



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

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7259



Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

This bill seeks to promote the welfare of the officials of the Office of the Solicitor General (OSG) by augmenting the retirement, death, and survivorship benefits of the Solicitor General, Assistant Solicitors General, Senior State Solicitors, and State Solicitors of the OSG to fulfill its role, as the "Tribune of the People," of upholding the best interest of the government, as well as to perform its mandate as the principal law office of the Government of the Republic of the Philippines representing the government and 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.

To this end, this measure establishes retirement, death, and survivorship benefits to the Solicitor General, Assistant Solicitors General, Senior State Solicitors, and State Solicitors of the OSG.

Hence, this representation seeks the passage of this measure.

RUDYS CAESAR G. FARIÑAS I



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

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 7259

Introduced by Representative Rudys Caesar G. Fariñas I

AN ACT

**AUGMENTING THE RETIREMENT, DEATH, AND SURVIVORSHIP BENEFITS
OF THE SOLICITOR GENERAL, ASSISTANT SOLICITORS GENERAL, SENIOR
STATE SOLICITORS, AND STATE SOLICITORS OF THE OFFICE OF THE
SOLICITOR GENERAL, AND APPROPRIATING FUNDS THEREFOR**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "OSG Benefits and
2 *Incentives Act*".

3
4 **SEC. 2. Declaration of Policy.** – It is the declared policy of the State to
5 promote the welfare of the officials of the Office of the Solicitor General (OSG) by
6 augmenting the retirement, death, and survivorship benefits of the Solicitor
7 General, Assistant Solicitors General, Senior State Solicitors, and State Solicitors
8 of the OSG in order to fulfill its role, as the "Tribune of the People", of upholding
9 the best interest of the government, as well as to perform its mandate as the
10 principal law office of the Government of the Republic of the Philippines
11 representing the government and its departments, bureaus, agencies, and
12 instrumentalities, and its officials and agents in their official capacity, in any
13 litigation, proceeding, investigation, or matter requiring the services of lawyers.

14
15 **SEC. 3. Retirement Benefits.** – When a Solicitor General, an Assistant
16 Solicitor General, Senior State Solicitor, State Solicitor II or a State Solicitor I,
17 who has rendered at least fifteen years (15) of service in the OSG or in any other
18 branch of the Government, or in both, (a) retires for having attained the age of
19 sixty-five (65) years, or (b) resigns by reason of the incapacity to discharge the

1 duties of the office as certified by the Solicitor General, they shall receive, during
2 the residue of their natural lives, in the manner hereinafter provided, a
3 retirement pension based on the highest monthly salary plus the highest
4 monthly aggregate of transportation, living and representation allowances,
5 which they were receiving at the time of the retirement or resignation.

6
7 When a Solicitor General, an Assistant Solicitor General, Senior State
8 Solicitor, State Solicitor II or a State Solicitor I has attained the age of sixty (60)
9 years and has rendered at least fifteen (15) years of service in Government, the
10 last five (5) years of which must have been rendered in the OSG, they shall
11 likewise be entitled to retire and receive, during the residue of their natural lives
12 the same benefits provided for in this section: *Provided*, That those with less than
13 fifteen (15) years of service in the government shall be entitled to a pro rata
14 pension computed as follows:

15

No. of years		(Highest Monthly Salary plus
in government service	x	the Highest Monthly Aggregate
15 years		of Transportation, Living and Representation Allowance)

16 Upon retirement, the Solicitor General, Assistant Solicitor General, Senior
17 State Solicitor, State Solicitor II or State Solicitor I shall automatically be entitled
18 to a lump sum of five (5) years gratuity computed on the basis of the highest
19 monthly salary plus the highest monthly aggregate of transportation, living, and
20 representation allowances they were receiving on the date of their retirement
21 and, thereafter, upon survival after the expiration of five (5) years to further
22 annuity payable monthly during the residue of their natural lives pursuant to
23 the preceding paragraphs: *Provided*, That if the reason for the retirement be any
24 total permanent disability, as certified by the Solicitor General, contracted
25 during the incumbency in the office and prior to the date of retirement, they
26 shall receive a gratuity equivalent to ten (10) years' salary and allowances
27 aforementioned: *Provided, further*, That should the retirement be with the
28 attendance of any partial permanent disability, as certified by the Solicitor
29 General, contracted during the incumbency in the office and prior to the date of
30 retirement, they shall receive an additional gratuity equivalent to two (2) years
31 lump sum that they are entitled to under this Act: *Provided, finally*, That if the
32 Solicitor General, Assistant Solicitor General, Senior State Solicitor, State
33 Solicitor II or State Solicitor I survive after ten (10) years or seven (7) years, as
34 the case may be, they shall continue to receive a monthly retirement pension as
35 computed under this Act during the residue of their natural lives. Nothing in this
36 Act shall be construed as to prevent the President of the Philippines from
37 appointing any person sixty-five (65) years of age or older as Solicitor General.

38
39 **SEC 4. Death Benefits.** – In case a Solicitor General, Assistant Solicitor
40 General, Senior State Solicitor, State Solicitor II or State Solicitor I dies while in

1 actual service, regardless of the age and length of service as required in the
2 preceding section, the heirs shall receive a lump sum of five (5) years gratuity
3 computed on the basis of the highest aggregate of transportation, living and
4 representation allowances received by the concerned Solicitor as such: *Provided*,
5 That when the deceased had rendered at least fifteen (15) years of government
6 service, either in the OSG or in any branch of the government, or both, the heirs
7 shall instead be entitled to a lump sum of ten (10) years gratuity computed on
8 the same basis as indicated in this provision. In case a Solicitor General,
9 Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State
10 Solicitor I is killed by reason of their official duties, their heirs shall receive a
11 lump sum of ten (10) years gratuity computed on the same basis as indicated
12 herein: *Provided*, That the deceased had served in the OSG for at least five (5)
13 years, regardless of age, at the time of death. When a Solicitor is killed
14 intentionally while in service, the presumption is that the death is work related.

15
16 **SEC. 5. Survivorship Benefits.** – In case a Solicitor General, Assistant
17 Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I dies
18 during retirement, or was eligible to retire optionally at the time of death, the
19 surviving legitimate spouse of said Solicitor shall be entitled to receive all the
20 retirement benefits that the deceased Solicitor was receiving or entitled
21 to receive. Said surviving legitimate spouse shall continue to receive such
22 retirement benefits during the spouse's lifetime or until the spouse remarries:
23 *Provided*, That if the surviving spouse is receiving benefits under existing
24 retirement laws, the spouse shall only be entitled to the difference between the
25 amount provided for in this Act and the benefits that the spouse is receiving.

26
27 **SEC. 6. Conditions.** – While receiving the pension and benefits granted
28 herein, no retired or resigned Solicitor General, Assistant Solicitor
29 General, Senior State Solicitor, State Solicitor II and State Solicitor I, or their
30 surviving spouse, shall appear as counsel before any judicial or quasi-judicial
31 agency in any civil case wherein the Government or any agency, subdivision, or
32 instrumentality thereof is an adverse party, or in any criminal case where any
33 officer or employee of the Government is accused of an offense committed in
34 relation to their office, or collect any fee for appearance in any administrative
35 proceeding to maintain an interest adverse to the Government, whether national,
36 provincial, or municipal, or to any of its legally constituted officers. When a
37 Solicitor General, Assistant Solicitors General, Senior State Solicitor and State
38 Solicitors, or their surviving spouse, covered by and receiving any benefit under
39 this Act, assume an elective position in Government, they shall not, upon
40 assumption of office and during their tenure as an elective official, receive the
41 monthly pension or any of the allowances due them.

42
43 **SEC. 7. Automatic Increase.** – All retirement benefits of Solicitors General,
44 Assistant Solicitors General, Senior State Solicitors and State Solicitors shall be
45 automatically increased whenever there is an increase in the salary and
46 allowance in the same position from which they retired.

1 **SEC. 8. Appropriations.** – The amount necessary to cover the initial
2 implementation of this Act shall be taken from the current year’s appropriations
3 of the OSG or its savings. Thereafter, such sums as may be necessary for the
4 continued implementation of this Act shall be included in the annual General
5 Appropriations Act.

6
7 **SEC. 9. Implementing Rules and Regulations.** – Within sixty (60) days
8 from the approval of this Act, the Solicitor General shall, in coordination with
9 the Secretary of Budget and Management, promulgate such rules and
10 regulations as may be necessary to carry out the provisions of this Act.

11
12 **SEC. 10. Separability Clause.** – If any provision of this Act is declared
13 invalid or unconstitutional, the provisions not affected thereby shall continue to
14 be in full force and effect.

15
16 **SEC. 11. Repealing Clause.** – All laws, decrees, orders, rules and regulations
17 or parts thereof which are contrary to or inconsistent with the provisions of this
18 Act are hereby amended, repealed or modified accordingly.

19
20 **SEC. 12. Effectivity.** – This Act shall take effect after fifteen (15) days after
21 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,