

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5509



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

Act No. 4007 which was enacted in 1932 abolished the position of Attorney General. His functions were taken over by the Secretary of Justice. The Act also named the Solicitor General as the head of the Bureau of Justice. The Assistant Solicitor General, a position created by Act No. 683 of 1903, became second in command of the Bureau.

As a result of the rapidly burgeoning number of cases involving the Government, the Solicitor General after independence was constrained to concentrate on advocacy and court appearances. The functions which the Bureau of Justice used to have been gradually transferred to newly created offices and divisions of the Department of Justice.

Executive Order No. 94 of 1947 renamed the Bureau of Justice as the **Office of the Solicitor General**. Subsequently, the legislature passed R. A. No. 335 in 1948 to confirm this change and to provide for a First Assistant Solicitor General who would be the second highest official in the Office.

A succession of laws relieved the **Office of the Solicitor General** of some of its burdens. Section 1660 of the old Administrative Code previously provided that the head of the Bureau of Justice "shall have general supervision and control over provincial and city fiscals (now prosecutors) and attorneys and over other prosecuting officer throughout the Philippines." The Office of Special Prosecutors, which the Solicitor General formerly headed, was later converted into a Division of Special Attorneys by R.A. No. 311 of 1948. The Office of the Government Corporate Counsel, which was headed by the Solicitor General under Executive Order No. 392 of 1950, became a separate office in the Department of Justice by virtue of R.A. No. 2327.

From a motley staff of one Solicitor General, an Assistant Solicitor General and a handful of assistant attorneys in the 1900's, the Office of the Solicitor General has grown throughout the years. In accordance with E.O No. 292, the Administrative Code of 1987, the Solicitor General was assisted by fifteen Assistant Solicitors General and more than a hundred Solicitors and Associate Solicitors, who are divided into fifteen divisions. In 2006, with the passing of **Republic Act 9417** or the **OSG Law**, the Office has expanded to thirty (30) legal divisions with a corresponding increase in the general and administrative support personnel and provision for ample office space.

This House Bill seeks to provide **Modernization Funding** to the **Office of the Solicitor General (OSG)**, to ensure that the country fulfills its commitments to provide and deliver the agency's mandate with efficiency, competence, and above all, integrity. For the love of their country and of God, trust that the OSG will adhere to its mission to promote and protect the interest of the Republic of the Philippines.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal line extending to the right.

MICHAEL L. ROMERO

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AN ACT

PROVIDING FOR MODERNIZATION FUNDINGFOR THE **OFFICE
OF THE SOLICITOR GENERAL (OSG)**, INCREASING AND
REORGANIZING ITS ADMINISTRATION, SECURING JUSTICE FOR
THE NATION THROUGH EXCELLENCE IN LEGAL ADVOCACY AND
FOR OTHER PURPOSES

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

SECTION 1. DECLARATION OF POLICY – It shall hereby be a declared
policy of the State to serve as the Republic Defender and People's Tribune
securing justice for the nation through excellence in legal advocacy.

The state shall continuously provide excellent legal services to the Republic of
the Philippines and its people.

The state shall formulate policies for the efficient and effective administration
and management of all manpower, skills and competencies to ensure
compliance.

SECTION 2. MODERNIZATION FUNDING. – The amount of Five Hundred
Million Pesos (**Php 500,000,000.00**) for the operation and administration of the

Office of the Solicitor General (OSG) shall be chargeable against funds for the purpose and other sources recommended by the **Department of Budget and Management (DBM)**. Thereafter, appropriations for the **Office of the Solicitor General (OSG)** shall be included in the budget proposals under the Department of Justice (**DOJ**).

The Department of Budget and Management (**DBM**) shall rationalize the existing organizational structure and staffing pattern of the **Office of the Solicitor General (OSG)** in accordance with the provisions of this Act and relevant compensation and position classification laws, rules and regulations.

Thereafter, the amount needed for the continued implementation of the modernization program, shall be included in the annual General Appropriations Act (**GAA**).

SECTION 3. OFFICE OF THE SOLICITOR GENERAL (OSG) MODERNIZATION FUND – There is hereby created the (**OSG**) *Modernization Fund* to be used exclusively for the (**OSG**) *Modernization Program*.

The (**OSG**) *Modernization Fund* shall be administered by the Secretary of the **DOJ** in accordance with existing government budgeting, accounting and auditing rules and regulations.

SECTION 4. PROGRESS REPORT – The Secretary of **DOJ** shall prepare an annual report on the status of the implementation of the (**OSG**) *Modernization Programs* which shall be submitted, to the Office of the President and to the Chairpersons of the Committee on Justice of the Senate and the House of Representatives.

SECTION 5. PERIOD OF IMPLEMENTATION – The modernization program under this Act shall be implemented for an initial period of two (**2**) years:

Provided, that payments for multi-year contract obligations incurred under this Act may extend beyond this period:

Provided, further, That the **Office of the Solicitor General (OSG)** shall continue to develop, modernize and constantly update its operational capabilities to keep pace with best global practices.

SECTION 6. POWERS AND FUNCTIONS. – The **Office of the Solicitor General (OSG)** shall continue to exercise and uphold the following powers and functions; but not limited to:

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 Office of the Solicitor General shall discharge duties requiring the services of lawyers. It shall have the following specific powers and functions:

- a) Represent the Government 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 or any officer thereof in his official capacity is a party.
- 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. Where proceedings are to be conducted outside of the Philippines the Solicitor General may employ counsel to assist in the discharge of the aforementioned responsibilities.

- c)** Appear in any court in any action involving the validity of any treaty, law, executive order or proclamation, 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)** 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 investments, undertaking of transactions, and drafting of forms or other writings needed for official use, with the end in view of facilitating their enforcement and ensuring that they are entered into or prepared conformably with law and for the best interests of the public.

- g)** Deputize, whenever in the opinion of the Solicitor General the public interest requires, any provincial or city fiscal 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 fiscal. When so deputized, the fiscal shall be under the control and supervision of the Solicitor General with regard to the conduct of the proceedings assigned to the fiscal, and he may be required to render reports or furnish information regarding the assignment.

- h)** Deputize legal officers of government departments, bureaus, agencies and offices 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.
- i)** Call on any department, bureau, office, agency or instrumentality of the Government 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 corporations to whom the Office of the Solicitor General renders legal services are authorized to disburse funds from their sundry operating and other funds for the latter Office. For this purpose, the Solicitor General and his staff are specifically authorized to receive allowances as may be provided by the Government offices, instrumentalities and corporations concerned, in addition to their regular compensation.
- j)** 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.
- k)** Act and represent 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; and -
- l)** Perform such other functions as may be provided by law.

SECTION 7. INCREASE OF PERSONNEL. – The **Office of the Solicitor General (OSG)** shall maintain the sufficient staffing pattern. Hence, it is authorized to increase its manpower to meet such required and may continue to increase personnel per percentage rate increase of committed mandates annually or as the need arises.

SECTION 8. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 9. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 10. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 12. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,