

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 982



Introduced by HON. NIEL "JUNJUN" C. TUPAS, JR.
5th District, Iloilo

EXPLANATORY NOTE

The 1987 Constitution provides that the State shall, from time to time, review to upgrade the pensions and other benefits due to retirees of both the government and the private sectors (Art. XVI, Sec. 8, 1987 Constitution). Hence, this bill seeks to augment the retirement benefits now found in various retirement laws for government employees by granting survivorship benefits to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General (OSG).

Under Sec. 3 of Republic Act (R.A.) No. 9417, the Solicitor General shall have cabinet rank and the same qualifications for appointment, rank, prerogatives, salaries, allowances, benefits and privileges as the Presiding Justice of the Court of Appeals; an Assistant Solicitor General, those of an Associate Justice of the Court of Appeals; and Senior State Solicitor, State Solicitor II and State Solicitor I those of a Regional Trial Court Judge, Metropolitan Trial Court Judge, and Municipal Trial Court in Cities Judge, respectively. In January 2010, Congress enacted Republic Act (R.A.) No. 9946, an Act amending RA No. 910 and granting additional retirement and survivorship benefits for members of the Judiciary.

While RA No. 9417 expressly states that members of the Office of the Solicitor General (OSG) shall have the same rank, salaries and benefits as that of trial court judges and Justices, the benefits provided for by RA No. 9946 are reserved for members of the judiciary only. Thus, this measure serves to equalize the benefits received by these government lawyers by similarly affording the same benefits to members of the Judiciary to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General (OSG).

In view of the foregoing, immediate approval of this measure is earnestly sought.


HON. NIEL "JUNJUN" C. TUPAS, JR.

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AN ACT
GRANTING SURVIVORSHIP BENEFITS TO THE SURVIVING LEGITIMATE
SPOUSE OF A DECEASED RETIRED MEMBER OF THE OFFICE OF THE
SOLICITOR GENERAL

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

SECTION 1. Coverage. – In case of the death of a retired Solicitor General, Assistant Solicitor General, Senior State Solicitors, and the State Solicitors under the Office of Solicitor General, the surviving legitimate spouse of the deceased retiree shall be entitled to receive on a monthly basis all the retirement benefits that the end deceased retiree was receiving at the time of his/her demise under the provisions of applicable retirement laws then in force. 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.

SEC. 2. The benefits provided for under this Act shall be granted to all the aforementioned members of the Office of Solicitor General who have died and retired prior to the effectivity of this Act.

SEC. 3. Funding. Funds for the initial implementation of this Act 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 savings of the said Office. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 4. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.