



HOUSE OF REPRESENTATIVES

H. No. 10007

BY REPRESENTATIVES REVILLA, OAMINAL, SY-ALVARADO, VELOSO, YAP (E.), RODRIGUEZ, ABUEG-ZALDIVAR, CALDERON, BELMONTE, CHATTO, SALCEDA, DALIPE, SAVELLANO, AGABAS, BOLILIA, NIETO, CABATBAT, BAUTISTA-BANDIGAN, BIAZON, CUA, CUARESMA, DAZA, DUAVIT, FARIÑAS I (R.C.), GARCIA (J.E.), GASATAYA, GO (E.C.), LIMKAICHONG, NUÑEZ-MALANYAON, SAGARBARRIA, TEJADA, VIOLAGO, ZAMORA (W.K.), BALINDONG, BORDADO, BRAVO, CARI, DAGOOC, DALOG, DELOSO-MONTALLA, DIMAPORO (A.), DUJALI, DY (F.), GORRICETA, GULLAS, GUYA, HOFER, LABADLABAD, MACEDA, NATIVIDAD-NAGAÑO, NAVA, OUANO-DIZON, PLAZA, SANCHEZ, TAMBUNTING, TAN (A.S.), TIANGCO, TUTOR, VARGAS ALFONSO, VERGARA, BANAS-NOGRALES, CASTELO, GO (M.), LARA, LACSON, LOYOLA, LUSOTAN, RAMIREZ-SATO, SANGCOPAN, TADURAN, YAP (V.), VILLARICA AND SY-ALVARADO, PER COMMITTEE REPORT NO. 1148

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 promote
5 the welfare of the officials of the Office of the Solicitor General (OSG) by augmenting
6 the retirement, death, and survivorship benefits of the Solicitor General, Assistant
7 Solicitors General, Senior State Solicitors, and State Solicitors of the OSG in order to
8 fulfill its role, as the "Tribune of the People", of upholding the best interest of the
9 government, as well as to perform its mandate as the principal law office of the
10 Government of the Republic of the Philippines representing the government and its
11 departments, bureaus, agencies, and instrumentalities, and its officials and agents in

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

3
4 **SEC. 3. Retirement Benefits.** – When a Solicitor General, an Assistant Solicitor
5 General, Senior State Solicitor, State Solicitor II or a State Solicitor I, who has
6 rendered at least fifteen years (15) of service in the OSG or in any other branch of the
7 Government, or in both, (a) retires for having attained the age of sixty-five (65)
8 years, or (b) resigns by reason of the incapacity to discharge the duties of the office
9 as certified by the Solicitor General, they shall receive, during the residue of their
10 natural lives, in the manner hereinafter provided, a retirement pension based on the
11 highest monthly salary plus the highest monthly aggregate of transportation, living
12 and representation allowances, which they were receiving at the time of the
13 retirement or resignation.

14
15 When a Solicitor General, an Assistant Solicitor General, Senior State Solicitor,
16 State Solicitor II or a State Solicitor I has attained the age of sixty (60) years and has
17 rendered at least fifteen (15) years of service in Government, the last five (5) years of
18 which must have been rendered in the OSG, they shall likewise be entitled to retire and
19 receive, during the residue of their natural lives the same benefits provided for in this
20 section: *Provided*, That those with less than fifteen (15) years of service in the
21 government shall be entitled to a pro rata pension computed as follows:
22

$$\begin{array}{r} \text{No. of years} \\ \text{in government service} \\ \hline 15 \text{ years} \end{array} \times \begin{array}{l} \text{(Highest Monthly Salary plus} \\ \text{the Highest Monthly Aggregate} \\ \text{of Transportation, Living and} \\ \text{Representation Allowance)} \end{array}$$

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

44
45 **SEC 4. Death Benefits.** – In case a Solicitor General, Assistant Solicitor General,
46 Senior State Solicitor, State Solicitor II or State Solicitor I dies while in actual service,
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1 regardless of the age and length of service as required in the preceding section, the
2 heirs shall receive a lump sum of five (5) years gratuity computed on the basis of the
3 highest aggregate of transportation, living and representation allowances received by
4 the concerned Solicitor as such: *Provided*, That when the deceased had rendered at
5 least fifteen (15) years of government service, either in the OSG or in any branch of
6 the government, or both, the heirs shall instead be entitled to a lump sum of ten (10)
7 years gratuity computed on the same basis as indicated in this provision. In case a
8 Solicitor General, Assistant Solicitor General, Senior State Solicitor, State Solicitor II
9 or State Solicitor I is killed by reason of their official duties, their heirs shall receive a
10 lump sum of ten (10) years gratuity computed on the same basis as indicated herein:
11 *Provided*, That the deceased had served in the OSG for at least five (5) years,
12 regardless of age, at the time of death. When a Solicitor is killed intentionally while in
13 service, the presumption is that the death is work related.
14

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

26 **SEC. 6. Conditions.** - While receiving the pension and benefits granted herein,
27 no retired or resigned Solicitor General, Assistant Solicitor General, Senior State
28 Solicitor, State Solicitor II and State Solicitor I, or their surviving spouse, shall appear
29 as counsel before any judicial or quasi-judicial agency in any civil case wherein the
30 Government or any agency, subdivision, or instrumentality thereof is an adverse
31 party, or in any criminal case where any officer or employee of the Government is
32 accused of an offense committed in relation to their office, or collect any fee for
33 appearance in any administrative proceeding to maintain an interest adverse to the
34 Government, whether national, provincial, or municipal, or to any of its legally
35 constituted officers. When a Solicitor General, Assistant Solicitors General, Senior
36 State Solicitor and State Solicitors, or their surviving spouse, covered by and receiving
37 any benefit under this Act, assume an elective position in Government, they shall not,
38 upon assumption of office and during their tenure as an elective official, receive the
39 monthly pension or any of the allowances due them.
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41 **SEC. 7. Automatic Increase.** - All retirement benefits of Solicitors General,
42 Assistant Solicitors General, Senior State Solicitors and State Solicitors shall be
43 automatically increased whenever there is an increase in the salary and allowance in
44 the same position from which they retired.
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46 **SEC. 8. Appropriations.** - The amount necessary to cover the initial
47 implementation of this Act shall be taken from the current year's appropriations of the
48 OSG or its savings. Thereafter, such sums as may be necessary for the continued
49 implementation of this Act shall be included in the annual General Appropriations Act.
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51 **SEC. 9. Implementing Rules and Regulations.** - Within sixty (60) days from the
52 approval of this Act, the Solicitor General shall, in coordination with the Secretary of
53 Budget and Management, promulgate such rules and regulations as may be necessary
54 to carry out the provisions of this Act.

1 **SEC. 10. Separability Clause.** – If any provision of this Act is declared invalid or
2 unconstitutional, the provisions not affected thereby shall continue to be in full force
3 and effect.
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5 **SEC. 11. Repealing Clause.** – All laws, decrees, orders, rules and regulations or
6 parts thereof which are contrary to or inconsistent with the provisions of this Act are
7 hereby amended, repealed or modified accordingly.
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9 **SEC. 12. Effectivity.** – This Act shall take effect after fifteen (15) days after its
10 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,