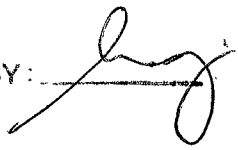


THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

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SENATE

RECEIVED BY: 

S. No. 1084

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE

The life of a judge is indeed a noble one. It is a zealous profession which demands nothing less but the highest sense of dedication, honesty and commitment.

The choice of devoting one's life to a career in the Judiciary is not easy. The rigorous legal training and techniques one needs to acquire, the daily grind of administering congested dockets, the distillation of truths and the balancing of competing interests help define the austere life of a judge. More importantly, following this less travelled path would require that one forego for himself and his family, lucrative opportunities which exist outside that choice.

Sadly, existing legislations seem to fall short in their appreciation of the work done by our judges – be it the lower, appellate or highest court of the land.

The aim of the proposed bill is to upgrade the retirement benefits, as well as to fine tune the conditions on the length of service of judges to make them more responsive to existing economic conditions and realities. There is a need for a law to address this valid concern, so as to secure for the judges their future, for them not to be distracted in the administration of justice in the present.

By providing a competitive retirement scheme commensurate to the qualifications of judges, it is also hoped that this would pave the way in keeping the steady flow of recruiting the best and brilliant legal minds.

Though public service is a rewarding experience in itself, it is equally true that it should sum to more than psychic rewards in fulfilling one's patriotic duty. Upgrading the retirement benefits would be a fitting cap to a more colourful and fulfilling career in the Judiciary. For in the end, *Justice* is about giving one's fair share, and it is high time that we give judges their due.

For the said reasons, the immediate passage of this bill is earnestly sought.

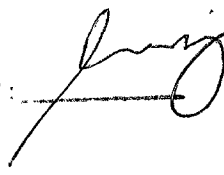

EDGARDO J. ANGARA

THIRTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES
First Regular Session

DEPARTMENT OF SECRETARY

04 JUN 30 10:20

SENATE
S. No. 1084

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

AN ACT
GRANTING ADDITIONAL RETIREMENT BENEFITS TO MEMBERS OF THE
JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS
AMENDED, AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 910, as amended is hereby amended to read as follows:

"SECTION 1. When justice of the Supreme Court or of the Court of Appeals[,] OR a judge of the [Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations], COURT OF TAX APPEALS, [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT OR ANY OTHER COURT HEREAFTER ESTABLISHED who has rendered at least [twenty (20)] FIFTEEN (15) years service in the Judiciary or in any other branch of the Government, or in both (a) retires for having attained the age of seventy years or (b) resigns by reason of his incapacity to discharge the duties of his office, he shall receive during the residue of his natural life, in the manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES which he was receiving at the time of his retirement, or resignation. [And] When a justice of the Supreme

1 Court or of the Court of Appeals, a judge of [Court of First Instance], the
 2 REGIONAL TRIAL COURT, [Industrial Relations], [Agrarian Relations],
 3 COURT OF Tax Appeals, [Juvenile and Domestic Relations],
 4 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT,
 5 MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT,
 6 SHARI'A CIRCUIT COURT OR ANY OTHER COURT HEREAFTER
 7 ESTABLISHED, [or a city or municipal judge] has attained the age of sixty
 8 years and has rendered at least FIFTEEN [twenty] years service in the
 9 Government, the last five (5) of which shall have been continuously
 10 rendered in the Judiciary, he shall likewise be entitled to retire and receive
 11 during the residue of his natural life also in the manner hereinafter
 12 provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF
 13 TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES
 14 WHICH he was then receiving: *PROVIDED*, THAT THOSE WITH LESS
 15 THAN FIFTEEN (15) YEARS SERVICE IN THE GOVERNMENT OR
 16 JUDICIARY SHALL BE ENTITLED TO A PRO-RATA MONTHLY
 17 PENSION COMPUTED AS FOLLOWS:

18	NO. OF YEARS IN THE		BASIC PAY PLUS THE HIGHEST
19	GOVERNMENT OR JUDICIARY		MONTHLY AGGREGATE OF
20	-----	x	TRANSPORTATION, LIVING AND
21	15 YEARS		REPRESENTATION ALLOWANCES

22 It is a condition of the pension provided for herein that no retiring
 23 justice or judge of THE AFOREMENTIONED COURTS during the time
 24 that he is receiving said pension shall appear as counsel before any court
 25 in any civil case wherein the Government or any subdivision or
 26 instrumentality thereof is the adverse party, or in any criminal case
 27 wherein an INCUMBENT OR FORMER officer or employee of the
 28 Government is accused of an offense committed in relation to his office, or
 29 collect any fee for his appearance in any administrative proceeding to

1 maintain an interest adverse to the Government, national, provincial or
2 municipal, or to any of its legally constituted officers. It is also a condition
3 of the pension provided for herein that when a member of the Judiciary
4 entitled to the benefits of this Act shall assume an elective public office, he
5 shall not, upon assumption of office and during his term, receive the
6 monthly pension OR ANY OF THE ALLOWANCES due him.

7 **SEC. 2.** Section 2 of the same Republic Act is hereby amended to read as
8 follows:

9 "SEC. 2. In case a justice of the Supreme Court or Court of
10 Appeals or a judge of the [Court of First Instance] REGIONAL TRIAL
11 COURT, [Circuit Criminal Court, Agrarian Relations], COURT OF Tax
12 Appeals, [Juvenile and Domestic Relations] METROPOLITAN TRIAL
13 COURT, [city or] [m]MUNICIPAL TRIAL [c]COURT, MUNICIPAL CIRCUIT
14 TRIAL COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT,
15 or any other court hereafter established, dies while in actual service, his
16 heirs shall receive a lump sum of five years' gratuity computed on the
17 basis of the highest monthly salary plus the highest monthly aggregate of
18 transportation, living and representation allowances received by him as
19 such justice or judge [if by reason of his length of service in the
20 government he was already entitled to the benefits of this Act]
21 IRRESPECTIVE OF HIS LENGTH OF SERVICE IN THE GOVERNMENT.
22 LIKEWISE THE PRIMARY HEIRS SHALL BE ENTITLED TO THE BASIC
23 SURVIVORSHIP PENSION WHICH IS GUARANTEED FOR THIRTY
24 MONTHS AND THE DEPENDENT'S PENSION NOT EXCEEDING FIFTY
25 PERCENTUM OF THE BASIC MONTHLY PENSION: *PROVIDED*, THAT
26 THE DECEASED HAD PAID AT LEAST THIRTY-SIX MONTHLY
27 CONTRIBUTIONS WITHIN THE FIVE-YEAR PERIOD IMMEDIATELY

1 PRECEDING HIS DEATH; OR A TOTAL OF AT LEAST ONE HUNDRED
2 EIGHTY MONTHLY CONTRIBUTIONS WITHIN THE FIVE-YEAR
3 PERIOD IMMEDIATELY PRECEDING HIS DEATH, OR A TOTAL OF AT
4 LEAST ONE HUNDRED EIGHTY MONTHLY CONTRIBUTIONS PRIOR
5 TO HIS DEATH: *PROVIDED, FURTHER*, THAT AT THE END OF THE
6 THIRTY MONTHS GUARANTEED PERIOD, THE SURVIVORSHIP
7 PENSION SHALL BE PAID AS FOLLOWS:

8 (A) WHEN THE DEPENDENT SPOUSE IS THE ONLY
9 SURVIVOR, HE/SHE SHALL RECEIVE THE BASIC SURVIVORSHIP
10 PENSION FOR LIFE OR UNTIL HE/SHE REMARRIES;

11 (B) WHEN ONLY DEPENDENT CHILDREN ARE THE
12 SURVIVORS, THEY SHALL BE ENTITLED TO THE SURVIVORSHIP
13 PENSION FOR AS LONG AS THEY ARE QUALIFIED;

14 (C) WHEN THE SURVIVORS ARE THE DEPENDENT SPOUSE
15 AND THE DEPENDENT CHILDREN, THEY SHALL BE ENTITLED TO
16 THE SURVIVORSHIP PENSION SO LONG AS THERE ARE
17 DEPENDENT CHILDREN AND, THEREAFTER, THE SURVIVING
18 SPOUSE SHALL RECEIVE THE BASIC SURVIVORSHIP PENSION FOR
19 LIFE OR UNTIL HE/SHE REMARRIES. [The same benefits provided for in
20 this section shall be extended to any incumbent justice of the Supreme
21 Court or the Court of Appeals, or judge of the Court of First Instance,
22 Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and
23 Domestic Relations, or city or municipal court, or any other court hereafter
24 established; as the case may be, who, without having attained the length
25 of service required in Section 1 hereof, shall have to retire upon reaching
26 the age of sixty five years, or upon other causes, such as illness or
27 permanent physical disability, to be certified by the tribunal to which the

1 justice concerned belongs, or by the Supreme Court in the case of an
2 incumbent judge of the Court of First Instance, and other similar courts of
3 records, or a city or municipal judge, which render him incapacitated to
4 continue in his position.]

5 **SEC. 3.** Section 3 of the same Act is hereby amended to read as follows:

6 "SEC. 3. Upon retirement, a justice of the Supreme Court or of the
7 Court of Appeals, of a judge of the [Court of First Instance] REGIONAL
8 TRIAL COURT, [Circuit Criminal Court, Agrarian Relations], COURT OF
9 Tax Appeals, [Juvenile and Domestic Relations], METROPOLITAN TRIAL
10 COURT, MUNICIPAL TRIAL COURT, [city or] [m]MUNICIPAL CIRCUIT
11 TRIAL [c]COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT
12 COURT or any other court hereafter established shall be automatically
13 entitled to a lump sum payment of five years SALARY [gratuity] computed
14 on the basis of the highest monthly salary plus the highest monthly
15 aggregate of transportation, living and representation allowances he was
16 receiving on the date of his retirement[.] AND THEREAFTER UPON
17 SURVIVAL AFTER THE EXPIRATION OF FIVE YEARS, TO FURTHER
18 ANNUITY PAYABLE MONTHLY DURING THE RESIDUE OF HIS
19 NATURAL LIFE PURSUANT TO SECTION 1 HEREOF: *Provided,*
20 *however,* That if the reason for the retirement be any permanent disability
21 contracted during his incumbency in office and prior to the date of his
22 retirement, he shall receive [only] a gratuity equivalent to ten years salary
23 and THE allowances aforementioned [within further annuity payable
24 monthly during the rest of the retiree's natural life.]: *PROVIDED,*
25 *FURTHER,* THAT SHOULD THE RETIREMENT BE WITH THE
26 ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY
27 CONTRACTED DURING HIS INCUMBENCY AND PRIOR TO THE DATE

1 OF RETIREMENT, HE SHALL RECEIVE AN ADDITIONAL GRATUITY
2 EQUIVALENT TO TWO (2) YEARS LUMP SUM THAT HE IS ENTITLED
3 TO UNDER THIS ACT: *PROVIDED, FURTHER*, THAT IF THE JUSTICE
4 SURVIVES AFTER TEN (10) YEARS OR SEVEN (7) YEARS, AS THE
5 CASE MAY BE, HE SHALL CONTINUE TO RECEIVE A MONTHLY
6 ANNUITY AS COMPUTED UNDER THIS ACT DURING THE RESIDUE
7 OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF:
8 *PROVIDED, FINALLY*, THAT THOSE WHO HAVE RETIRED WITH THE
9 ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY FIVE
10 YEARS PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE
11 ENTITLED TO THE SAME BENEFITS PROVIDED HEREIN.

12 "SEC. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS
13 OF THE JUDICIARY SHALL BE AUTOMATICALLY INCREASED
14 WHENEVER THERE IS AN INCREASE IN THE SALARY OF THE SAME
15 POSITION FROM WHICH HE RETIRED.

16 "SEC. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE
17 GRANTED TO ALL THOSE WHO HAVE RETIRED PRIOR TO THE
18 EFFECTIVITY OF THIS ACT.

19 **SEC. 4.** Such amount necessary to carry out the provisions of this Act is hereby
20 appropriated out of any funds in the National Treasury not otherwise appropriated.

21 **SEC. 5.** All laws, decrees, orders, rules or regulations or parts thereof
22 inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

23 **SEC. 6.** This Act shall take effect fifteen (15) days following the completion of its
24 publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved,