought.



LUIS R. VILLAFUERTE



FERDINAND MARTIN G. ROMUALDEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1804

Introduced by HONORABLE LUIS R. VILLAFUERTE
and HONORABLE FERDINAND MARTIN G. ROMUALDEZ

**AN ACT STRENGTHENING THE AUTONOMY AND INDEPENDENCE OF
THE OFFICE OF THE SOLICITOR GENERAL AND FOR OTHER
PURPOSES**

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

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

3 "SEC. 3. *Standards.* – The Solicitor General shall have a
4 cabinet rank, **A TERM OF SEVEN (7) YEARS WITHOUT**
5 **REAPPOINTMENT,** and the same qualifications for
6 appointment, rank, prerogatives, salaries, allowances,
7 benefits and privileges as the Presiding Justice of the Court of
8 Appeals; an Assistant Solicitor General[,] **SHALL HAVE THE**
9 **SAME QUALIFICATIONS FOR APPOINTMENT, RANK,**
10 **PREROGATIVES, SALARIES, ALLOWANCES, BENEFITS**
11 **AND PRIVILEGES AS THE** [those of an] Associate Justice of
12 the Court of Appeals.

1 The qualifications for appointment, rank, prerogatives,
2 salaries, **ALLOWANCES**, **BENEFITS**, and privileges of
3 Solicitors shall be the same as judges, specified as follows:

4 Senior State Solicitor - Regional Trial Court Judge
5 State Solicitor II - Metropolitan Trial Court Judge
6 State Solicitor I - Municipal Trial Court Judge in Cities

7 The Solicitor General shall determine the qualifications,
8 prerogatives and responsibilities of the Associate Solicitors."

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

11 SEC. 5. *Benefits and Privileges.* - Subject to the
12 availability of funds, the Office of the Solicitor General may
13 provide its employees with the following benefits:

14 (1) Health care services through a health
15 maintenance organization (HMO). Expenses for
16 the mandatory annual executive check-up of the
17 Solicitor General, the Assistant Solicitors General,
18 and the Service Heads, shall be for the account of
19 the office;

20 (2) All employees shall be covered by accident
21 insurance policies procured by the office at its own
22 expense during travels while in the performance
23 of their official duties and functions;

1 (3) Without prejudice to efficiency in the service,
2 scholarship to deserving employees on official
3 time and at the expenses of the Office of the
4 Solicitor General to enhance their academic
5 growth and upgrade their knowledge and skills.
6 Scholars under this provision shall be selected on
7 the basis of competitive examination; and

8 (4) A provident fund which shall consist of
9 contributions made both by the Office of the
10 Solicitor General and by its lawyers and
11 employees to a common fund for the payment of
12 benefits to such lawyers or employees or their
13 heirs.

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

16 SEC. 11. *Funding.* – The funds required for the
17 implementation of this Act, including those for health care
18 services, insurance premiums, professional, educational,
19 registration fees, contracted transportation benefits, the other
20 benefits above, shall be taken from:

21 (i) **FIVE (5%) PERCENT** [ten percent (10%)] of
22 monetary awards of assets given by the Courts to
23 client departments, agencies and instrumentalities
24 of the Government, including those under court-

1 approved compromise agreements **AND TEN**
2 **PERCENT (10%) OF ASSETS AWARDED TO**
3 **THE GOVERNMENT IN FORFEITURE**
4 **PROCEEDINGS;**

5 (ii) fifty percent (50%) of fees collected by the
6 Special Committee on Naturalization; and

7 (iii) all other income, fees and revenues earned and
8 collected by the Office of the Solicitor General.

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

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

16 **THE OFFICE OF THE SOLICITOR GENERAL SHALL**
17 **ENJOY FISCAL AUTONOMY TO ENSURE ITS**
18 **INDEPENDENCE IN CARRYING OUT ITS ROLE AS THE**
19 **PRINCIPAL LAW FIRM OF THE GOVERNMENT AND THE**
20 **TRIBUTE OF THE PEOPLE. ANNUAL APPROPRIATIONS**
21 **FOR THE OFFICE OF THE SOLICITOR GENERAL SHALL BE**
22 **AUTOMATICALLY AND REGULARLY RELEASED. THE**
23 **OFFICE OF THE SOLICITOR GENERAL IS, LIKEWISE,**

1 AUTHORIZED TO BORROW FUNDS AND DISPOSE ITS
2 ASSETS TO CARRY OUT THE PROVISIONS OF THIS ACT.

3 HOWEVER, IN ORDER TO PREVENT THE
4 SOLICITOR GENERAL FROM USING HIS OFFICE AND
5 THE PRIVILEGES AND PERKS THEREOF FOR POLITICAL
6 PURPOSES, THE SOLICITOR GENERAL SHALL NOT BE
7 ELIGIBLE TO RUN FOR ANY ELECTIVE PUBLIC OFFICE
8 WITHIN THREE (3) YEARS FROM AND AFTER THE END
9 OF HIS TERM OR RESIGNATION THEREFROM.

10 **SEC. 4. *Separability Clause.*** – If any provision of this Act is
11 declared unconstitutional or invalid, other parts or provisions hereof not
12 affected shall continue in full force and effect.

13 **SEC. 5. *Effectivity.*** This Act shall take effect fifteen (15) days
14 following its publication in at least two (2) newspapers of general
15 circulation.

Approved,