

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
Metro Manila



SIXTEENTH CONGRESS

First Regular Session

House Bill No. **4739**

Introduced by 1BAP Party List Representative Silvestre H. Bello III

EXPLANATORY NOTE

Given the very formidable and sensitive legal duties of the Office of the Solicitor General (OSG), there is a need to amend R.A. No. 9417, strengthen the OSG as an institution and provide its lawyers and employees benefits and privileges already being enjoyed by their counterparts in other government offices. This is to ensure that it will be able to perform its mandate of upholding State interest and faithfully carry out its role as the Tribune of the People.

The Solicitor General is the Government official authorized to appear before the courts and defend the Government, its departments, agencies and instrumentalities, Congress included. The crucial role played by the Solicitor General dictates that the qualifications for appointment, rank, category, prerogatives, salaries, allowances, emoluments, benefits and privileges of the Solicitor General be upgraded to that of an Associate Justice of the Supreme Court. While this move does not change the Solicitor General's present salary grade of 31, it will serve to enhance the prestige and honor carried by the said position.

And while R.A. No. 9417 already provides that Senior State Solicitors and State Solicitors of the OSG shall have the same rank, salaries, and privileges as that of trial court judges, many benefits provided for by R.A. No. 9946, otherwise known as an Act Granting Additional Retirement, Survivorship, and other Benefits to Members of the Judiciary, like retirement under R.A. No. 910, are reserved for members of the judiciary only. Ironically, the counterparts of Senior OSG lawyers in the National Prosecution Service (NPS) and Public Attorney's Office (PAO) already enjoy many other benefits, which senior OSG lawyers are deprived of. There is a need, therefore, to equalize the benefits and privileges received by these government lawyers by similarly affording them the same prerogatives, salaries, allowances, benefits and privileges given to their counterparts in the Judiciary, NPS and the PAO. Being the most heavily case laden lawyers of the government, OSG lawyers carry many responsibilities and face hazards to health and limb. The brutal and cold-blooded assassination of model public servant Assistant Solicitor General Nestor J. Ballacillo, a Civil Service Dangal ng Bayan Awardee, and of his son Benedict is clear proof of this.

The amendments on survivorship, authority to borrow and increase of the OSG's share in monetary awards or assets given by courts to client departments and assets awarded to the Government in forfeiture proceedings to 20% serve to further strengthen the OSG by increasing its source of income for the payment of the mandated benefits and expansion under R.A. No. 9417.

The passage of this bill into law is thus earnestly requested.



SILVESTRE H. BELLO III

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AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL,
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9417 AND APPROPRIATING
FUNDS THEREFOR

*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, RETIREMENT AND ALL OTHER BENEFITS of [a Presiding Justice of the Court of Appeals] AN 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, RETIREMENT AND ALL OTHER BENEFITS 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

1 State Solicitor I - Municipal Trial Court in Cities Judge

2
3 The Solicitor General shall determine the qualifications,
4 prerogatives and responsibilities of the Associate Solicitors.”
5
6

7 **SEC. 2.** Section 5 of Republic Act No. 9417 is hereby amended to read as follows:
8

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

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

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

22 (3) Without prejudice to efficiency in the service, scholarship to
23 deserving employees on official time and at the expense of the Office
24 of the Solicitor General to enhance their academic growth and
25 upgrade their knowledge and skills. Scholars under this provision
26 shall be selected on the basis of MERIT AND competitive
27 examination;
28

29 (4) A provident fund which shall consist of contributions made both
30 by the Office of the Solicitor General and by its lawyers and
31 employees to a common fund for the payment of benefits to such
32 lawyers or employees or their heirs; and
33

34 (5) OTHER PERQUISITES AND BENEFITS AS MAY BE
35 DETERMINED BY THE SOLICITOR GENERAL IN THE
36 EXIGENCIES OF THE SERVICE.”
37
38

39 **SEC. 3.** Section 10 of Republic Act No. 9417 is hereby deleted and replaced by a
40 new Section 10 to read as follows:
41

42 “**SEC. 10. *Grant of Special Allowances.*** – The Solicitor
43 General, Assistant Solicitor General, Senior State Solicitor, State
44 Solicitors I ad Associate Solicitors I to III shall be granted special
45 allowances in amounts to be determined by the Secretary of the

1 Department of Budget and Management and the Solicitor General.
2 The grant of special allowances shall be implemented uniformly in
3 such sums and amounts and up to the extent only that can be
4 supported by the funding source specified in Section 11 hereof:
5 *Provided*, That the said special allowance shall not exceed One
6 hundred percent (100%) fo the basic salary of solicitors as provided
7 in Republic Act No. 6758, otherwise known as the Salary
8 Standardization Law.
9

10 **SEC 10-A SURVIVORSHIP BENEFITS.** - UPON DEATH OF
11 EITHER A SOLICITOR GENERAL, ASSISTANT SOLICITOR
12 GENERAL, SENIOR STATE SOLICITOR OR STATE
13 SOLICITOR OF THE OSG, WHETHER SAID OSG OFFICIAL
14 HAD ALREADY RETIRED OR WAS STILL IN ACTIVE
15 SERVICE AT THE TIME OF DEATH, HIS/HER SURVIVING
16 LEGITIMATE SPOUSE AND DEPENDENT CHILDREN SHALL
17 BE ENTITLED TO RECEIVE ON A MONTHLY BASIS ALL THE
18 RETIREMENT BENEFITS THAT THE DECEASED WAS
19 RECEIVING OR ENTITLED TO RECEIVE AT THE TIME OF
20 DEATH UNDER THE PROVISIONS OF THE APPLICABLE
21 RETIREMENT LAWS THEN IN FORCE. A 'DEPENDENT'
22 MEANS A LEGITIMATE, ILLEGITIMATE OR LEGALLY
23 ADOPTED CHILD WHO IS CHIEFLY DEPENDENT UPON
24 THE ABOVE-ENUMERATED DECEASED OSG OFFICIALS,
25 PROVIDED, THAT SUCH DEPENDENT IS NOT MORE THAN
26 TWENTY-ONE (21) YEARS OF AGE, UNMARRIED AND NOT
27 GAINFULLY EMPLOYED OR SUCH DEPENDENT,
28 REGARDLESS OF AGE, IS INCAPABLE OF SELF-SUPPORT
29 BECAUSE OF MENTAL OR PHYSICAL DEFECT. THE
30 SURVIVING LEGITIMATE SPOUSE SHALL CONTINUE TO
31 RECEIVE SUCH RETIREMENT BENEFITS DURING HIS/HER
32 LIFETIME OR UNTIL HE/SHE REMARRIES, REGARDLESS
33 OF RETIREMENT BENEFITS HE/SHE MAY BE RECEIVING
34 ON HIS/HER OWN BY VIRTUE OF PAST PUBLIC OR
35 PRIVATE SECTOR EMPLOYMENT. THESE BENEFITS
36 SHALL BE GRANTED TO ALL AFOREMENTIONED
37 OFFICIALS OF THE OFFICE OF THE SOLICITOR GENERAL
38 WHO RETIRED, OR TO THE DEPENDENTS OF THOSE
39 WHO DIED, AS THE CASE MAYBE, PRIOR TO THE
40 EFFECTIVITY OF THIS ACT.
41

42 FUNDS FOR THE INITIAL IMPLEMENTATION OF
43 THIS SECTION SHALL BE TAKEN OUT OF THE CURRENT

1 APPROPRIATIONS FOR THE RETIREMENT OF THE
2 OFFICERS AND EMPLOYEES OF THE OFFICE OF THE
3 SOLICITOR GENERAL AND/OR SAVINGS OF SAID
4 OFFICE. THEREAFTER, SUCH SUMS AS MAY BE
5 NECESSARY FOR THE CONTINUED IMPLEMENTATION
6 OF THIS SECTION SHALL BE INCLUDED IN THE ANNUAL
7 GENERAL APPROPRIATIONS ACT.
8

9 **SEC. 4.** Section 11 of Republic Act No. 9417 is hereby amended to read as
10 follows:

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

- 17
- 18 (i) [Five percent (5%)] **TWENTY PERCENT (20%)** of
19 monetary awards OR ASSETS given by the Court to
20 client departments, agencies and instrumentalities of
21 the Government, including those under court-
22 approved compromise agreements AND **TWENTY**
23 **PERCENT (20%) OF ASSETS AWARDED TO THE**
24 **GOVERNMENT IN FORFEITURE PROCEEDINGS;**
25
 - 26 (ii) fifty percent (50%) of fees collected by the Special
27 Committee on Naturalization; and
28
 - 29 (iii) all other income, fees and revenues earned and
30 collected by the Office of the Solicitor General
31

32 For this purpose, the Office of the Solicitor General is
33 hereby authorized to charge deputation, certification and
34 other similar fees in the cases that it handles.
35

36 The amounts collected pursuant to this section shall
37 constitute a trust fund in the name of the Office of the
38 Solicitor General to be managed and used by the Solicitor
39 General to carry out the provisions of this Act.
40

41 **SEC. 5. *Retroactivity.*** – The retirement benefits provided for under Section 10 of
42 this Act shall have retroactive effect as of the date of effectivity of Republic Act No.
43 9417.
44

1 **SEC. 6. *Separability Clause.*** – If any provision of this Act is declared
2 unconstitutional or invalid, other parts or provisions hereof not affected shall continue in
3 full force and effect.
4

5 **SEC.7. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
6 publication in the Official Gazette or in at least two (2) newspapers of general
7 circulation.
8

9 *Approved,*