



HOUSE OF REPRESENTATIVES

H. No. 7376

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NOGRALES (J.J.), ROA-PUNO, SUAREZ, GARBIN, CAMPOS,
ABAYON, BERTIZ, TUGNA AND SANGCOPAN, PER COMMITTEE
REPORT NO. 658

AN ACT FURTHER STRENGTHENING THE OFFICE OF THE
SOLICITOR GENERAL (OSG) BY INCREASING
ITS POWERS AND FUNCTIONS, AND REDEFINING,
EXPANDING, AND RATIONALIZING ITS ORGANIZATION,
REPEALING FOR THE PURPOSE REPUBLIC ACT
NO. 9417, REPUBLIC ACT NO. 2327, AND EXECUTIVE
ORDER NOS. 1 AND 2, S. 1986, 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
2 "OSG Charter".

3 SEC. 2. *Declaration of Policy.* - It is the declared policy of
4 the State to strengthen the Office of the Solicitor General (OSG) in
5 order to fulfill its role of upholding the best interest of the
6 government as the "Tribune of the People", as well as to perform its
7 mandate as the principal law office of the Government of the
8 Republic of the Philippines representing the government, its
9 departments, bureaus, agencies, and instrumentalities, and its
10 officials and agents in their official capacity, in any litigation,
11 proceeding, investigation, or matter requiring the services of
12 lawyers.

13 It is also the policy of the State to ensure efficiency and
14 economy in the operations of the government, to eliminate the
15 overlapping of functions, to consolidate the legal services in the
16 government into one office, to effectively address the expanding
17 needs of government-owned and -controlled corporations (GOCCs)
18 towards the improvement of fiscal management and good corporate
19 governance, and to concentrate and enhance government efforts for
20 the full and effective recovery of ill-gotten wealth and properties,
21 including the efficient investigation and prosecution of cases
22 relative thereto. Towards this end, the Office of the Government
23 Corporate Counsel (OGCC) and the Presidential Commission on
24 Good Government (PCGG) are hereby abolished and their respective
25 powers and functions are transferred to the OSG.

26 With the transfer of the powers and functions of the OGCC
27 and the PCGG to the OSG, and to ensure the efficient and effective
28 legal representation of the government, its departments, bureaus,

1 agencies, and instrumentalities, GOCCs, and its officials and agents
 2 in their official capacity, the members of the legal and
 3 administrative staff of the OSG shall be increased and their
 4 positions upgraded to adequately meet the Republic's burgeoning
 5 need for legal services. The skills of OSG lawyers shall be further
 6 improved, and the benefits of all OSG employees augmented. The
 7 professional growth of these employees shall be encouraged.

8 SEC. 3. *Definition of Terms.* – As used in this Act:

9 (a) *Capacity development* refers to the process whereby the
 10 OSG, as an organization, develops its capability over time to achieve
 11 development goals while enhancing its ability to achieve
 12 measurable and sustainable results, through improvement of
 13 knowledge, skills, and systems;

14 (b) *Government-owned and -controlled corporation (GOCC)*
 15 refers to government-owned and -controlled corporations, their
 16 subsidiaries, other corporate offspring, including government-
 17 acquired asset corporations, government corporate entities and
 18 government instrumentalities with corporate powers, government
 19 financial institutions, and other government corporate entities,
 20 agencies and offices; and

21 (c) *Ill-gotten wealth* refers to any asset, property, business
 22 enterprise or material possession of former President Ferdinand E.
 23 Marcos, his immediate family, relatives, subordinates and close
 24 associates, whether located in the Philippines or abroad, acquired
 25 by them directly, or indirectly through dummies, nominees, agents,
 26 subordinates, and/or business associates by any of the following
 27 means or similar schemes:

1 (1) Through misappropriation, conversion, misuse, or
 2 malversation of public funds or raids on the public treasury;

3 (2) Through the receipt, directly or indirectly, of any
 4 commission, gift, share, percentage, kickbacks, or any other form of
 5 pecuniary benefit from any person and/or entity in connection with
 6 any government contract or project or by reason of the office or
 7 position of the official concerned;

8 (3) By the illegal or fraudulent conveyance or disposition of
 9 assets belonging to the government or any of its subdivisions,
 10 agencies or instrumentalities, or GOCCs;

11 (4) By obtaining, receiving, or accepting directly or indirectly,
 12 shares of stock, equity, or any other form of interest or participation
 13 in any business enterprise or undertaking;

14 (5) Through the establishment of agricultural, industrial, or
 15 commercial monopolies or other combination and/or by the issuance,
 16 promulgation, and/or implementation of decrees and orders
 17 intended to benefit particular persons or special interests; and

18 (6) By taking undue advantage of official position, authority,
 19 relationship, or influence for personal gain or benefit.

20 SEC. 4. *Organizational Structure.* – The OSG shall be an
 21 independent and autonomous office attached to the Office of the
 22 President for budgetary purposes.

23 The OSG shall be headed by the Solicitor General, who is the
 24 principal law officer and legal defender of the government. The
 25 Solicitor General shall have the authority and responsibility for the
 26 exercise of the OSG's mandate and for the discharge of its duties
 27 and functions, and shall have supervision and control over the OSG
 28 and its constituent units.

1 The Solicitor General shall be assisted by a Legal Staff
2 composed of Assistant Solicitors General and such number of
3 Solicitors as may be necessary to operate the OSG.

4 There shall be at least fifty (50) legal divisions in the OSG.
5 Each division, headed by an Assistant Solicitor General, shall
6 consist of at least ten (10) lawyers and such other personnel as may
7 be necessary for the OSG to effectively carry out its functions.

8 The administrative structure of the OSG shall be organized
9 into the: (a) Financial Management Service; (b) Docket
10 Management Service; (c) Human Resources Management and
11 Administrative Service; and (d) Budget and Planning Service, all of
12 which shall be composed of the necessary divisions and sections.
13 Each Service shall be headed by a Director, who shall be appointed
14 by the President upon the recommendation of the Solicitor General.

15 There shall be an Office of Legal Services (OLS) within the
16 OSG to be headed by a Chief Legal Officer, who shall be a lawyer, to
17 be appointed by and coterminous with the Solicitor General. The
18 qualifications, salary grade, and benefits of the Chief Legal Officer
19 and the OLS staff shall be determined by the Solicitor General. The
20 Chief Legal Officer shall be assisted by such other personnel as may
21 be necessary to effectively carry out the functions of the OLS.

22 A special task force within the OSG shall be created to be
23 composed of at least five (5) legal divisions which shall be primarily
24 responsible for performing the powers and functions under
25 Section 5(m) of this Act. Pending judicial determination of the
26 ownership of ill-gotten assets, the task force shall be responsible for
27 preserving and maintaining such assets. For this purpose, the
28 members of the task force may be assigned or designated to sit in

1 the Board of Directors of concerned entities by the Solicitor General.
2 The task force shall also perform research and development
3 functions.

4 The administrative support of the task force shall be provided
5 by special units within the Docket Management Service of the OSG,
6 which shall have the function of maintaining and monitoring the
7 records of cases as well as the safekeeping of evidence and
8 documents; and within the Financial Management Service of the
9 OSG in the preservation and maintenance of sequestered assets and
10 of other assets that are subject of pending litigation in the ill-gotten
11 wealth complaints filed by the PCGG with the Sandiganbayan and
12 related cases.

13 *SEC. 5. Powers and Functions.* – The OSG shall represent
14 the Government of the Philippines, its agencies and
15 instrumentalities, including GOCCs, and its officials and agents
16 acting in their official capacity, in any litigation, proceeding,
17 investigation, or matter requiring the services of a lawyer. As the
18 principal law office of the government, the OSG shall have the
19 following specific powers and functions:

20 (a) Represent the government and the People of the
21 Philippines in the Supreme Court and the Court of Appeals in all
22 criminal proceedings; represent the government and its officers in
23 the Supreme Court, the Court of Appeals, and all other courts or
24 tribunals in all civil actions and special proceedings in which the
25 government has been impleaded as a party, or any official of the
26 government sued in the lawful performance of duty;

27 (b) Investigate, initiate court action, or in any manner
28 proceed against any person, corporation, or firm for the enforcement

1 of any contract, bond, guarantee, mortgage, pledge, or other
2 collateral executed in favor of the government;

3 (c) Appear in any court in any action involving the validity of
4 any treaty, law, executive order or proclamation, or rule or
5 regulation when, in the judgment of the Solicitor General,
6 intervention is necessary, or when requested by the court;

7 (d) Appear in all proceedings involving the acquisition or loss
8 of Philippine citizenship;

9 (e) Represent the government in all land registration and
10 related proceedings, and institute actions for the reversion to the
11 government of lands of the public domain and improvements
12 thereon as well as lands held in violation of the Constitution;

13 (f) Conciliate, mediate, settle, or adjudicate all disputes,
14 claims, and controversies solely between or among the departments,
15 bureaus, offices, agencies, and instrumentalities of the national
16 government, including GOCCs;

17 (g) Render opinion and advice on matters referred by the
18 departments, bureaus, offices, agencies, and instrumentalities of the
19 national government, including GOCCs;

20 (h) Upon request of the President or other proper officer of the
21 national government, prepare rules and guidelines for government
22 entities governing the preparation of contracts, making of
23 investments, undertaking of transactions, and drafting of forms or
24 other documents needed for official use, for the purpose of
25 facilitating their enforcement and ensuring that they are entered
26 into or prepared conformably to law and for the best interests of the
27 public;

1 (i) Deputize any provincial or city prosecutor to assist in the
2 performance of any function or in the discharge of any duty
3 incumbent upon the Solicitor General, within the jurisdiction of the
4 aforesaid provincial or city prosecutor, whenever in the opinion of
5 the Solicitor General the public interest requires. When so
6 deputized, the prosecutor shall be under the control and supervision
7 of the Solicitor General with regard to the conduct of the
8 proceedings assigned to the prosecutor, and may be required to
9 render reports or furnish information regarding the assignment;

10 (j) Any law to the contrary notwithstanding, act as the legal
11 counsel and serve as the principal law office of all GOCCs. All
12 GOCCs shall refer to the OSG all contracts for review before their
13 execution and all cases for representation before regular courts,
14 quasi-judicial bodies, administrative agencies, and arbitral
15 tribunals: *Provided*, That the Solicitor General may authorize the
16 legal department of the concerned GOCC to appear as collaborating
17 counsel for purposes of expediency or when the case demands
18 urgency.

19 As legal counsel of all GOCCs, the OSG shall also perform the
20 following functions:

21 (1) Exercise control and supervision over the legal
22 departments of all GOCCs through designated Assistant Solicitors
23 General and Solicitors;

24 (2) Exercise visitorial powers over GOCCs;

25 (3) Replace the OGCC as *ex officio* member in the Property
26 Insurance Fund and enforce the Property Insurance Law pursuant
27 to Republic Act No. 656, as amended by Presidential Decree
28 No. 245, in domestic or international transactions;

1 (4) Conduct periodic performance audits of the in-house
2 lawyers or legal departments of GOCCs and to recommend
3 appropriate actions to GOCCs;

4 (5) Devise a system of record-keeping, such as a centralized
5 database for legal opinions, to ensure that the integrity of vital
6 documents remain intact;

7 (6) Require the in-house lawyers or legal departments of
8 GOCCs to submit periodic reports of work performed and
9 accomplished; and

10 (7) Perform other functions as may be provided by law, and
11 such additional tasks as may be required by the GOCCs, including
12 corporate secretary functions, with the conformity of the Solicitor
13 General;

14 (k) Deputize legal officers of government departments,
15 bureaus, agencies, offices, and GOCCs to assist the Solicitor
16 General and appear for or represent the government in cases
17 brought before the courts involving their respective offices, and
18 exercise supervision and control over said legal officers with respect
19 to such cases;

20 (l) Call on any department, bureau, agency, office, or
21 instrumentality of the government, including any GOCC, for such
22 service, assistance, and cooperation as may be necessary in fulfilling
23 its functions and responsibilities and, for this purpose, enlist the
24 services of any government official or employee in the pursuit of its
25 tasks.

26 Departments, bureaus, agencies, offices, instrumentalities,
27 and GOCCs to whom the OSG renders legal services are authorized
28 to disburse funds to the OSG from their sundry operating and other

1 funds. For this purpose, the Solicitor General, Assistant Solicitors
2 General, Senior State Solicitors, State Solicitors, and Associate
3 Solicitors are specifically authorized to receive allowances as may be
4 provided by the government offices, instrumentalities, and GOCCs
5 concerned, in addition to their regular compensation;

6 (m) Exercise and perform the following powers and functions
7 of the PCGG which are hereby transferred to the OSG:

8 (1) File and prosecute all cases investigated by the PCGG
9 under Executive Order No. 1, dated February 28, 1986; Executive
10 Order No. 2, dated March 12, 1986; and Executive Order No. 432,
11 dated May 26, 2005, as may be warranted by its findings;

12 (2) Continue handling cases relative to the recovery of
13 ill-gotten wealth and behest loans;

14 (3) Grant immunity from criminal prosecution to any person
15 who provides information or testifies in any investigation previously
16 conducted by the PCGG or in future cases investigated by the OSG
17 involving ill-gotten wealth, to establish the unlawful manner in
18 which any respondent, defendant or accused has acquired or
19 accumulated the property or properties in question in any case
20 where such information or testimony is necessary to ascertain or
21 prove the latter's guilt or civil liability. The immunity thereby
22 granted shall be continued to protect the witness who repeats such
23 testimony before the Sandiganbayan when required to do so; and

24 (4) Call upon any department, bureau, agency, office,
25 instrumentality or corporation of the government, or any officer or
26 employee thereof, for such assistance as it may need in the
27 discharge of its functions relative to recovery of ill-gotten wealth
28 and behest loans;

1 (n) Upon the instructions of the President, represent the
2 Republic of the Philippines in international litigations, negotiations,
3 or conferences where the legal position of the Republic must be
4 defended or presented;

5 (o) Subject to the approval of the President, engage the
6 services of counsel to assist in the discharge of the duties and
7 responsibilities of the OSG in cases requiring highly specialized
8 legal skills, knowledge or expertise, including foreign arbitrations
9 and litigations. The engagement of such counsel shall be exempt
10 from Republic Act No. 9184, otherwise known as the "Government
11 Procurement Reform Act", due to the fiduciary nature of the
12 relationship between the OSG and such counsel;

13 (p) Represent the Republic or the people before any court,
14 tribunal, body, or commission in any matter, action, or proceeding
15 that, in the opinion of the Solicitor General, affects the welfare of
16 the people as the ends of justice may require;

17 (q) Exercise the following functions: (1) acquire, own, hold, or
18 lease real and personal property; (2) sell or otherwise dispose of the
19 same; (3) enter into contracts including loan agreements and joint
20 venture agreements; and (4) perform any and all acts that may be
21 necessary or proper to carry out the purposes of this Act;

22 (r) Provide a Legal Internship Program to help law students
23 prepare and train in the practice of the legal profession and public
24 service; and

25 (s) Perform such other functions as may be provided by law.

26 SEC. 6. *Abolition of the Office of the Government Corporate*
27 *Counsel and the Presidential Commission on Good Government.* –
28 The legal representation of the government, its agencies, and

1 instrumentalities, including GOCCs and officials and agents acting
2 in their official capacity, and the powers and functions of the PCGG,
3 shall be consolidated in the OSG. For this purpose, the OGCC and
4 the PCGG are hereby abolished, and all the powers and functions of
5 said Offices that are not inconsistent with the provisions of this Act
6 are hereby transferred to the OSG.

7 After due settlement of its liabilities, if any, all budgetary
8 appropriations, funds, properties, records, equipment, rights, choses
9 in action, and other assets of the OGCC and the PCGG are hereby
10 transferred to the OSG.

11 SEC. 7. *Appointments.* – The Solicitor General shall be
12 appointed by the President.

13 The Assistant Solicitors General, Senior State Solicitors, and
14 State Solicitors shall be appointed by the President upon the
15 recommendation of the Solicitor General. Associate Solicitors shall
16 be appointed by the Solicitor General. The recommendations and
17 appointments by the Solicitor General shall be subject to the
18 qualifications provided in Section 8 of this Act.

19 The Financial Management Service, Docket Management
20 Service, Human Resources Management and Administrative
21 Service, and Budget and Planning Service shall each be headed by a
22 Director to be appointed by the President upon the recommendation
23 of the Solicitor General. The Service Heads shall possess the
24 necessary Career Executive Service eligibility and qualifications for
25 the position prescribed under existing civil service laws, rules, and
26 regulations: *Provided*, That if a Service Head who does not possess
27 the necessary eligibility and qualifications is occupying the position
28 at the time of the effectivity of this Act, such person shall continue

1 to perform the functions of the position as officer-in-charge and
 2 shall have a maximum of two (2) years to comply with the eligibility
 3 and qualifications prescribed herein: *Provided, further*, That if the
 4 Service Head fails or is unable to meet the eligibility and
 5 qualifications for the position after the lapse of two (2) years from
 6 the effectivity of this Act, such person shall be *ipso jure* removed
 7 from said position.

8 Administrative personnel in the OSG shall be appointed by
 9 the Solicitor General.

10 SEC. 8. *Standards, Qualifications, Salaries and Benefits.* –
 11 The Solicitor General shall have the rank of a Cabinet Secretary.
 12 The Solicitor General shall have the same qualifications for
 13 appointment, prerogatives, salary grade, allowances, emoluments,
 14 privileges, retirement and other benefits, and shall be subject to the
 15 same inhibitions and disqualifications, of an Associate Justice of the
 16 Supreme Court.

17 An Assistant Solicitor General shall have the same
 18 qualifications for appointment, rank, prerogatives, salary grade,
 19 allowances, emoluments, privileges, retirement and other benefits,
 20 and shall be subject to the same inhibitions and disqualifications, of
 21 an Associate Justice of the Court of Appeals.

22 The qualifications for appointment, rank, prerogatives, salary
 23 grade, allowances, emoluments, privileges, retirement and all other
 24 benefits of Solicitors shall be the same as judges, specified as
 25 follows:

26 (a) A Senior State Solicitor shall have the same rank,
 27 prerogatives, salary grade, allowances, emoluments, privileges,

1 retirement and all other benefits of a Regional Trial Court Judge,
 2 and shall have the following qualifications:

- 3 (1) A citizen of the Philippines;
- 4 (2) At least thirty-five (35) years of age;
- 5 (3) For at least ten (10) years, has been engaged in the
 6 practice of law in the Philippines or has held a public office in the
 7 Philippines requiring admission to the practice of law as an
 8 indispensable requisite; and
- 9 (4) Proven competence, integrity, probity, and independence.

10 (b) A State Solicitor II shall have the same rank,
 11 prerogatives, salary grade, allowances, emoluments, privileges,
 12 retirement and all other benefits of a Metropolitan Trial Court
 13 Judge, while a State Solicitor I, that of a Municipal Trial Court in
 14 Cities Judge, and shall have the following qualifications:

- 15 (1) A citizen of the Philippines;
- 16 (2) At least thirty (30) years of age;
- 17 (3) For at least five (5) years, has been engaged in the
 18 practice of law in the Philippines or has held a public office in the
 19 Philippines requiring admission to the practice of law as an
 20 indispensable requisite; and
- 21 (4) Proven competence, integrity, probity, and independence.

22 (c) An Associate Solicitor III shall have the following
 23 qualifications:

- 24 (1) A citizen of the Philippines;
- 25 (2) A member of the Philippine Bar;
- 26 (3) With three (3) years of relevant experience; and
- 27 (4) With sixteen (16) hours of relevant training.

1 (d) An Associate Solicitor II shall have the following
2 qualifications:

- 3 (1) A citizen of the Philippines;
- 4 (2) A member of the Philippine Bar;
- 5 (3) With one (1) year of relevant experience; and
- 6 (4) With four (4) hours of relevant training.

7 (e) An Associate Solicitor I shall have the following
8 qualifications:

- 9 (1) A citizen of the Philippines;
- 10 (2) A member of the Philippine Bar; and
- 11 (3) Such other qualifications, prerogatives and
12 responsibilities as may be required or determined by the Solicitor
13 General.

14 The Solicitor General shall be entitled to the same retirement
15 benefits and privileges as an Associate Justice of the Supreme Court
16 upon reaching the age of sixty (60) years: *Provided*, That the
17 Solicitor General shall have served in such capacity continuously for
18 at least three (3) consecutive years.

19 Assistant Solicitors General, Senior State Solicitors, State
20 Solicitors II, and State Solicitors I shall be entitled to the same
21 retirement benefits and privileges as their counterparts in the
22 Judiciary upon reaching the age of sixty (60) years: *Provided*, That
23 they have served in such capacities continuously for at least five (5)
24 consecutive years. An Assistant Solicitor General, Senior State
25 Solicitor, State Solicitor II, and State Solicitor I may opt to serve up
26 to the age of seventy (70) years.

27 Any increase after the approval of this Act in the salaries,
28 allowances or retirement benefits or any upgrading of the grades or

1 levels thereof of any or all of the Justices or Judges referred to
2 herein to whom said emoluments are assimilated shall similarly
3 apply to the Solicitor General, Assistant Solicitors General, and
4 State Solicitors.

5 SEC. 9. *Office of Legal Services (OLS)*. – The OLS shall
6 perform such functions and duties as may be assigned by the
7 Solicitor General, which may include drafting proposed legislative
8 measures to strengthen the OSG and to enable it to efficiently and
9 effectively discharge its mandate, for submission by the Solicitor
10 General to Congress and to the President of the Philippines,
11 conducting research on legal issues that may be assigned by the
12 Solicitor General, and assisting the Solicitor General, Assistant
13 Solicitors General, State Solicitors, Associate Solicitors, and all
14 other employees of the OSG who are impleaded in their official
15 capacity in any litigation, proceeding, investigation, or matter
16 requiring the services of a lawyer.

17 SEC. 10. *Capacity Development*. – In order to build and
18 develop the capability of the OSG as an organization to achieve
19 development goals, as well as enhance its abilities to achieve
20 measurable and sustainable results, the Solicitor General, in
21 consultation with the Assistant Solicitors General, shall formulate,
22 develop, and implement plans, activities, and programs towards the
23 improvement of knowledge, skills, and systems. To achieve this
24 objective, the Solicitor General may by himself authorize OSG
25 lawyers to travel anywhere in the Philippines and abroad to attend
26 seminars, fora, conferences, or lectures on different areas of law,
27 pleadings and practice in international courts and tribunals,
28 public-private partnerships, and public corporate governance,

1 among others. The Solicitor General may also authorize the
2 administrative staff of the OSG to undergo relevant training to
3 improve their skills.

4 SEC. 11. *Compensation.* – The salary grades of the Solicitor
5 General, Assistant Solicitors General, Senior State Solicitors, State
6 Solicitors, and Associate Solicitors shall be as follows:

POSITION	SALARY GRADE
Solicitor General	31
Assistant Solicitor General	30
Senior State Solicitor	29
State Solicitor II	28
State Solicitor I	27
Associate Solicitor III	26
Associate Solicitor II	25
Associate Solicitor I	24

7 The Solicitor General, Assistant Solicitor General, and
8 Solicitors shall be entitled to step increments and longevity pay
9 which shall be equivalent to those being received by their
10 counterparts in the Judiciary.

11 The positions and salaries of nonlegal personnel in the OSG
12 shall be the same as their counterparts in the Court of Appeals.

13 SEC. 12. *Benefits and Privileges.* – The OSG shall provide its
14 employees with the following benefits:

15 (a) Health care services through a health maintenance
16 organization (HMO). Expenses for the mandatory annual executive
17 checkup of the Solicitor General, the Assistant Solicitors General

1 and OSG officials whose positions correspond to Salary Grade 28
2 and above shall be for the account of the OSG;

3 (b) Without prejudice to efficiency in the service, scholarships
4 to deserving employees on official time and at the expense of
5 the OSG to enhance their academic growth and upgrade their
6 knowledge and skills. Scholarships under this provision shall be
7 granted on the basis of competitive examination. Scholars shall be
8 required to render service in the OSG upon immediate completion of
9 the program, course or degree, in accordance with applicable civil
10 service laws, rules and regulations;

11 (c) A provident fund which shall consist of contributions
12 made both by the OSG and by its lawyers and employees to a
13 common fund for the payment of benefits to such lawyers or
14 employees or their heirs; and

15 (d) Other benefits as enjoyed by other government offices or
16 as may be determined by the Solicitor General in the exigencies of
17 the service and in accordance with law, subject to the approval of
18 the President upon the recommendation of the Department of
19 Budget and Management.

20 SEC. 13. *Seminar and Other Professional Fees.* – Subject to
21 the availability of funds, fees for relevant seminars, as well as
22 professional membership fees, registration fees, and related
23 miscellaneous expenses incurred in completing the mandatory
24 continuing legal education (MCLE) course shall be borne by the
25 OSG for its lawyers: *Provided*, That lawyers whose lifetime
26 membership fees to the Integrated Bar of the Philippines (IBP) have
27 been paid up or reimbursed by the OSG shall maintain their service
28 in the OSG for at least five (5) years: *Provided, further*, That should

1 such lawyers resign or in any manner separate from the Office
2 before the end of the bond, they shall be required to reimburse the
3 paid up IBP membership dues or fees *pro rata*.

4 Professional membership, registration fees, including those
5 for mandatory continuing professional education (CPE), and related
6 miscellaneous expenses of other employees holding positions for
7 which a professional license is required by the office shall also be
8 borne by the OSG.

9 SEC. 14. *Survivorship Benefits; Coverage.* – Upon the death
10 of the Solicitor General, Assistant Solicitor General, Senior State
11 Solicitor, or State Solicitor, if such official has retired or was eligible
12 to retire optionally at the time of death, the surviving legitimate
13 spouse shall be entitled to receive all the retirement benefits that
14 the deceased Solicitor General, Assistant Solicitor General, Senior
15 State Solicitor, or State Solicitor have received had the Solicitor
16 General, Assistant Solicitor General, Senior State Solicitor, or State
17 Solicitor not died. The surviving spouse shall continue to receive
18 such retirement benefits until the surviving spouse's death or
19 remarriage: *Provided*, That if the surviving legitimate spouse is
20 receiving other benefits under existing retirement laws, such
21 surviving spouse shall only be entitled to the difference between the
22 amount provided for in this Act and the benefits the said spouse is
23 receiving.

24 SEC. 15. *Other Benefits.* – The lawyers of the OSG may
25 receive honoraria and allowances directly from each client
26 department, agency, GOCC, or instrumentality of the government
27 for the legal services rendered, including appearing in hearings,

1 providing legal advice, drafting of contracts and legal documents,
2 and performing other designated functions.

3 SEC. 16. *Franking Privilege.* – All official mail matters and
4 telegrams of the OSG addressed for delivery within the Philippines
5 shall be received, transmitted, and delivered free of charge:
6 *Provided*, That such mail matters when addressed to private
7 persons or nongovernment offices shall not exceed one hundred
8 twenty (120) grams.

9 SEC. 17. *Transfer of Cases.* – All cases being handled by the
10 OGCC shall be transferred to the OSG: *Provided, however*, That
11 the handling OGCC lawyer shall submit a status report of all cases
12 such lawyer is handling to the Solicitor General: *Provided, further*,
13 That a certification under oath that the records of the case
14 transmitted to the OSG are complete shall be made by the handling
15 OGCC lawyer as a precondition for receiving the separation or
16 retirement benefits under this Act.

17 SEC. 18. *Case Migration.* – Upon the effectivity of this Act, a
18 transition "Case Migration Committee" (CMC) shall be created,
19 composed of three (3) members from each of the respective records
20 and docket divisions of the OSG, the OGCC, and the PCGG, at least
21 two (2) members from the legal divisions of all GOCCs, and at least
22 two (2) lawyers each from the OSG, the OGCC, and the PCGG.

23 The CMC shall ensure the smooth turnover of all cases and
24 legal concerns of the OGCC and the PCGG to the OSG, with
25 corresponding status reports, complete records, and other relevant
26 documents, taking care that no case or legal concern shall be
27 prejudiced in the process of turnover.

1 The CMC shall have the responsibility of determining which
2 cases and legal concerns need immediate attention or are extremely
3 urgent. These cases and legal concerns shall be immediately
4 transferred or referred to the OSG.

5 The CMC shall complete its work within thirty (30) days from
6 its constitution. The CMC shall submit a comprehensive report to
7 the Solicitor General.

8 *SEC. 19. Absorption, Retirement or Separation of Personnel. –*
9 Affected personnel of the OGCC and the PCGG, who will not be
10 absorbed into the new staffing pattern of the OSG due to
11 redundancy or failure to comply with the standard of competence
12 and proficiency, shall be given the option to avail themselves of any
13 of the following, whichever is more beneficial to them, if qualified:

14 (a) Retirement gratuity provided under Republic Act No. 1616
15 (An Act Further Amending Section Twelve of Commonwealth Act
16 Numbered One Hundred Eighty-Six, as Amended, by Prescribing
17 Two Other Modes of Retirement and for Other Purposes), as
18 amended; or

19 (b) Retirement benefit provided under Republic Act No. 660
20 (An Act to Amend Commonwealth Act Numbered One Hundred and
21 Eighty-Six Entitled "An Act to Create and Establish a Government
22 Service Insurance System, to Provide for its Administration, and to
23 Appropriate the Necessary Funds Therefor," and to Provide
24 Retirement Insurance and for Other Purposes); or

25 (c) Retirement, separation or unemployment benefit provided
26 under Republic Act No. 8291 (An Act Amending Presidential Decree
27 No. 1146, as Amended, Expanding and Increasing the Coverage and

1 Benefits of the Government Service Insurance System, Instituting
2 Reforms Therein and for Other Purposes).

3 The retirement gratuity benefit of affected personnel who
4 qualified and opted to avail themselves of the benefit under
5 Republic Act No. 1616 shall be paid by the Government Service
6 Insurance System (GSIS). The GSIS shall no longer pay the refund
7 of retirement premiums (both personnel and government shares) of
8 the affected personnel who will opt to avail of the benefits under
9 Republic Act No. 1616.

10 In addition to the abovementioned retirement benefits, the
11 affected personnel who would opt to retire or be separated shall be
12 entitled to the following applicable separation incentives:

13 (1) One-half (1/2) of the actual monthly basic salary for every
14 year of government service, for those who have rendered less than
15 eleven (11) years of service;

16 (2) Three-fourths (3/4) of the actual monthly basic salary for
17 every year of government service, computed starting from the first
18 (1st) year, for those who have rendered eleven (11) to less than
19 twenty-one (21) years of service;

20 (3) The actual basic salary for every year of government
21 service, computed starting from the first (1st) year, for those who
22 have rendered twenty-one (21) years to less than thirty-one (31)
23 years of service; and

24 (4) One and one-fourth (1¼) of the actual monthly basic
25 salary for every year of government service, computed starting from
26 the first (1st) year, for those who have rendered thirty-one (31) years
27 of service and above:

1 *Provided*, That for the purpose of computing the total amount
 2 of separation incentives that the affected personnel would receive,
 3 only the government service rendered up to the age of fifty-nine (59)
 4 years and a fraction thereof would be counted. Government service
 5 starting at the age of sixty (60) years would no longer be subject to
 6 the separation incentives provided herein, without affecting the
 7 original incentive factor determined as applicable based on the
 8 actual years of service of the affected personnel: *Provided, further*,
 9 That for the purpose of complying with the required number of
 10 years of service under Republic Act No. 8291, the portability scheme
 11 under Republic Act No. 7699 (An Act Instituting Limited Portability
 12 Scheme in the Social Security Insurance Systems by Totalizing the
 13 Workers' Creditable Services or Contributions in each of the
 14 Systems) may be applied, subject to existing policies and guidelines.

15 SEC. 20. *Retroactivity*. – The benefits under this Act shall be
 16 applicable to those who have retired prior to the effectivity of this
 17 Act: *Provided*, That the benefits shall be effective only upon the
 18 approval of this Act.

19 SEC. 21. *Augmentation of Funds*. – The funds required for
 20 the implementation of this Act, including those for health care
 21 services, survivorship benefits, insurance premiums, professional,
 22 educational, and registration fees, transportation benefits, and
 23 other benefits and privileges mentioned in the other provisions of
 24 this Act, shall be augmented by funds sourced from the following:

25 (a) Twenty percent (20%) of monetary awards or ten
 26 percent (10%) of the value of assets upon liquidation adjudged by
 27 the courts or tribunals to client departments, agencies and

1 instrumentalities of the government, and GOCCs, including those
 2 under court-approved compromise agreements;

3 (b) Fifty percent (50%) of fees collected by the Special
 4 Committee on Naturalization; and

5 (c) All other income, fees and revenues earned and collected
 6 by the OSG.

7 For this purpose, the OSG is hereby authorized to charge
 8 deputation, certification, and other similar fees in the cases that it
 9 handles.

10 SEC. 22. *Appropriations*. – The amount necessary to cover
 11 the initial implementation of this Act shall be taken from the
 12 current year's appropriations of the OSG and the unexpended
 13 appropriations of the OGCC and the PCGG. Thereafter, such sums
 14 as may be necessary for the continued implementation of this Act
 15 shall be included in the annual General Appropriations Act.

16 SEC. 23. *Implementing Rules and Regulations*. – Within
 17 sixty (60) days from the approval of this Act, the Solicitor General
 18 shall, in coordination with the Secretary of Budget and
 19 Management, promulgate such rules and regulations as may be
 20 necessary to effectively carry out the provisions of this Act. Until
 21 such time that the rules and regulations are promulgated and
 22 Section 18 of this law is implemented, the officials and
 23 administrative personnel of the OGCC and the PCGG shall remain
 24 in their positions in a holdover capacity.

25 SEC. 24. *Repealing Clause*. – This Act expressly repeals
 26 Republic Act No. 2327, entitled "An Act to Declare the Position of
 27 Government Corporate Counsel Distinct and Separate from that of
 28 the Solicitor General, Provide for His Appointment and Salary and

1 Appropriate the Necessary Funds Therefor, and for Other
2 Purposes"; Executive Order No. 1, s. 1986, entitled "Creating the
3 Presidential Commission on Good Government"; Executive Order
4 No. 2, s. 1986, entitled "Regarding the Funds, Moneys, Assets, and
5 Properties Illegally Acquired or Misappropriated by Former
6 President Ferdinand Marcos, Mrs. Imelda Romualdez Marcos, Their
7 Close Relatives, Subordinates, Business Associates, Dummies,
8 Agents, or Nominees"; and Republic Act No. 9417, entitled "An Act
9 to Strengthen the Office of the Solicitor General by Expanding and
10 Streamlining its Bureaucracy, Upgrading Employee Skills and
11 Augmenting Benefits, and Appropriating Funds Therefor and for
12 Other Purposes".

13 Pertinent provisions of Executive Order No. 292, otherwise
14 known as the "Administrative Code of 1987", as amended; Republic
15 Act No. 656, otherwise known as the "Property Insurance Law", as
16 amended by Presidential Decree No. 245; and all laws, decrees,
17 orders, rules and regulations or parts thereof which are contrary to
18 or inconsistent with the provisions of this Act are hereby amended,
19 repealed or modified accordingly.

20 SEC. 25. *Separability Clause.* - If any provision of this Act is
21 declared invalid or unconstitutional, the provisions not affected
22 thereby shall continue to be in full force and effect.

23 SEC. 26. *Effectivity.* - This Act shall take effect fifteen (15)
24 days after its publication in the *Official Gazette* or in any newspaper
25 of general circulation.

Approved,