

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 350

Introduced by **HONORABLE ROMERO "MIRO" S. QUIMBO**

EXPLANATORY NOTE

The Solicitor General is the Government official authorized to appear before the courts and defend the Government, its departments, agencies and instrumentalities, Congress included. The daunting and sensitive legal duties of the Office of the Solicitor General (OSG) shows 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 for the further strengthening of the OSG 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 ensure that it will be able to perform its mandate of upholding State interest and faithfully carry out its role as the Tribune of the People. The crucial role played by the Solicitor General dictates that the qualifications for appointment, rank, category, prerogatives, salaries, allowances, emoluments, benefits and privileges of the Solicitor General be upgraded to that of an Associate Justice of the Supreme Court. While this move does not change the Solicitor General's present salary grade of 31, it will serve to enhance the prestige and honor carried by the said position.

And, while R.A. No. 9417 already provides that Senior State Solicitors and State Solicitors of the OSG shall have the same rank, salaries, and privileges as that of trial court judges, many benefits provided for by R.A. No. 9946, otherwise known as an Act Granting Additional Retirement, Survivorship, and other Benefits to Members of the Judiciary, like retirement under R.A. No. 910, are reserved for members of the judiciary only. Ironically, the counterparts of Senior OSG lawyers in the National Prosecution Service (NPS) and Public Attorney's Office (PAO) already enjoy many other benefits, which senior OSG lawyers are deprived of. There is a need, therefore, to equalize the benefits and privileges received by these government lawyers by similarly affording them the same prerogatives, salaries, allowances, benefits and privileges given to their counterparts in the Judiciary, NPS and the PAO.

The amendments on survivorship, authority to borrow and increase of the OSG's share in monetary awards or assets given by courts to client departments and assets awarded to the Government in forfeiture proceedings to 20% serve to



further strengthen the OSG by increasing its source of income for the payment of the mandated benefits and expansion under R.A. No. 9417.

In view thereof, the expedient approval of this bill is strongly recommended.



ROMERO "MIRO" S. QUIMBO
Representative
Second District, Marikina City

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SEVENTEENTH CONGRESS
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HOUSE BILL NO. 350

Introduced by **REP. ROMERO "MIRO" S. QUIMBO**

AN ACT
TO FURTHER STRENGTHEN THE OFFICE OF THE SOLICITOR GENERAL,
AMENDING FOR THE PURPOSE OF REPUBLIC ACT NO. 9417 AND
APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Section 3 of Republic Act No. 9417 is hereby amended to read as follows:

"SEC. 3 Standards. - The Solicitor General shall have cabinet rank and the same qualifications for appointment, rank, CATEGORY, prerogatives, salaries, [benefits] EMOLUMENTS, [and] privileges, AND RETIREMENT AND ALL OTHER BENEFITS of [a Presiding Justice of the Court of Appeals] AN ASSOCIATE OF 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, [benefits] privileges, AND 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 in Cities Judge

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

1
2 **SECTION 2.** Section 5 of Republic Act no. 9417 is hereby amended to read as
3 follows:

4
5 **"SEC. 5 *Benefits and Privileges.*** – Subject to the availability of
6 funds, the Office of the Solicitor General may provide its employees with
7 the following:

- 8
9 (1) Health care service through a health maintenance organization
10 (HMO), Expenses for the mandatory annual executive check-up of the
11 Solicitor General, the Assistant Solicitors General, and the Service
12 Heads, shall be for the account of the office;
13
14 (2) All employees shall be covered by accident insurance policies
15 procured by the office at its own expense during travels while in the
16 performance of their official duties and functions;
17
18 (3) Without prejudice to efficiency in the service, scholarship to deserving
19 employees on official time and at the expense of the Office of the
20 Solicitor General to enhance their academic growth and upgrade their
21 knowledge and skills. Scholars under this provision shall be selected
22 on the basis of competitive examination;
23
24 (4) A provident fund which shall consists of contributions made both by
25 the Office of the Solicitor General and by its lawyers and employees to
26 a common fund for the payment of benefits to such lawyers and
27 employees or their heirs; and
28
29 (5) OTHER PERQUISITES AND BENEFITS AS MAY BE DETERMINED BY
30 THE SOLICITOR GENERAL IN THE EXIGENCIES OF THE SERVICE"
31

32 **SECTION 3.** Section 10 of Republic Act No. 9417 is hereby deleted and replace
33 by a new Section 10 to read as follows:

34
35 **"SEC. 10[Grant of Special Allowances.** – The Solicitor
36 General, Assistant Solicitor General, Senior State Solicitor, State Solicitor
37 I and Associate Solicitor I to III shall be granted special allowances in
38 amounts to be determined by the Secretary of the Department of Budget
39 and Management and the Solicitor General. The grant of special
40 allowances shall be implemented uniformly in such sums and amounts
41 and up to the extent only that can be supported by the funding source
42 specified in Section 11 hereof: *Provided*, That the said special allowance
43 shall not exceed one hundred percent (100%) for the basic salary of
44 solicitors as provided in the Republic Act No. 6758, otherwise known as
45 the Salary Standardization Law.] **SURVIVORSHIP BENEFITS.** – UPON
46 DEATH OF A SOLICITOR GENERAL, SENIOR STATE SOLICITOR OR

1 STATE SOLICITOR OF THE OSG, IF SAID OSG OFFICIAL HAD RETIRED
2 OR WAS IN THE SERVICE AT THE TIME OF DEATH, THE SURVIVING
3 LEGITIMATE SPOUSE AND DEPENDENT CHILDREN OF SAID OSG
4 OFFICIAL SHALL BE ENTITLED TO RECEIVE ON A MONTHLY BASIS
5 ALL THE RETIREMENT BENEFITS THAT THE DECEASED WAS
6 RECEIVING OR ENTITLED TO RECEIVE AT THE TIME OF DEATH
7 UNDER THE PROVISIONS OF THE APPLICABLE RETIREMENT LAWS
8 THEN IN FORCE. A 'DEPENDENT' MEANS A LEGITIMATE,
9 ILLEGITIMATE OR LEGALLY ADOPTED CHILD WHO IS CHIEFLY
10 DEPENDENT WITH THE ABOVE-ENUMERATED DECEASED OSG
11 OFFICIALS IF SUCH DEPENDENT IS NOT MORE THAN TWENTY-ONE
12 (21) YEARS OF AGE, UNMARRIED AND NOT GAINFULLY EMPLOYED
13 OR IF SUCH DEPENDENT, REGARDLESS OF AGE, IS INCAPABLE OF
14 SELF-SUPPORT BECAUSE OF MENTAL OR PHYSICAL DEFECT. THE
15 SAID SURVIVING LEGITIMATE SPOUSE SHALL CONTINUE TO RECEIVE
16 SUCH RETIREMENT BENEFITS DURING HIS/HER LIFETIME OR UNTIL
17 HE/SHE REMARRIES: *PROVIDED*, THAT IF THE SURVIVING
18 LEGITIMATE SPOUSE IS RECEIVING BENEFITS UNDER EXISTING
19 RETIREMENT LAWS, HE/SHE SHALL ONLY BE ENTITLED TO THE
20 DIFFERENCE BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT
21 AND THE BENEFITS HE/SHE IS RECEIVING: *PROVIDED FURTHER*,
22 THAT SAID BENEFITS SHALL BE GRANTED TO ALL
23 AFOREMENTIONED MEMEBERS OF THE OFFICE OF THE SOLICITOR
24 GENERAL WHO DIED OR RETIRED PRIOR TO THE EFFECTIVITY OF
25 THIS ACT.

26
27 FUNDS FOR THE INITIAL IMPLEMENTATION OF THIS SECTION
28 SHALL BE TAKEN OUT OF THE CURRENT APPROPRIATIONS FOR THE
29 RETIREMENT OF THE OFFICERS AND EMPLOYEES OF THE OFFICE
30 OF THE SOLICITOR GENERAL AND/OR SAVINGS OF SAID OFFICE.
31 THEREAFTER, SUCH SUMS AS MAY BE NECESSARY FOR THE
32 CONTINUED IMPLEMENTATION OF THIS SECTION SHALL BE
33 INCLUDED IN THE ANNUAL GENERAL APPROPRIATIONS ACT."

34
35 **SECTION 4.** Section 11 of Republic Act No. 9417 is hereby amended to read as
36 follows:

37
38 **"SEC. 11 *Funding.*** – The funds required for the implementation of
39 this Act, including those for health care services, insurance premiums,
40 professional, educational, registration fees, contracted transportation
41 benefits, the other benefits above, shall be taken from:

- 42
43 (i) [Five percent (5%)] TWENTY PERCENT (20%) of monetary
44 awards OR ASSETS given by the Court to client
45 departments. agencies and instrumentalities, including
46 those under court-approved compromise agreements AND

TWENTY PERCENT (20%) OF ASSETS AWARDED TO THE
GOVERNMENT IN THE FORFEITURE PROCEEDINGS;

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

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

For this purpose, the Office of the Solicitor General 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 Office of the Solicitor
General to be managed and used by the Solicitor General to carry
out the provisions of this Act.

THE OFFICE OF THE SOLICITOR GENERAL IS LIKEWISE,
AUTHORIZED TO BORROW FUNDS AND DISPOSE OF ITS
ASSETS TO CARRY OUT THE PROVISIONS OF THIS ACT."

SECTION 5. *Retroactivity* – The retirement benefits provided for under
Section 10 of this Act shall have retroactive effect as of the date of effectivity of
Republic Act No. 9417.

SECTION 6. *Separability Clause* – If any provision of this Act is declared
unconstitutional or invalid, other parts or provision hereof not affected shall
continue in full force and effect.

SECTION 7. *Effectivity* – This Act shall take effect fifteen (15) days following
its publication in the Official Gazette or in at least two (2) newspapers of
general circulation.

Approved,