

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE

S.B. No. 1632

RECEIVED BY: 

Introduced by SENATOR LOREN LEGARDA

AN ACT
TO STRENGTHEN THE OFFICE OF THE OMBUDSMAN BY ESTABLISHING A
RETIREMENT BENEFIT SYSTEM FOR THE OMBUDSMAN, HIS/HER DEPUTIES,
THE SPECIAL PROSECUTOR, AND OTHER OFFICIALS AND EMPLOYEES
PERFORMING LEGAL, PROSECUTION, INVESTIGATION AND CORRUPTION
PREVENTION FUNCTIONS, AUGMENTING EMPLOYEE BENEFITS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that public office is a public trust. Public officers and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice; and lead modest lives.

The Office of the Ombudsman plays a very important role as the independent Constitutionally-created body tasked to ensure compliance of the above provision. It is mandated to investigate any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.

Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them. Moreover, their personal safety and the safety of their families are at constant risk due to the high-profile cases they usually handle.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees, particularly investigators and prosecutors, is still not comparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

To entice only the best and the brightest to join the Office of the Ombudsman and to encourage a high retention rate especially for its investigators and prosecutors, a competitive retirement system at par with other government lawyers employed in other government agencies and instrumentalities should be provided.

In view of the foregoing, immediate passage of this Bill is earnestly requested.


LOREN LEGARDA
Senator

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APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

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

1 SECTION 1. *Title.* - This Act shall be known as the "Retirement Law of the Office of the
2 Ombudsman."
3

4 SECTION 2. *Coverage.* - This Act shall apply to the Ombudsman, his/her Deputies, the
5 Special Prosecutor, and to all Ombudsman officials and employees performing legal,
6 prosecution, investigation and corruption prevention functions from Salary Grade 26 to
7 29. The Ombudsman, his/her Deputies and the Special Prosecutor shall enjoy the same
8 retirement and other benefits as those of the Presiding Justice of the Court of Appeals
9 and the Associate Justice of the Court of Appeals, respectively. All other Ombudsman
10 officials and employees covered by this Act shall enjoy the same retirement and other
11 benefits as those Judges of the Regional Trial Courts, Municipal Trial Courts in Cities,
12 Municipal Trial Courts and Municipal Circuit Trial Courts with the same salary grades.
13

14 Any increase after the approval of this Act in the salaries, allowances or
15 retirement benefits or any upgrading of the salary grades or levels, of any or all of the
16 Justices and Judges referred to in the preceding paragraph shall apply to the
17 corresponding Ombudsman official or employee.
18

19 SECTION 3. *Retirement benefits.* - When an Ombudsman official or employee covered
20 by this Act has rendered at least fifteen (15) years of service, either in the Office of the
21 Ombudsman or in any branch of government, or in both, (a) retires for having attained
22 the age of sixty-five (65) years, or (b) resigns by reason of incapacity to discharge the
23 duties of his/her office as certified by the Ombudsman, whether involving total or
24 partial permanent disability, he/she shall receive during the residue of his/her natural
25 life, in the manner hereinafter provided, a retirement pension based on the highest
26 monthly salary, plus the highest monthly aggregate of transportation, living and

1 representation allowances, which he/she was receiving at the time of his/her
2 retirement or resignation.

3
4 When an Ombudsman official or employee covered by this Act has attained the
5 age of sixty (60) years and has rendered at least fifteen (15) years of service in the
6 government, the last five (5) years of which must have been continuously rendered in
7 the Office of the Ombudsman, he/she shall likewise be entitled to retire and receive
8 during the residue of his/her natural life the same benefits provided for in this Section:
9 *Provided, however,* that those with less than fifteen (15) years of service in the
10 government shall be entitled to a *pro-rata* monthly pension computed as follows:

11
12 No. of years
13 in Government
14 _____ X Basic Pay Plus the Highest Monthly Aggregate of
15 15 Years Transportation, Living and Representation
16 Allowances
17

18 When the Ombudsman, his/her Deputies or the Special Prosecutor has rendered
19 actual service for at least five (5) years with the Office of the Ombudsman, regardless of
20 age and years of total government service, he/she shall likewise be entitled to retire and
21 receive full retirement benefits under this Act.

22
23 In case an Ombudsman official or employee covered by this Act dies while in
24 actual service, regardless of his/her age and length of service as required in the first and
25 second paragraphs of this Section, his/her heirs shall receive a lump sum of five (5)
26 years' gratuity computed on the basis of the highest monthly salary plus the highest
27 aggregate of transportation, living and representation allowances received by him/her
28 as such: *Provided, however,* that where the deceased Ombudsman official or employee
29 has rendered at least fifteen (15) years of government service, either in the Office of the
30 Ombudsman or in any branch of government, or both, his/her heirs shall instead be
31 entitled to a lump sum of ten (10) years gratuity computed on the same basis as
32 indicated in this provision: *Provided, further,* that the lump sum of ten (10) years gratuity
33 shall be received by the heirs of the Ombudsman official or employee who was killed
34 because of his/her work as such: *Provided,* that the official or employee has served in
35 the Office of the Ombudsman for at least five (5) years regardless of age at the time of
36 death. When an Ombudsman official or employee is killed intentionally while in
37 service, the presumption is that the death is work-related.

38
39 Upon retirement, an Ombudsman official or employee shall automatically be
40 entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest
41 monthly salary plus the highest aggregate of transportation, living and representation
42 allowances he/she was receiving on the date of his/her retirement, and thereafter,
43 upon survival after the expiration of five (5) years, to further annuity payable monthly
44 during the residue of his/her natural life pursuant to the first and second paragraphs of
45 this Section: *Provided, however,* if the reason for the retirement be any total permanent
46 disability, as certified by the Ombudsman, contracted during the retiree's incumbency
47 in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to
48 ten (10) years salary and allowances aforementioned: *Provided, further,* that should the
49 retirement be under Section 3(a) hereof be with the attendance of any partial permanent
50 disability, as certified by the Ombudsman, contracted during the retiree's incumbency
51 and prior to the date of retirement, he/she shall receive an additional gratuity
52 equivalent to two (2) years lump sum that he/she is entitled to under this Act: *Provided,*
53 *furthermore,* that if he/she survives after ten (10) years or seven (7) years, as the case

1 may be, he/she shall receive a monthly retirement pension as computed under this Act
2 during the residue of his/her natural life pursuant to the first and second paragraphs of
3 this Section.

4
5 **SECTION 4. *Conditions.*** - To maintain entitlement to the pension herein, no
6 Ombudsman official or employee, during the time he/she is receiving said pension,
7 shall appear as counsel before any judicial or quasi-judicial agency in any civil case
8 wherein the Government or any agency, subdivision or instrumentality thereof is an
9 adverse party; or in any criminal case wherein any officer or employee of the
10 Government is accused of an offense committed in relation to his/her office; or collect
11 any fee for his/her appearance in any administrative proceedings to maintain an
12 interest adverse to the government, whether national or local, or to any of its legally
13 constituted officers.

14
15 A retiring Ombudsman official or employee who is entitled to any retirement
16 benefit of any prior retirement law shall have the option to choose between the benefits
17 in such law and those herein provided for, and in such case he/she shall be entitled
18 only to the benefits so chosen: *Provided, however,* that such Ombudsman official or
19 employee retired under any prior law and who is thereafter appointed to the Office of
20 the Ombudsman, shall be entitled to the benefits of this Act on condition that, in case
21 he/she has not fully refunded to the Government the gratuity previously received by
22 him/her, there shall be deducted from the amounts payable to him/her under this Act
23 such monthly installments as are required until the gratuity already received by
24 him/her shall have been refunded in full.

25
26 **SECTION 5. *Automatic Increase.*** - All pension benefits of retired officials or employees
27 of the Office of the Ombudsman shall be automatically increased whenever there is an
28 increase in the salary and allowances in the same position from which he/she retired.

29
30 **SECTION 6. *Survivorship Benefits.*** - In case an Ombudsman official or employee dies
31 during his/her retirement, the surviving legitimate spouse and dependent children of
32 said Ombudsman official or employee shall be entitled to receive all the retirement
33 benefits that the deceased was receiving or entitled to receive at the time of death. A
34 "dependent" means a legitimate, illegitimate or legally-adopted child who is chiefly
35 dependent on the said deceased Ombudsman official or employee if such dependent is
36 not more than twenty-one (21) years of age, unmarried and not gainfully employed, or
37 if such dependent, regardless of age, is incapable of self-support because of mental or
38 physical defect. The said surviving legitimate spouse shall continue to receive such
39 retirement benefits during his/her lifetime or until he/she remarries: *Provided,* that if
40 the surviving spouse is receiving benefits under existing retirement laws, he/she shall
41 only be entitled to the difference between the amount provided for in this Act and the
42 benefits he/she is receiving.

43
44 **SECTION 7. *Hazard Allowances.*** - Ombudsman officials and employees performing
45 legal, prosecution, investigation, corruption prevention and/or other technical
46 functions, and who, by reason of their assigned tasks and responsibilities, are exposed
47 to hardships, security risks and other hazards, as determined by the Ombudsman, are
48 entitled to receive an additional monthly Hazard Allowance (HA) which shall not
49 exceed fifty percent (50%) of the basic monthly salary of the official or employee
50 concerned.

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52 **SECTION 8. *Retroactivity.*** - The benefits mentioned in Sections 3 and 6 hereof shall be
53 granted to those who retire, resign or die one (1) year prior to the effectivity of this Act.

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SECTION 9. *Appropriation.* - The amounts necessary for the implementation of this Act shall be included in the Annual General Appropriations Act.

SECTION 10. *Repealing Clause.* - All acts, laws, decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and/or modified accordingly.

SECTION 11. *Separability Clause.* - If, for any reason, any provision or section of this Act is declared to be unconstitutional or invalid, the other provisions or sections of this Act which are not affected shall continue in full force and effect.

SECTION 12. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in at least two (2) newspapers of general circulation or in the Official Gazette.

Approved,