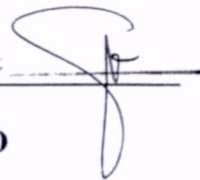


**SENATE**

'19 NOV 18 P2 :23

**S.B. NO. 1175**

RECEIVED BY: 

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**INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO**

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**AN ACT  
AUGMENTING THE BENEFITS OF THE SOLICITORS OF THE OFFICE OF THE  
SOLICITOR GENERAL, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

The Office of the Solicitor General is the law office of the Government of the Republic of the Philippines. 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 the National Prosecution Services, Public Attorney's Office, Office of the Ombudsman, Labor Arbiters, the members of the Judiciary, among others.

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 not provided to the Solicitors. 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.

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.




**EMMANUEL D. PACQUIAO**



'19 NOV 18 P2:24

SENATE

S.B. NO. 1175

RECEIVED BY: 

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT  
AUGMENTING THE BENEFITS OF THE SOLICITORS 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:*

1 **SEC. 1. Retirement Benefits.** – When the Solicitor General has served in such capacity  
2 continuously for at least three (3) consecutive years, regardless of age or years in government  
3 service, he or she shall likewise be entitled to the retirement benefits under this Act.  
4

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

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

22 No. of years		23 Highest Monthly Salary plus the Highest
24 <u>in government</u>	x	25 Monthly Aggregate of Transportation,
26 15 years		27 Living and Representation Allowance

28 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



1 salary plus the highest monthly aggregate of transportation, living, and representation  
2 allowances, which he or she was receiving on the date of his or her retirement and, thereafter,  
3 upon survival after the expiration of five (5) years to further annuity payable monthly during  
4 the residue of his or her natural life pursuant to the preceding paragraphs: *Provided, however,*  
5 That if the reason for the retirement be any total permanent disability, as certified by the  
6 Solicitor General, contracted during his or her incumbency in the office and prior to the date  
7 of retirement, he or she shall receive a gratuity equivalent to ten (10) years' salary and  
8 allowances aforementioned: *Provided, further,* That should the retirement be with the  
9 attendance of any partial permanent disability, as certified by the Solicitor General, contracted  
10 during his or her incumbency in the office and prior to the date of retirement, he or she shall  
11 receive an additional gratuity equivalent to two (2) years lump sum that he or she is entitled to  
12 under this Act: *Provided, furthermore,* That if he or she survives after ten (10) years or seven  
13 (7) years, as the case may be, he or she shall continue to receive a monthly retirement pension  
14 as computed under this Act during the residue of his or her natural life. Nothing in this Act  
15 shall be construed as to prevent the President of the Philippines from appointing any person  
16 sixty-five years of age or older as Solicitor General.

17  
18 **SEC. 2. Conditions.** While receiving the pension and benefits granted herein, no retired or  
19 resigned official or employee covered in the immediately preceding section shall appear as  
20 counsel before any judicial or quasi-judicial agency in any civil case wherein the Government  
21 or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal  
22 case where any officer or employee of the Government is accused of an offense committed in  
23 relation to their office, or collect any fee for appearance in any administrative proceedings to  
24 maintain an interest adverse to the Government, whether national, provincial, or municipal, or  
25 to any of its legally constituted officers.

26  
27 When a Solicitor General, Assistant Solicitors General, and State Solicitors covered by  
28 and receiving any benefit under this Act shall assume an elective position in Government, he  
29 or she shall not, upon assumption of office and during his or her tenure as an elective official,  
30 receive the monthly pension or any of the allowances due him or her.

31  
32  
33 **SEC. 3 Death Benefits** – In case a Solicitor General, Assistant Solicitor General, Senior State  
34 Solicitor, State Solicitor II or State Solicitor I dies while in actual service, regardless of his or  
35 her age and length of service as required in the preceding section, his or heirs shall receive a  
36 lump sum of five (5) years gratuity computed on the basis of the highest aggregate of  
37 transportation, living and representation allowances received by the concerned Solicitor as  
38 such: *Provided, however,* That where said Solicitor has rendered at least fifteen (15) years of  
39 government service, either in the OSG or in any branch of the Government, or both, his or her  
40 heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same  
41 basis as indicated in this provision: *Provided, further,* That the lump sum of ten (10) years  
42 gratuity shall be received by the heirs of the Solicitor who was killed by reason of his or her  
43 duties as such: *Provided, furthermore,* That the Solicitor has served in the OSG for at least five  
44 (5) years, regardless of age, at the time of death. When a Solicitor is killed intentionally while  
45 in service, the presumption is that the death is work-related.

46  
47  
48 **SEC. 4. Survivorship Benefits; Coverage.** – In case a Solicitor General, Assistant Solicitor  
49 General, Senior State Solicitor, or a State Solicitor covered by this Act dies during his or her  
50 retirement, or was eligible to retire optionally at the time of death, the surviving legitimate

1 spouse of said Solicitor shall be entitled to receive all the retirement benefits that the deceased  
2 Solicitor was receiving or entitled to receive. Said surviving legitimate spouse shall continue  
3 to receive such retirement benefits during his or her lifetime or until he or she remarries:  
4 *Provided*, That if the surviving spouse is receiving benefits under existing retirement laws, he  
5 or she shall only be entitled to the difference between the amount provided for in this Act and  
6 the benefits that he or she is receiving.

7  
8 The conditions provided under Section 2 of this Act shall likewise apply to the  
9 surviving spouse herein.

10  
11 **SEC. 5. *Funding.*** - The funds required for the implementation of this Act for the retirement  
12 benefits, death benefits, and survivorship benefits shall be provided for in the General  
13 Appropriations Act.

14  
15 **SEC. 6. *Automatic Increase.*** — All retirement benefits of Solicitors General, Assistant  
16 Solicitors General, and State Solicitors shall be automatically increased whenever there is an  
17 increase in the salary and allowance in the same position from which they retired.

18  
19 **SEC. 7. *Repealing Clause.*** All laws, decrees, orders, rules and regulations or parts thereof  
20 which are contrary to or inconsistent with the provisions of this Act are hereby amended,  
21 repealed or modified accordingly.

22  
23 **SEC. 8. *Separability Clause.*** If any provision of this Act is declared invalid or unconstitutional,  
24 the provisions not affected thereby shall continue to be in full force and effect.

25  
26 **SEC. 9. *Effectivity.*** This Act shall take effect immediately after fifteen (15) days from its  
27 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

28  
29  
30 Approved,