

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **4748**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

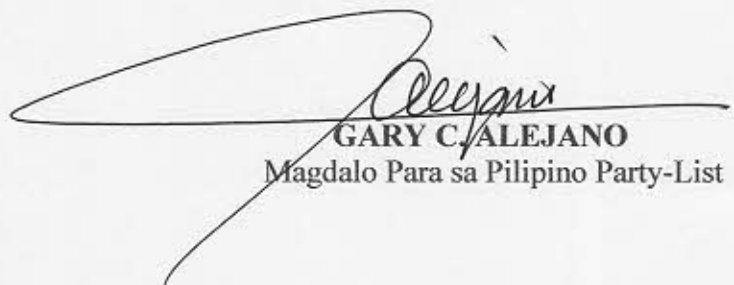
EXPLANATORY NOTE

Article XVI, Section 8 of the 1987 Constitution provides that the state shall, from time to time, review to increase the pensions and other benefits due to retirees of both the government and the private sectors. In consonance with the above provision, this measure seeks to upgrade the retirement benefits now found in various retirement laws by granting survivorship benefits to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General.

Under Republic Act 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. Just recently, Congress enacted Republic Act No. 9946, amending RA 910 which provides survivorship pension for judges. However, while RA 9417 explicitly acknowledges that certain members of the Office of the Solicitor General have the same rank as judges, the benefits provided for by RA 9946 are reserved for members of the judiciary only.

This measure is envisioned to respond to the aforesaid gap in the law by likewise affording the same benefits to the surviving legitimate spouse of a deceased retired member of the Office of the Solicitor General. These benefits recognize and honor said officers of the Office of the Solicitor General who have rendered almost a lifetime of service to the public and our people and hopefully to assist their family members who are left behind.

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


GARY C. ALEJANO
Magdalo Para sa Pilipino Party-List

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

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

1 **SECTION 1. Survivorship Benefits; Coverage.** – Upon death of a Solicitor General,
2 Assistant Solicitor General, Senior State Solicitor or State Solicitor of the OSG, if said OSG
3 Official had retired or was in the service at the time of death, the surviving legitimate spouse or
4 dependent children of said OSG Official shall be entitled to receive on a monthly basis all the
5 retirement benefits that the deceased OSG Official was receiving or entitled to receive at the time
6 of death under the provisions of the applicable retirement laws then in force. A ‘dependent’
7 means a legitimate, illegitimate or legally adopted child who is chiefly dependent with the
8 above-enumerated deceased OSG Officials if such dependent is not more than twenty-one (21)
9 years of age, unmarried and not gainfully employed or if such dependent, regardless of age, is
10 incapable of self-support because of mental or physical defect. The surviving legitimate spouse
11 or dependent child shall continue to receive such retirement benefits during one’s lifetime or
12 until said surviving legitimate spouse remarries or the dependent child marries: *Provided*, That if
13 the surviving legitimate spouse is receiving benefits under existing retirement laws, the surviving
14 legitimate spouse or dependent child shall only be entitled to the difference between the amount
15 provided for in this Act and the benefits one is receiving: *Provided further*, That said benefits
16 shall also extend and be granted to the surviving legitimate spouse or dependent children of any
17 aforementioned members of the Office of the Solicitor General who died or retired prior to the
18 effectivity of this Act. *Provided furthermore*, That the surviving legitimate spouse or dependent
19 child receiving the benefits shall not, if he/she is a member of the bar, appear as counsel before
20 any court in any civil case wherein the government or any subdivision or instrumentality thereof
21 is the adverse party, or in any criminal case wherein an incumbent or former officer or employee

1 of the government is accused of an offense committed in relation to his/her office, or collect any
2 fee for his/her appearance in any administrative proceeding; and when the surviving legitimate
3 spouse or dependent child shall assume an elective public office, he/she shall not, upon
4 assumption of office and during his/her term, receive the said benefits.

5
6 **SEC. 2. *Funding.*** Funds for the initial implementation of this Act shall be taken out of
7 the current appropriations for the retirement of officers and employees of the Office of the
8 Solicitor General and/or savings of the said office. Thereafter, such sums as may be necessary
9 for the continued implementation of this Act shall be included in the annual General
10 Appropriations Act.

11
12 **SEC. 3. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the
13 Official Gazette or in at least two (2) newspapers of general circulation.

Approved,