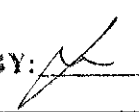


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



'11 MAR 16 P4:37

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 23

Submitted jointly by the Committee on Civil Service and Government Reorganization; and Government Corporations and Public Enterprises on MAR 16 2011.

RE: Senate Bill No. 2748

Recommending its approval in substitution of Senate Bill No. 251

Sponsors: Senators Trillanes IV and Recto

**MR. PRESIDENT:**

The Committee on Civil Service and Government Reorganization and Government Corporations and Public Enterprises, to which was referred S.B. No. 251 introduced by Senator Antonio "Sonny" F. Trillanes IV, *entitled:*

**AN ACT**

**REQUIRING ALL GOVERNMENT OFFICES TO ENSURE THE RELEASE OF THE RETIREMENT BENEFITS OF ITS EMPLOYEES WITHIN THIRTY DAYS FROM RETIREMENT**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 2748 prepared by the Committees, *entitled:*

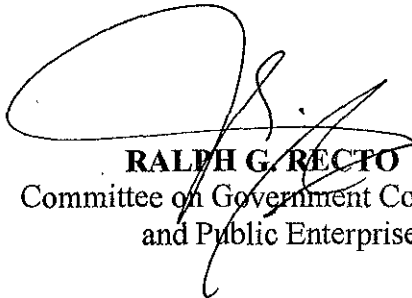
**AN ACT**

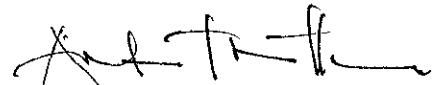
**REQUIRING ALL CONCERNED GOVERNMENT AGENCIES TO ENSURE THE RELEASE OF THE RETIREMENT PAY, PENSIONS, GRATUITIES AND OTHER BENEFITS OF RETIRING GOVERNMENT EMPLOYEES WITHIN A PERIOD OF THIRTY (30) DAYS AFTER HIS OR HER ACTUAL DATE OF RETIREMENT**

be approved in substitution of Senate Bill No. 251 with Senators Trillanes IV and Recto as authors thereof.

**Respectfully submitted:**

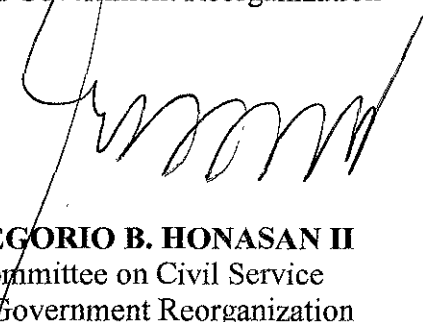
*Chairpersons*

  
**RALPH G. RECTO**  
Committee on Government Corporations  
and Public Enterprises

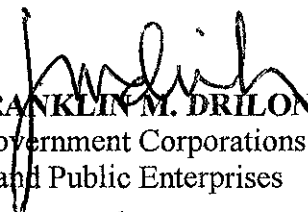
  
**ANTONIO "SONNY" F. TRILLANES IV**  
Committee on Civil Service  
and Government Reorganization

*Vice-Chairpersons*

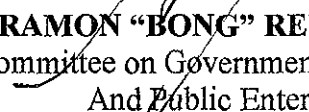
**TEOFISTO L. GUINGONA III**  
Committee on Government Corporations  
and Public Enterprises

  
**GREGORIO B. HONASAN II**  
Committee on Civil Service  
and Government Reorganization

*Members*

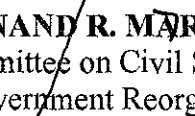
  
**FRANKLIN M. DRILON**  
Government Corporations  
and Public Enterprises

  
**MANUEL "LITO" M. LAPID**  
Civil Service and  
Government Reorganization

  
**RAMON "BONG" REVILLA, JR.**  
Committee on Government Corporations  
And Public Enterprises

**LOREN B. LEGARDA**  
Committee on Civil Service  
and Government Reorganization;  
Government Corporations  
and Public Enterprises

**MANNY VILLAR**  
Committee on Government Corporations  
And Public Enterprises


  
**FERDINAND R. MARCOS, JR.**  
Committee on Civil Service  
and Government Reorganization

**JOKER P. ARROYO**  
Committee on Government Corporations  
and Public Enterprises

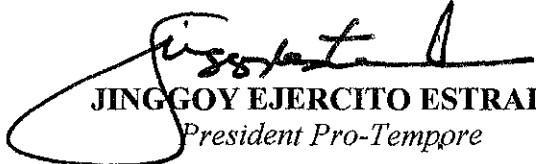
**FRANCIS N. PANGILINAN**  
Committee on Civil Service  
and Government Reorganization

**PIA S. CAYETANO**  
Civil Service and Government Reorganization;  
Government Corporations and Public  
Enterprises

Ex-Officio Members

  
**VICENTE C. SOTTO III**  
*Majority Leader*

  
**ALAN PETER "COMPANERO" S.  
CAYETANO**  
*Minority Leader*

  
**JINGGOY EJERCITO ESTRADA**  
*President Pro-Tempore*

**HON. JUAN PONCE ENRILE**  
*President*  
Senate

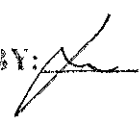


FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

'11 MAR 16 P4:37

SENATE

S. NO. 2748

RECEIVED BY: 

(In substitution of Senate Bill No. 251)

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Prepared by the Committees on Civil Service and Government Reorganization; and Government Corporations and Public Enterprises, with Senators Trillanes IV and Recto as authors thereof

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AN ACT

REQUIRING ALL CONCERNED GOVERNMENT AGENCIES TO ENSURE THE RELEASE OF THE RETIREMENT PAY, PENSIONS, GRATUITIES AND OTHER BENEFITS OF RETIRING GOVERNMENT EMPLOYEES WITHIN A PERIOD OF THIRTY (30) DAYS AFTER HIS OR HER ACTUAL DATE OF RETIREMENT

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

1           **SECTION 1. Declaration of State Policy** – It is hereby declared that it is the  
2 policy of the State to ensure the timely and expeditious release of the retirement pay,  
3 pensions, gratuities and other benefits of all retiring employees of the Government.  
4 Public officers and employees who have spent the best years of their lives serving the  
5 Government and the public should not be made to wait to receive benefits which are due  
6 to them under the law. Accordingly, it is hereby mandated that highest priority shall be  
7 given to the payment and/or settlement of the pensions, gratuities and/or other retirement  
8 benefits of retiring government employees.

9

10           **SEC. 2. Period for Release of Retirement Benefits.** - The head of the  
11 government agency concerned, the President and other responsible officers of the  
12 Government Service Insurance System (GSIS), the President and other responsible  
13 officers of the Home Development Mutual Fund (Pag-IBIG Fund) and/or the Secretary  
14 and other responsible officers of the Department of Budget and Management (DBM)  
15 shall ensure the release of the retirement pay, pension, gratuities, and other benefits of a  
16 retiring government employee within a period of thirty (30) days from the date of the

1 actual retirement of said employee; *provided*, that all requirements are submitted to the  
2 concerned government agency at least thirty (30) days prior to the effective date of  
3 retirement.

4  
5 **SEC. 3. Retiring Employees With Pending Cases.** – In the case of retiring  
6 government employees with pending cases and whose retirement benefits are being  
7 lawfully withheld due to possible pecuniary liability, the Head of the agency where such  
8 case is pending shall ensure that the said case shall be terminated and/or resolved within a  
9 period six (6) months from the date of the retirement of the concerned employee;  
10 *provided*, that in case the concerned agency fails to terminate and/or resolve the case  
11 within the said period without any justifiable reason(s), the retirement benefits due to the  
12 employee shall be immediately released to him without prejudice to the ultimate  
13 resolution of the case; *except*, when the delay is deliberately caused by the retiring  
14 employee.

15  
16 **SEC. 4. Coverage.** – This Act shall cover all branches, agencies and/or  
17 instrumentalities of the Government, including Government Owned and/or Controlled  
18 Corporations (GOCCs), excluding personnel of the Armed Forces of the Philippines, and  
19 shall be applicable both to applications for compulsory retirement and optional or early  
20 retirement as authorized by law.

21  
22 **SEC. 5. Penal Provisions.** – The unjustified failure and/or refusal to release the  
23 pension, gratuities and other retirement benefits due to a retiring government employee  
24 within the periods prescribed above or to comply with any provisions of this Act shall be  
25 a ground for the filing administrative disciplinary action against the erring officer(s)  
26 and/or employee(s). Such erring officer(s) and/or employee(s) shall, after hearing and  
27 due proceedings, be penalized with suspension from the service without pay from six (6)  
28 months to one (1) year, at the discretion of the disciplining authority.

1 This penalty shall not apply if the release of the retirement benefits could not be  
2 accomplished due to *force majeure* and other insuperable causes. In such cases, the thirty  
3 (30) day period shall be counted from the time such cause(s) ceases to exist.

4  
5 **SEC. 6. Implementing Rules and Regulations.** - The Civil Service  
6 Commission (CSC), after consultation and coordination with the government agencies  
7 and/or instrumentalities affected by this Act, including but not limited to the GSIS, the  
8 Pag-IBIG Fund, the Constitutional Commissions, the Legislature and the Judiciary as  
9 well as the Office of the Government Corporate Counsel (OGCC) and the Department of  
10 Interior and Local Government (DILG), shall promulgate and issue the appropriate rules  
11 and regulations for the proper implementation of this Act.

12 Such rules and regulations shall include provisions prescribing uniform periods  
13 for the advance filing of retirement applications in the different agencies concerned, as  
14 well as standard periods for the processing and release of claims for retirement benefits,  
15 gratuities and allowances which will pinpoint responsibility in case of delay in the release  
16 thereof.

17  
18 **SEC. 7. Separability Clause.** - If any provision, part or portion of this Act shall  
19 be held as invalid, the provisions, parts or portions of the Act not otherwise affected  
20 thereby shall remain valid and effective.

21  
22 **SEC. 8. Repealing Clause.** - All laws, executive issuances, orders and rules and  
23 regulations contrary to or inconsistent with the provisions of this Act, or any part thereof,  
24 are hereby repealed, amended and/or modified accordingly.

25  
26 **SEC. 9. Effectivity.** - This Act shall take effect fifteen (15) days following its  
27 publication in the *Official Gazette* or in two (2) newspapers of general circulation in the  
28 country.

Approved,