

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVE

H.B. No. 6380

Introduced by **Representative TEODORICO T. HARESCO, JR.**

EXPLANATORY NOTE

The 1987 Philippine Constitution, Article XVI, Section 8 thereof explicitly 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."

The Office of the Solicitor General (OSG) is the law firm of the Republic of the Philippines and the Solicitor General is essentially the nation's chief attorney. It is tasked to represent the People of the Philippines, the Philippine Government, its Agencies and Instrumentalities, Officials and Agents in any litigation or matter requiring the services of a lawyer. The OSG was part of the official delegation of the Philippines to the Permanent Court of Arbitration in The Hague, Netherlands, in the historic case involving maritime disputes over the West Philippine Sea with China.

However, despite the formidable and extensive legal duties of the OSG, the retirement, death, and survivorship benefits of its lawyers are not comparable to those already being enjoyed by lawyers in other government offices, although the OSG lawyers perform the same, if not greater, responsibility than these other lawyers. Inevitably, the disparity causes a higher turnover of State Solicitors. Lawyers who have been trained by the OSG eventually leave to find employment with advantageous retirement benefits.

To attract the best lawyers of the country, this bill seeks to provide OSG lawyers with competitive compensation package and retirement benefits that they truly deserve. In view of the foregoing, the passage of this bill is earnestly sought.


TEODORICO T. HARESCO, JR.

HOUSE OF REPRESENTATIVES
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AN ACT
AUGMENTING THE EMPLOYEE BENEFITS FOR THE SOLICITORS OF THE OFFICE OF
THE SOLICITOR GENERAL BY PROVIDING RETIREMENT, DEATH AND SURVIVORSHIP
BENEFITS, AND APPROPRIATING FUNDS THEREFOR.

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

SEC. 1. Retirement Benefits. – When the Solicitor General has served in such capacity continuously for at least three (3) consecutive years, regardless of age or years in government service, he or she shall likewise be entitled to the retirement benefits under this Act.

When an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or a State Solicitor I, who has rendered at least fifteen years (15) of service in the OSG or in any other branch of the Government, or in both, (a) retires for having attained the age of sixty-five years, or (b) resigns by reason of his or her incapacity to discharge the duties of his or her office as certified by the Solicitor General, he or she shall receive, during the residue of his or her natural life, in the manner hereinafter provided, a retirement pension based on the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances, which he or she was receiving at the time of his or her retirement or resignation.

When an Assistant Solicitor General, Senior State Solicitor, State Solicitor II or a State Solicitor I has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in Government, the last five (5) years of which must have been rendered in the OSG, he or she shall likewise be entitled to retire and receive, during the residue of his or her natural life the same benefits provided for in this section: *Provided, however,* That those with less than fifteen (15) years of service in the Government shall be entitled to a *pro rata* pension computed as follows:

No. of years in government service x 15 years	(Highest Monthly Salary plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowance)
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Upon retirement, an OSG official or employee covered by this Act shall automatically be entitled to a lump sum of five (5) years gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living, and representation allowances, which he or she was receiving on the date of his or her retirement and, thereafter, upon survival after the expiration of five (5) years to further annuity payable monthly during the residue of his or her natural life pursuant to the preceding paragraphs:

Provided, however, That if the reason for the retirement be any total permanent disability, as certified by the Solicitor General, contracted during his or her incumbency in the office and prior to the date of retirement, he or she shall receive a gratuity equivalent to ten (10) years' salary and allowances aforementioned: *Provided, further,* That should the retirement be with the attendance of any partial permanent disability, as certified by the Solicitor General, contracted during his or her incumbency in the office and prior to the date of retirement, he or she shall receive an additional gratuity equivalent to two (2) years lump sum that he or she is entitled to under this Act: *Provided, furthermore,* That if he or she survives after ten (10) years or seven (7) years, as the case may be, he or she shall continue to receive a monthly retirement pension as computed under this Act during the residue of his or her natural life. Nothing in this Act shall be construed as to prevent the President of the Philippines from appointing any person sixty-five years of age or older as Solicitor General.

SEC. 2. Conditions. While receiving the pension and benefits granted herein, no retired or resigned official or employee covered in the immediately preceding section shall appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the Government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case where any officer or employee of the Government is accused of an offense committed in relation to their office, or collect any fee for appearance in any administrative proceedings to maintain an interest adverse to the Government, whether national, provincial, or municipal, or to any of its legally constituted officers.

When a Solicitor General, Assistant Solicitors General, and State Solicitors covered by and receiving any benefit under this Act shall assume an elective position in Government, he or she shall not, upon assumption of office and during his or her tenure as an elective official, receive the monthly pension or any of the allowances due him or her.

SEC. 3 Death Benefits – In case a Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II or State Solicitor I dies while in actual service, regardless of his or her age and length of service as required in the preceding section, his or heirs shall receive a lump sum of five (5) years gratuity computed on the basis of the highest aggregate of transportation, living and representation allowances received by the concerned Solicitor as such: *Provided, however,* That where said Solicitor has rendered at least fifteen (15) years of government service, either in the OSG or in any branch of the Government, or both, his or her heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same basis as indicated in this provision: *Provided, further,* That the lump sum of ten (10) years gratuity shall be received by the heirs of the Solicitor who was killed by reason of his or her duties as such: *Provided, furthermore,* That the Solicitor has served in the OSG for at least five (5) years, regardless of age, at the time of death. When a Solicitor is killed intentionally while in service, the presumption is that the death is work-related.

SEC. 4. Survivorship Benefits; Coverage. – In case a Solicitor General, Assistant Solicitor General, Senior State Solicitor, or a State Solicitor covered by this Act dies during his or her retirement, or was eligible to retire optionally at the time of death, the surviving legitimate spouse of said Solicitor shall be entitled to receive all the retirement benefits that the deceased Solicitor was receiving or entitled to receive. Said 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 spouse is receiving benefits under existing retirement laws, he or she shall only be entitled to the difference between the amount provided for in this Act and the benefits that he or she is receiving.

The conditions provided under Section 2 of this Act shall likewise apply to the surviving spouse herein.

SEC. 5. *Funding.* - The funds required for the implementation of this Act for the retirement benefits, death benefits, and survivorship benefits shall be provided for in the General Appropriations Act.

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

SEC. 8. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts thereof which are contrary to or inconsistent with the provisions of this Act are hereby amended, repealed or modified accordingly.

SEC. 9. *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.

SEC. 10. *Effectivity.* This Act shall take effect immediately after fifteen (15) days from its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,