

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

17<sup>th</sup> Congress  
First Regular Session

**HOUSE BILL NO. 5320**



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**Introduced by: HON. JOSE ANTONIO R. SY-ALVARADO**

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**EXPLANATORY NOTE**

The Office of the Solicitor General is an independent and autonomous office attached to the Department of Justice. The OSG 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 daunting and sensitive legal duties of the Office of the Solicitor General show that there is an imperative need for the amendment of Republic Act No. 9417 or 'An Act to Strengthen the Office of the Solicitor General by Expanding and Streamlining its Bureaucracy, Upgrading Employee Skills and Augmenting Benefits, and Appropriating Funds therefor and for other purposes.'

This bill seeks to further strengthen the Office of the Solicitor General as an institution, as well as providing its lawyers and employees benefits and privileges already being enjoyed by their counterparts in other government offices. This is to assist the institution in pursuing their mission to promote and protect the interest of the Republic of the Philippines and its people in legal proceedings and matters requiring the services of a lawyer.

In view thereof, the immediate approval of this bill is earnestly sought.

**JOSE ANTONIO "Kuya Jonathan" R. SY-ALVARADO**

Republic of the Philippines  
**House of Representatives**  
Quezon City, Metro Manila

**SEVENTEENTH CONGRESS**

First Regular Session

**5320**

**HOUSE BILL NO. \_\_\_\_\_**

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Introduced by Jose Antonio R. Sy-Alvarado

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**AN ACT**

**TO FURTHER STRENGTHEN THE OFFICE OF THE  
SOLICITOR GENERAL BY PROVIDING FOR ITS POWERS AND  
FUNCTIONS, AND REDEFINING, EXPANDING, AND  
RATIONALIZING ITS ORGANIZATION, THEREBY AMENDING  
REPUBLIC ACT NO. 9417 AND REPEALING REPUBLIC ACT NO.  
2327, EXECUTIVE ORDER NOS. 1 AND 2, S. 1986, AND ALL  
RELATED LAWS, AND APPROPRIATING FUNDS THEREFOR  
AND FOR OTHER RELATED PURPOSES**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the “OSG  
Charter 2017.”

**SECTION 2. *Declaration of Policy.*** — It is the declared policy of the  
State to strengthen the Office of the Solicitor General (OSG) in order to fulfill  
its role of upholding the best interest of the government as the Tribune of the  
People, as well as to perform its mandate as the principal law office of the  
Government of the Republic of the Philippines representing the Government,  
its departments, bureaus, agencies, and instrumentalities, and its officials and  
agents in their official capacity, in any litigation, proceeding, investigation, or  
matter requiring the services of lawyers.

It is also the policy of the State to ensure efficiency and economy in the operations of government, eliminate the overlapping of functions, consolidate the legal services in the government into one office, effectively address the expanding needs of government-owned and -controlled corporations (GOCCs) towards the improvement of fiscal management and good corporate governance, and concentrate and enhance government efforts for the full and effective recovery of ill-gotten wealth and properties, including the efficient investigation and prosecution of cases relative thereto. Towards this end, the Office of the Government Corporate Counsel (OGCC) and the Presidential Commission on Good Government (PCGG) are hereby abolished and their respective powers and functions are transferred to the OSG.

With the transfer of the powers and functions of the OGCC and the PCGG to the OSG, and to ensure the efficient and effective legal representation of the Government, its departments, bureaus, agencies, and instrumentalities, GOCCs, and its officials and agents in their official capacity, the members of the legal and administrative staff of the OSG shall be increased and their positions upgraded to adequately meet the Republic's burgeoning need for legal services. The skills of OSG lawyers shall be further improved, and the benefits of all OSG employees augmented. The professional growth of these employees shall be encouraged. (n)

**SECTION 3. *Definition.*** – For purposes of this Act, the term—

(a) “Capacity development” shall refer to the process whereby the OSG, as an organization, develops its capability over time to achieve development goals while enhancing its ability to achieve measurable and sustainable results, through improvement of knowledge, skills, and systems.

(b) “GOCCs” shall refer to government-owned and -controlled corporations, their subsidiaries, other corporate offsprings, including government-acquired asset corporations, government corporate entities and government instrumentalities with corporate powers, government financial institutions, and other government corporate entities, agencies and offices.

(c) “Ill-gotten wealth” shall refer to any asset, property, business enterprise or material possession of the persons referred to in Executive Orders Nos. 1 and 2, s. 1986, acquired by them directly, or indirectly through dummies, nominees, agents, subordinates, and/or business associates by any of the following means or similar schemes:

- (1) Through misappropriation, conversion, misuse, or malversation of public funds or raids on the public treasury;
- (2) Through the receipt, directly or indirectly, of any commission, gift, share, percentage, kickbacks, or any other form of pecuniary benefit from any person and/or entity in connection with any government contract or project or by reason of the office or position of the official concerned;
- (3) By the illegal or fraudulent conveyance or disposition of assets belonging to the government or any of its subdivisions, agencies or instrumentalities, or government-owned or controlled corporations;
- (4) By obtaining, receiving, or accepting directly or indirectly any shares of stock, equity, or any other form of interest or participation in any business enterprise or undertaking;
- (5) Through the establishment of agricultural, industrial, or commercial monopolies or other combination and/or by the issuance, promulgation, and/or implementation of decrees and orders intended to benefit particular persons or special interests; and
- (6) By taking undue advantage of official position, authority, relationship, or influence for personal gain or benefit. (n)

**SECTION 4. *Organizational Structure.*** – The Office of the Solicitor General shall be an independent and autonomous office attached to the Office of the President for budgetary purposes.

The OSG shall be headed by the Solicitor General, who is the principal law officer and legal defender of the Government. He shall have the authority and responsibility for the exercise of the OSG's mandate and for the discharge of its duties and functions, and shall have supervision and control over the OSG and its constituent units.

The Solicitor General shall be assisted by a Legal Staff composed of Assistant Solicitors General and such number of Solicitors as may be necessary to operate the OSG.

There shall be at least fifty (50) legal divisions in the OSG. Each division, headed by an Assistant Solicitor General, shall consist of at least ten (10) lawyers and such other personnel as may be necessary for the OSG to effectively carry out its functions.

The administrative structure of the OSG shall be organized into the Financial Management Service, Docket Management Service, Case Management Service, Human Resources Management and Administrative Service, and Budget and Planning Service, which shall be composed of the necessary divisions and sections. Each Service shall be headed by a Director, who shall be appointed by the President.

There shall be an Office of Legal Services (OLS) within the OSG to be headed by a Director, who shall be appointed by the Solicitor General and serve at the latter's pleasure. The qualifications, salary grade, and benefits of the Director and his/her legal staff shall be determined by the Solicitor General. The Director shall be assisted by such other personnel as may be necessary to effectively carry out the functions of the OLS.

**SECTION 5. *Powers and Functions.*** – The OSG shall represent the Government of the Philippines, its agencies and instrumentalities, including GOCCs, and its officials and agents acting in their official capacity, in any litigation, proceeding, investigation, or matter requiring the services of a lawyer. The OSG shall constitute the principal law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

(a) Represent the Government and the People of the Philippines in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government has been impleaded as a party, or any official of the Government sued in the lawful performance of duty.

(b) Investigate, initiate court action, or in any manner proceed against any person, corporation, or firm for the enforcement of any contract,

bond, guarantee, mortgage, pledge, or other collateral executed in favor of the Government.

(c) Appear in any court in any action involving the validity of any treaty, law, executive order or proclamation, or rule or regulation when in his judgment his intervention is necessary or when requested by the Court.

(d) Appear in all proceedings involving the acquisition or loss of Philippine citizenship.

(e) Represent the Government in all land registration and related proceedings. Institute actions for the reversion to the Government of lands of the public domain and improvements thereon as well as lands held in violation of the Constitution.

(f) Conciliate, mediate, settle, or adjudicate all disputes, claims, and controversies solely between or among the departments, bureaus, offices, agencies, and instrumentalities of the National Government, including GOCCs.

(g) Render opinion and advice on matters referred by the departments, bureaus, offices, agencies, and instrumentalities of the National Government, including GOCCs.

(h) Prepare, upon request of the President or other proper officer of the National Government, rules and guidelines for government entities governing the preparation of contracts, making of investments, undertaking of transactions, and drafting of forms or other documents needed for official use, for the purpose of facilitating their enforcement and ensuring that they are entered into or prepared conformably to law and for the best interests of the public.

(i) Deputize, whenever in the opinion of the Solicitor General the public interest requires, any provincial or city prosecutor to assist him in the performance of any function or discharge of any duty incumbent upon him, within the jurisdiction of the aforesaid provincial or city prosecutor. When so deputized, the prosecutor shall be under the control and supervision of the Solicitor General with regard to the conduct of the proceedings assigned to the prosecutor, and he may be required to render reports or furnish information regarding the assignment.

(j) Any law to the contrary notwithstanding, the OSG shall be the legal counsel and principal law office of all GOCCs. All GOCCs shall refer to the OSG the following:

- (i) Before their execution, all contracts for review; and
- (ii) All cases for representation before regular courts, quasi-judicial bodies, administrative agencies, and arbitral tribunals, *Provided That* the Solicitor General may thereafter authorize the GOCC's legal department because of urgency or expediency to appear as collaborating counsel to handle GOCC's cases.

As legal counsel of all GOCCs, the OSG shall also perform the following functions:

- (1) Exercise control and supervision over the legal departments of all GOCCs through designated Assistant Solicitors General and Solicitors;
  - (2) Exercise visitorial powers over GOCCs;
  - (3) Enforce the Property Insurance Law pursuant to Republic Act No. 656, as amended by Presidential Decree 245, in domestic or international transactions;
  - (4) Conduct periodic performance audits of the in-house lawyers or legal departments of the GOCCs and to recommend appropriate actions to GOCCs;
  - (5) Require the in-house lawyers or legal departments of GOCCs to submit periodic reports of work performed and/or accomplished and to supervise and control the necessary legal action; and
  - (6) Perform other functions as maybe provided by law and such additional tasks as may be required by the GOCCs, with the conformity of the Solicitor General. (n)
- (k) Deputize legal officers of government departments, bureaus, agencies, offices, and GOCCs to assist the Solicitor General and appear or

represent the Government in cases involving their respective offices, brought before the courts, and exercise supervision and control over such legal officers with respect to such cases.

(l) Call on any department, bureau, office, agency, or instrumentality of the Government, including any GOCC, for such service, assistance, and cooperation as may be necessary in fulfilling its functions and responsibilities and for this purpose enlist the services of any government official or employee in the pursuit of his tasks.

Departments, bureaus, agencies, offices, instrumentalities, and GOCCs to whom the OSG renders legal services are authorized to disburse funds from their sundry operating and other funds for the OSG. For this purpose, the Solicitor General, Assistant Solicitors General, Senior State Solicitors, State Solicitors, and Associate Solicitors are specifically authorized to receive allowances as may be provided by the Government offices, instrumentalities, and GOCCs concerned, in addition to their regular compensation. (rf. 1987 Administrative Code, Book IV, Title III, Chapter 12, Sec. 35 (9))

(m) The powers and functions of the PCGG are hereby transferred to the OSG which include the following:

- (1) To file and prosecute all cases investigated by the PCGG under Executive Order No. 1, dated 28 February 1986, Executive Order No. 2, dated 12 March 1986, and Executive Order No. 432, dated 26 May 2005, as may be warranted by its findings;
- (2) To continue handling cases relative to the recovery of ill-gotten wealth and behest loans;
- (3) To grant immunity from criminal prosecution to any person who provides information or testifies in any investigation previously conducted by the PCGG or future cases investigated by the OSG, to establish the unlawful manner in which any respondent, defendant or accused has acquired or accumulated the property or properties in question in any case where such information or testimony is necessary to ascertain or prove the latter's guilt or his civil liability. The immunity thereby granted shall be continued to protect the witness who repeats

such testimony before the Sandiganbayan when required to do so; and

- (4) To call upon any department, bureau, office, agency, instrumentality or corporation of the government, or any officer or employee thereof, for such assistance as it may need in the discharge of its functions relative to recovery of ill-gotten wealth and behest loans.
- (n) Represent, 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.
- (o) Engage the services of counsel to assist in the discharge of his duties and responsibilities. However, due to the fiduciary nature of the relationship between the OSG and the counsel, the engagement of the latter shall be exempt from Republic Act No. 9184 (Government Procurement Reform Act) and Presidential Decree 1445 (Government Auditing Code of the Philippines).
- (p) Act and represent the Republic and/or the people before any court, tribunal, body, or commission in any matter, action, or proceeding which, in his opinion, affects the welfare of the people as the ends of justice may require;
- (q) Acquire, own, hold, or lease real and personal property; sell or otherwise dispose of the same; enter into contracts including loan agreements and joint venture agreements; and do and perform any and all acts that may be necessary or proper to carry out the purposes of this Act. (n)
- (r) Provide a Legal Internship Program to help law students prepare and train for and experience legal practice in public service. (n)
- (s) Perform such other functions as may be provided by law.

**SECTION 6. *Abolition of the Office of the Government Corporate Counsel and the Presidential Commission on Good Government.*** – The legal representation of the Government, its agencies, and instrumentalities,

including GOCCs, and officials and agents acting in their official capacity, and the powers and functions of the PCGG shall be consolidated in the OSG, the principal law office and legal defender of the Government. For this purpose, the OGCC and the PCGG are hereby abolished, and all the powers and functions of said Offices which are not inconsistent with the provisions of this Act are hereby transferred to the OSG.

After settlement of its liabilities, if any, all budgetary appropriations, funds, properties, records, equipment, rights, choses in action, and other assets of the OGCC and the PCGG are hereby transferred to the OSG. (n)

**SECTION 7. *Appointments.*** – The Solicitor General shall be appointed by the President of the Philippines.

The Assistant Solicitors General, Senior State Solicitors, and State Solicitors shall be appointed by the President upon recommendation of the Solicitor General. Associate Solicitors shall be appointed by the Solicitor General.

The Financial Management Service, Docket Management Service, Case Management Service, Human Resources Management and Administrative Service, and Budget and Planning Service shall each be headed by a Director to be appointed by the President upon the recommendation of the Solicitor General. The Service Heads shall possess the necessary CES eligibility and qualifications for the position prescribed under pertinent civil service laws, rules, and regulations: *Provided*, that if a Service Head who does not possess the necessary eligibility and qualifications is occupying the position at the time of the effectivity of this Act, he or she shall continue to perform such functions as officer-in-charge and shall have a maximum of two (2) years to comply with the said eligibility and qualifications: *Provided, further*, that if the Service Head fails or is unable to meet the eligibility and qualifications for the position after the lapse of two (2) years from effectivity of this Act, he or she shall be *ipso jure* removed from said position. (n)

Administrative personnel in the OSG shall be appointed by the Solicitor General.

**SECTION 8. *Standards.*** – The Solicitor General shall have the rank of a Cabinet Secretary and the same qualifications for appointment, rank,

category, prerogatives, salaries, allowances, emoluments, privileges, retirement and all other benefits of 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

State Solicitor I – Municipal Trial Court in Cities Judge

The Solicitor General shall be entitled to the same retirement benefits and privileges as an Associate Justice of the Supreme Court, provided he has served in such capacity for at least two (2) years. Such retirement benefits and privileges shall accrue to him or her upon reaching the age of sixty (60) years.

Assistant Solicitor Generals, Senior State Solicitors, State Solicitors II, and State Solicitors I shall be entitled to the same retirement benefits and privileges as their counterparts in the Judiciary upon reaching the age of sixty (60) years, provided that they have served in such capacities for at least five years. An Assistant Solicitor General, Senior State Solicitor, State Solicitor II, and State Solicitor I may opt to serve up to the age of seventy (70) years.

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

**SECTION 9. *Office of Legal Services.*** – The OLS shall have the following functions:

(a) Represent the Solicitor General, Assistant Solicitors General, State Solicitors, Associate Solicitors, and all other employees of the OSG who are impleaded in their official capacity in any litigation, proceeding, investigation, or matter requiring the services of a lawyer;

(b) Draft proposed legislative measures to strengthen the OSG and enable it to efficiently and effectively discharge its mandate for submission by the Solicitor General to Congress and/or to the President of the Philippines;

(c) Conduct research on legal issues that may be assigned by the Solicitor General; and

(d) Perform such functions and duties as may be assigned by the Solicitor General. (n)

**SECTION 10. *Capacity Development.*** – In order to build and develop the capability of the OSG as an organization to achieve development goals, as well as enhance its abilities to achieve measurable and sustainable results, the Solicitor General, in consultation with the Assistant Solicitors General, shall formulate, develop, and implement plans, activities, and programs towards the improvement of knowledge, skills, and systems. To achieve this objective, the Solicitor General may by himself authorize OSG lawyers to travel anywhere in the Philippines and abroad to attend seminars, fora, conferences, or lectures on different areas of law, pleadings and practice in international courts and tribunals, public-private partnerships, and public corporate governance, among others. The Solicitor General may also authorize the administrative staff of the OSG to undergo relevant training to improve their skills.

**SECTION 11. *Compensation.*** — The salary grades of the Solicitor General, Assistant Solicitors General, Senior State Solicitors, State Solicitors, and Associate Solicitors shall be as follows:

| POSITION                    | SALARY GRADE |
|-----------------------------|--------------|
| Solicitor General           | 31           |
| Assistant Solicitor General | 30           |
| Senior State Solicitor      | 29           |
| State Solicitor II          | 28           |
| State Solicitor I           | 27           |
| Associate Solicitor III     | 26           |
| Associate Solicitor II      | 25           |
| Associate Solicitor I       | 24           |

The Solicitor General, Assistant Solicitor General, and Solicitors shall be entitled to step increments and longevity pay which shall be equivalent to those being received by their counterparts in the judiciary.

The positions and salaries of non-legal personnel in the OSG shall be in the level of their counterparts in the Court of Appeals.

**SECTION 12. *Benefits and Privileges.*** — The OSG shall provide its employees with the following benefits:

(1) Health care services through a health maintenance organization (HMO). Expenses for the mandatory annual executive check-up of the Solicitor General, the Assistant Solicitors General and OSG officials whose positions correspond to Salary Grade 28 and above shall be for the account of the OSG;

(2) Hazard pay, as well as accident insurance policies procured by the OSG at its own expense to protect its officials while they are in the performance of their official duties and functions;

(3) Without prejudice to efficiency in the service, scholarships to deserving employees on official time and at the expense of the OSG to enhance their academic growth and upgrade their knowledge and skills. Scholarships under this provision shall be granted on the basis of competitive examination. Scholars shall be required to render service in the OSG upon immediate completion of the program, course or degree, in accordance with applicable Civil Service laws, rules and regulations.

(4) A provident fund which shall consist of contributions made both by the OSG and by its lawyers and employees to a common fund for the payment of benefits to such lawyers or employees or their heirs;

(5) Other perquisites and benefits as enjoyed by other government offices or as may be determined by the Solicitor General in the exigencies of the service and in accordance with law. (n)

**SECTION 13. *Seminar and Other Professional Fees.*** — Subject to the availability of funds, fees for relevant seminars, as well as professional

membership fees for lawyers, registration fees, and related miscellaneous expenses incurred in completing the mandatory continuing legal education (MCLE) course shall be borne by the OSG: *Provided*, that the lawyer whose membership fees/dues to the Integrated Bar of the Philippines (IBP) have been paid up or reimbursed by the OSG, shall maintain his or her service in the OSG for at least five (5) years: *Provided, further*, that should the lawyer resign or in any manner sever his or her service from the Office, he or she shall be required to reimburse the paid up IBP membership dues/fees in *pro rata*. (n)

Professional membership, registration fees, including those for mandatory continuing professional education (CPE), and related miscellaneous expenses of other employees holding positions for which a professional license is required by the office shall also be borne by the OSG.

**SECTION 14. *Survivorship Benefits; Coverage.*** –Upon the death of a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor, or an Associate Solicitor of the OSG, if said official had retired or was in the service at the time of death, the surviving legitimate spouse and dependent children, or in their absence, the surviving parents of said official shall be entitled to receive on a monthly basis all the retirement benefits that the deceased official was receiving or entitled to receive at the time of death under the provisions of the applicable retirement laws. A “dependent” means a legitimate, illegitimate, or legally adopted child who is chiefly dependent with the above-enumerated deceased officials if such dependent is not more than twenty-one (21) years of age, unmarried and not gainfully employed or if such dependent, regardless of age, is incapable of self-support because of mental or physical defect. The surviving legitimate spouse shall continue to receive such retirement benefits during his or her lifetime or until he or she remarries: *Provided*, that if the surviving legitimate spouse is receiving benefits under existing retirement laws, the surviving legitimate spouse shall only be entitled to the difference between the amount provided for in this Act and the benefits the surviving spouse has been receiving: *Provided, further*, that said benefits shall be granted to all aforementioned members of the OSG who died or retired prior to the effectivity of this Act: *Provided, furthermore*, that the surviving legitimate spouse receiving the benefit shall not, if he or she is a member of the Bar, appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality thereof, including GOCCs, is the adverse party, or in any criminal case wherein an incumbent or former officer or employee of the Government is accused of an offense committed in relation to his or her office, or collect any fee for his or her appearance in any

administrative proceeding; and when the surviving legitimate spouse shall assume an elective public office, he or she shall not, upon assumption of office and during his or her term, receive the said survivorship benefits. (n)

**SECTION 15. *Grant of Special Allowances.***— Any law to the contrary, notwithstanding, the Solicitor General, Assistant Solicitors General, Senior State Solicitors, State Solicitors and Associate Solicitors shall be granted special allowances in amounts to be determined by the Solicitor General.

The grant of special allowances shall be implemented uniformly in such sums and amounts and up to the extent only that can be supported by the funding source specified in Section 18 (a) to (d) hereof: *Provided*, that each grant of the said special allowance shall not exceed One hundred percent (100%) of the basic salary of solicitors as provided in Republic Act No. 6758, otherwise known as the Salary Standardization Law: *Provided, further*, that said special allowances shall be exempt from income tax.

**SECTION 16. *Other Benefits.***— Notwithstanding any law, or administrative rule or regulation, the lawyers of the OSG are allowed to receive honoraria and allowances directly from each client department, agency, and instrumentality of the Government, as well as from each client GOCC for the legal services that said lawyers render, which may include attendance in hearings, providing legal advice, drafting of contracts and legal documents, and performing designated functions; *Provided, that* said honoraria and allowances shall be exempt from income tax.

**SECTION 17. *Franking Privilege.***— All official mail matters and telegrams of the OSG addressed for delivery within the Philippines shall be received, transmitted, and delivered free of charge: *Provided*, that such mail matters when addressed to private persons or non-government offices shall not exceed one hundred twenty (120) grams.

**SECTION 18. *Funding.***— The funds required for the implementation of this Act, including those for health care services, survivorship benefits; insurance premiums, professional, educational, and registration fees; transportation benefits; and other benefits and privileges mentioned in the other provisions of this Act, shall be provided for in the

General Appropriations Act and augmented by funds sourced from the following:

(a) Twenty percent (15%) of monetary awards or value of assets adjudged by the Courts or tribunals to client departments, agencies and instrumentalities of the Government, and GOCCs, including those under court-approved compromise agreements;

(b) Twenty percent (25%) of assets adjudged to the Government in forfeiture proceedings;

(c) Fifty percent (50%) of fees collected by the Special Committee on Naturalization; and

(d) All other income, fees and revenues earned and collected by the Office of the Solicitor General.

For this purpose, the OSG is hereby authorized to charge deputation, certification, and other similar fees in the cases that it handles.

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

**SECTION 19. *Transfer of Cases.*** – All cases being handled by the OGCC shall be transferred to the OSG: *Provided, however,* that the handling OGCC lawyer shall submit a status report of all cases he or she is handling to the Solicitor General: *Provided, further,* that a certification under oath that the records of the case transmitted to the OSG are complete shall be made by the handling OGCC lawyer as a pre-condition for receiving the separation or retirement benefits under this Act. (n)

**SECTION 20. *Case Migration.*** – Upon the effectivity of this Act, a transition “Case Migration Committee” (CMC) shall be created composed of: three (3) members from each of the respective records and docket divisions of the OSG, the OGCC, and the PCGG, at least two (2) members from the legal divisions of all GOCCs, and at least two lawyers each from the OSG, the OGCC, and the PCGG.

The CMC shall ensure the smooth turnover of all cases and legal concerns of the OGCC and the PCGG to the OSG, with corresponding status reports, complete records, and other relevant documents, taking care that no case or legal concern shall be prejudiced in the process of turnover.

The CMC shall have the responsibility of determining which cases and legal concerns need immediate attention or are extremely urgent. These cases and legal concerns shall immediately be transferred and/or referred to the OSG.

The CMC shall complete its work within thirty (30) days from its constitution. The CMC shall submit a comprehensive report to the Solicitor General. (n)

**SECTION 21. *Retirement or Separation from Service.*** — Consequent to the abolition of the OGCC and the PCGG, OGCC and PCGG officials and employees who have attained fifty (50) years of age and have rendered at least fifteen (15) years in government service, the last five (5) years of which shall have been continuously rendered in the OGCC or the PCGG, shall be qualified for retirement with full retirement gratuity and pension pursuant to applicable laws. Those who lack any one of the above qualifications shall receive a separation pay equivalent to one and a half (1 1/2) months for every year of service in government, which will be provided for in the General Appropriations Act. (n)

**SECTION 22. *Implementing Rules and Regulations.*** — Within thirty (30) days from the approval of this Act, the Solicitor General, in coordination with the Secretary of Budget and Management, shall promulgate such rules and regulations as may be necessary to carry out the provisions of this Act. Until such time that the rules and regulations are promulgated and Section 21 of this law is implemented, the officials and administrative personnel of the OGCC and PCGG shall remain in their positions in a holdover capacity.

**SECTION 23. *Retroactivity.*** — The retirement benefits provided for in Section 8 and the survivorship benefits provided for under Section 14 of this Act shall have retroactive effect as of the date of effectivity of Republic Act No. 9417. (n)

**SECTION 24. Appropriations.** — The amount necessary for the initial implementation of this Act shall be taken from the current appropriations of the OSG and/or its savings. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

**SECTION 25. Repealing Clause.** — Pertinent provisions of Executive Order No. 292, otherwise known as the Revised Administrative Code of 1987, as amended, Republic Act No. 9417, and all laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

This Act expressly repeals Republic Act No. 2327 entitled "*An act to declare the position of Government Corporate Counsel distinct and separate from that of the Solicitor General, provide for his appointment and salary and appropriate the necessary funds therefor, and for other purposes*", and Executive Orders No. 1 entitled "*Creating the Presidential Commission on Good Government*" and No. 2 entitled "*Regarding the Funds, Moneys, Assets and Properties Illegally Acquired or Misappropriated by Former President Ferdinand Marcos ...*", s. 1986, and, related laws.

**SECTION 26. Separability Clause.** — If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

**SECTION 27. Effectivity.** — This Act shall take effect after fifteen (15) days from its publication in two national newspapers of general circulation.

Approved,

