



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 5737

Introduced by Representative Henry S. Oaminal

EXPLANATORY NOTE

This bill seeks to augment the existing retirement, death and survivorship benefits for the Solicitor General, Assistant Solicitor General, Senior State Solicitors, State Solicitors, officials and employees of the Office of the Solicitor General.

The Office of the Solicitor General is the law office of the Government of the Republic of the Philippines. It represents 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 a lawyer.

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.

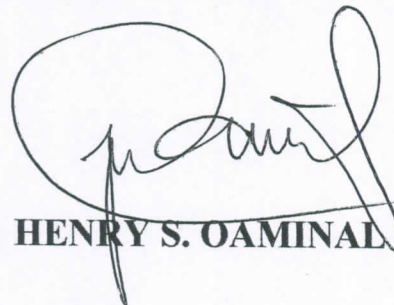
While R.A. No. 9417 already provides that Senior State Solicitors and State Solicitors of the OSG shall have the same rank, salaries, and privileges of trial court judges, however, the other benefits, such as the retirement, death, and survivorship benefits, as well as provision for the automatic increase thereof, are enjoyed only by the members of the Judiciary, National Prosecution Services, Public Attorney's Office, Office of the Ombudsman, Labor Arbiters, among others. Sadly, these benefits have not followed suit for the lawyers of the OSG. This inequality among the legal offices of the National Government erodes the thrust to standardize and rationalize the current compensation framework in the bureaucracy. The varied benefits undermine the principle of "equal pay for work of equal value".

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 entice only the best and the brightest lawyers to join and build their careers in the OSG until their twilight years, it is only appropriate to provide its lawyers with competitive remunerative retirement benefits in parity with their counterparts in the government service performing essentially the same vital functions. Through these incentives, the government would be recognizing and rewarding those who choose to climb up the ranks and devote the best years of their life in the OSG.

The proposed provisions will ensure that the OSG will be able to faithfully, effectively, and efficiently perform its mandate to uphold State interest and the interest of the People.

In view of the foregoing reasons, the expeditious approval of this bill is earnestly sought.



HENRY S. OAMINAL

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AN ACT

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

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

SECTION 1. *Short Title.* – This Act shall be known as the “OSG’s
Officials and Employees Benefits and Incentives Act.”

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State to
promote the welfare of the officials and employees of the Office of the Solicitor
General (OSG) by augmenting the retirement, death, and survivorship benefits
for the Solicitor General, Assistant Solicitor General, Senior State Solicitors,
Solicitors, officials and personnel of the Office of the Solicitor General 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
and, its departments, bureaus, agencies, and instrumentalities, and its officials

1 and agents in their official capacity, in any litigation, proceeding, investigation,
2 or matter requiring the services of lawyers.

3 **SEC. 3. *Retirement Benefits.*** – A Solicitor General who has served in
4 such capacity continuously for at least three (3) consecutive years, regardless of
5 age or years in government service, the Solicitor General shall be entitled to
6 the additional retirement benefits under this Act.

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

17 When an Assistant Solicitor General, Senior State Solicitor, State
18 Solicitor II or a State Solicitor I has attained the age of sixty (60) years and has
19 rendered at least fifteen (15) years of service in Government, the last five (5)
20 years of which must have been rendered in the OSG, the official shall likewise
21 be entitled to retire and receive, during the residue of the natural life the same
22 benefits provided for in this section: *Provided, however,* That those with less

1 than fifteen (15) years of service in the Government shall be entitled to a *pro*
2 *rata* pension computed as follows:

3			
4	No. of years		(Highest Monthly Salary plus
5	in government service	x	the Highest Monthly Aggregate
6	15 years		of Transportation, Living and
7			Representation Allowance)
8			

9 Upon retirement, an OSG official or employee covered by this Act shall
10 automatically be entitled to a lump sum of five (5) years gratuity computed on
11 the basis of the highest monthly salary plus the highest monthly aggregate of
12 transportation, living, and representation allowances, which the official or
13 employee was receiving on the date of the retirement and, thereafter, upon
14 survival after the expiration of five (5) years to further annuity payable monthly
15 during the residue of the natural life pursuant to the preceding paragraphs:

16 *Provided, however,* That if the reason for the retirement be any total permanent
17 disability, as certified by the Solicitor General, contracted during the
18 incumbency in the office and prior to the date of retirement, the official or
19 employee shall receive a gratuity equivalent to ten (10) years' salary and
20 allowances aforementioned: *Provided, further,* That should the retirement be
21 with the attendance of any partial permanent disability, as certified by the
22 Solicitor General, contracted during the incumbency in the office and prior to
23 the date of retirement, the official or employee shall receive an additional
24 gratuity equivalent to two (2) years lump sum that the official or employee is
25 entitled to under this Act: *Provided, furthermore,* That if the official or

1 employee survives after ten (10) years or seven (7) years, as the case may be,
2 the official or employee shall continue to receive a monthly retirement pension
3 as computed under this Act during the residue of the natural life. Nothing in
4 this Act shall be construed as to prevent the President of the Philippines from
5 appointing any person sixty-five years of age or older as Solicitor General.

6 **SEC. 4. Conditions.** – While receiving the pension and benefits granted
7 herein, no retired or resigned official or employee covered in the immediately
8 preceding section shall appear as counsel before any judicial or quasi-judicial
9 agency in any civil case wherein the Government or any agency, subdivision, or
10 instrumentality thereof is an adverse party, or in any criminal case where any
11 officer or employee of the Government is accused of an offense committed in
12 relation to their office, or collect any fee for appearance in any administrative
13 proceedings to maintain an interest adverse to the Government, whether
14 national, provincial, or municipal, or to any of its legally constituted officers.

15 When a Solicitor General, Assistant Solicitors General, and State
16 Solicitors covered by and receiving any benefit under this Act shall assume an
17 elective position in Government, they shall not, upon assumption of office and
18 during their tenure as an elective official, receive the monthly pension or any of
19 the allowances due them.

20 **SEC. 5. Death Benefits.** – In case a Solicitor General, Assistant Solicitor
21 General, Senior State Solicitor, State Solicitor II or State Solicitor I dies while
22 in actual service, regardless of the age and length of service as required in the

1 preceding section, the heirs shall receive a lump sum of five (5) years gratuity
2 computed on the basis of the highest aggregate of transportation, living and
3 representation allowances received by the concerned Solicitor as such:
4 *Provided, however,* That where said Solicitor has rendered at least fifteen (15)
5 years of government service, either in the OSG or in any branch of the
6 Government, or both, the heirs shall instead be entitled to a lump sum of ten
7 (10) years gratuity computed on the same basis as indicated in this provision:
8 *Provided, further,* That the lump sum of ten (10) years gratuity shall be received
9 by the heirs of the Solicitor who was killed by reason of the official duties as
10 such: *Provided, furthermore,* That the Solicitor has served in the OSG for at
11 least five (5) years, regardless of age, at the time of death. When a Solicitor is
12 killed intentionally while in service, the presumption is that the death is work-
13 related.

14 **SEC. 6. *Survivorship Benefits; Coverage.*** – In case a Solicitor General,
15 Assistant Solicitor General, Senior State Solicitor, or a State Solicitor covered
16 by this Act dies during the retirement, or was eligible to retire optionally at the
17 time of death, the surviving legitimate spouse of said Solicitor shall be entitled
18 to receive all the retirement benefits that the deceased Solicitor was receiving or
19 entitled to receive. Said surviving legitimate spouse shall continue to receive
20 such retirement benefits during the spouse lifetime or until the spouse
21 remarries: *Provided,* That if the surviving spouse is receiving benefits under
22 existing retirement laws, the spouse shall only be entitled to the difference

1 between the amount provided for in this Act and the benefits that the spouse is
2 receiving.

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

5 **SEC. 7. *Appropriations.*** – The amount necessary to cover the initial
6 implementation of this Act shall be taken from the current year's appropriations
7 of the OSG or its savings. Thereafter, such sums as may be necessary for the
8 continued implementation of this Act shall be included in the annual General
9 Appropriations Act.

10 **SEC. 8. *Automatic Increase.*** – All retirement benefits of Solicitors
11 General, Assistant Solicitors General, and State Solicitors shall be automatically
12 increased whenever there is an increase in the salary and allowance in the same
13 position from which they retired.

14 **SEC. 9. *Repealing Clause.*** – All laws, decrees, orders, rules and
15 regulations or parts thereof which are contrary to or inconsistent with the
16 provisions of this Act are hereby amended, repealed or modified accordingly.

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

20 **SEC. 11. *Effectivity.*** – This Act shall take effect immediately after
21 fifteen (15) days from its publication in the *Official Gazette* or in a newspaper
22 of general circulation.

1 Approved,