



SENATE

S. No. 1762

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PREPARED BY THE COMMITTEES ON JUSTICE AND HUMAN RIGHTS; CIVIL SERVICE, GOVERNMENT REORGANIZATION AND PROFESSIONAL REGULATION; AND FINANCE, WITH SENATORS POE, VILLANUEVA, ANGARA, GORDON, LEGARDA, LACSON AND TRILLANES IV AS AUTHORS THEREOF

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AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM IN THE OFFICE OF THE OMBUDSMAN, AUGMENTING ITS EMPLOYEE BENEFITS, 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  
2       the “Retirement Law of the Office of the Ombudsman”.

3       SEC. 2. *Coverage.* – This Act shall apply to the  
4       Ombudsman and his or her Deputies, the Special  
5       Prosecutor, and to all officials and employees of the Office  
6       of the Ombudsman from Salary Grades 26 to 29 who are  
7       performing legal, prosecution, investigation and

1 corruption prevention functions, and whose position  
2 requires membership in the Philippine bar or a Master's  
3 degree in a relevant field as a qualification.

4 The Ombudsman shall enjoy the same retirement and  
5 other benefits as those of the Presiding Justice of the  
6 Court of Appeals: *Provided*, That he or she shall have  
7 served in such capacity for a full term of seven (7) years,  
8 regardless of age or number of years in government  
9 service. The Ombudsman's Deputies and the Special  
10 Prosecutor, meanwhile, shall enjoy the same retirement  
11 and other benefits as those of an Associate Justice of the  
12 Court of Appeals: *Provided*, That they have served in such  
13 capacity for a full term of seven (7) years, regardless of  
14 age or number of years in government service. All other  
15 officials and employees covered by this Act shall enjoy the  
16 same retirement and other benefits as those of the judges  
17 of the Regional Trial Courts, Metropolitan Trial Courts,  
18 Municipal Trial Courts in Cities, Municipal Trial Courts,  
19 Municipal Circuit Trial Court or other trial courts with  
20 the same salary grades.

1           Any increase after the effectivity of this Act in the  
2 salaries, allowances or retirement benefits, or any  
3 upgrading of the salary grades or levels, of any or all of  
4 the Justices and judges referred to in the preceding  
5 paragraph shall apply to the corresponding Ombudsman  
6 official or employee covered by this Act.

7           SEC. 3. *Retirement Benefits.* – When an official or  
8 employee of the Office of the Ombudsman covered by this  
9 Act who has rendered at least fifteen (15) years of service  
10 either in the Office of the Ombudsman or in any branch of  
11 government, or in both, retires for having attained the age of  
12 sixty-five (65) years or resigns by reason of incapacity to  
13 discharge the duties of the office as certified by the  
14 Ombudsman, such official or employee shall, during the  
15 residue of his or her natural life, in the manner hereinafter  
16 provided, receive a retirement pension based on the highest  
17 monthly salary, plus the highest monthly aggregate of  
18 transportation, living and representation allowances which  
19 he or she was receiving at the time of his or her retirement  
20 or resignation.

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

11	<u>No. of years in government</u>		Basic Pay plus the Highest
12	15 years	x	Monthly Aggregate of
13			Transportation, Living and
14			Representation Allowance

15           Upon retirement, an Ombudsman official or  
 16   employee covered by this Act shall automatically be  
 17   entitled to a lump sum of five (5) years' gratuity computed  
 18   on the basis of the highest monthly salary plus the  
 19   highest aggregate transportation, living and  
 20   representation allowances he or she was receiving on the

1 date of his or her retirement, and thereafter, upon  
2 survival after the expiration of five (5) years, to further  
3 annuity payable monthly during the residue of his or her  
4 natural life pursuant to the first paragraph of this section:  
5 *Provided, however,* That if the reason for the retirement  
6 be any total permanent disability, as certified by the  
7 Ombudsman, contracted during the retiree's incumbency  
8 in the office and prior to the date of retirement, he or she  
9 shall receive a gratuity equivalent to ten (10) years salary  
10 and allowances aforementioned: *Provided, further,* That  
11 should the retirement be with the attendance of any  
12 partial permanent disability, as certified by the  
13 Ombudsman, contracted during the retiree's incumbency  
14 and prior to the date of the retirement, he or she shall  
15 receive an additional gratuity equivalent to two (2) years  
16 lump sum that he or she is entitled to under this Act:  
17 *Provided, furthermore,* That if he or she survives after ten  
18 (10) years or seven (7) years, as the case may be, he or she  
19 shall receive a monthly retirement pension as computed

1 under this Act during the residue of his or her natural life  
2 pursuant to Section 3 of this Act.

3 When the Ombudsman, his or her Deputies, or the  
4 Special Prosecutor has completed his or her full term with  
5 the Office of the Ombudsman, regardless of age or years  
6 in government service, he or she shall likewise be entitled  
7 to the retirement benefits under this Act.

8 SEC. 4. *Death Benefits.* – In case an official or  
9 employee covered by this Act dies while in actual service,  
10 regardless of his or her age and length of service as  
11 required in the first and second paragraphs of this  
12 section, his or her heirs shall receive a lump sum of five  
13 (5) years' gratuity computed on the basis of the highest  
14 monthly salary plus the highest aggregate of  
15 transportation, living and representation allowances  
16 received by concerned official or employee as such:  
17 *Provided, however,* That where said official or employee  
18 has rendered at least fifteen (15) years of government  
19 service, either in the Office of the Ombudsman or in any  
20 branch of government, or both, his or her heirs shall

1 instead be entitled to a lump sum of ten (10) years  
2 gratuity computed on the same basis as indicated in this  
3 provision: *Provided, further,* That the lump sum of ten  
4 (10) years gratuity shall be received by the Ombudsman  
5 official or employee who was killed by reason of his or her  
6 duties as such: *Provided, furthermore,* That the official or  
7 employee has served in the Office of the Ombudsman for  
8 at least five (5) years regardless of age at the time of  
9 death. When an Ombudsman official or employee is killed  
10 intentionally while in service, the presumption is that the  
11 death is work-related.

12       SEC. 5. *Conditions.* – To maintain entitlement to the  
13 pension herein provided, no Ombudsman official or  
14 employee covered by this Act shall appear as counsel  
15 before any judicial or quasi-judicial agency in any civil  
16 case wherein the government or any agency, subdivision,  
17 or instrumentality thereof is an adverse party, or in any  
18 criminal case wherein any officer or employee of the  
19 government is accused of an offense committed in relation  
20 to their office, or in any administrative proceeding to

1 maintain an interest adverse to the government, whether  
2 national, provincial, or municipal or to any of its legally  
3 constituted officers.

4 When an Ombudsman official or employee covered  
5 by and receiving any benefit under this Act shall assume  
6 an elective position in government, he or she shall not,  
7 upon assumption of office and during his or her tenure as  
8 an elected official, receive the monthly pension or any of  
9 the allowances due him or her.

10 *SEC. 6. Automatic Increase.* – All pension benefits of  
11 retired officials or employees of the Office of the  
12 Ombudsman shall be automatically increased whenever  
13 there is an increase in the salary and allowance in the  
14 same position from which they retired.

15 *SEC. 7. Survivorship Benefits.* – In case an  
16 Ombudsman official or employee covered by this Act dies  
17 during his or her retirement, the surviving legitimate  
18 spouse and dependent children of said official or employee  
19 shall be entitled to receive all the retirement benefits that  
20 the deceased was receiving or entitled to receive. A



1 "dependent" means a legitimate, illegitimate or legally-  
2 adopted child who is chiefly dependent on the said  
3 deceased Ombudsman official or employee if such  
4 dependent is not more than twenty-one (21) years of age,  
5 unmarried and not gainfully employed, or if such  
6 dependent, regardless of age, is incapable of self-support  
7 because of mental or physical defect. The said surviving  
8 legitimate spouse shall continue to receive such  
9 retirement benefits during his or her lifetime or until he  
10 or she remarries: *Provided*, That if the surviving spouse is  
11 receiving benefits under existing retirement laws, he or  
12 she shall only be entitled to the difference between the  
13 amount provided for in this Act and the benefits that he  
14 or she is receiving.

15 SEC. 8. *Retroactivity*. – The benefits mentioned in  
16 Sections 3 and 7 hereof shall be granted to all those who  
17 retire, resign or die one (1) year prior to the effectivity of  
18 this Act.

19 SEC. 9. *Appropriations*. – The amount necessary for  
20 the initial implementation of this Act shall be charged

1 against the current year's savings of the Office of the  
2 Ombudsman. Thereafter, such sums as may be necessary  
3 for the continued implementation of this Act shall be  
4 included in the annual General Appropriations Act.

5       SEC. 10. *Implementing Rules and Regulations.* –  
6 Within sixty (60) days from the effectivity of this Act, the  
7 Ombudsman shall promulgate the rules and regulations  
8 for the effective implementation of this Act.

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

14       SEC. 12. *Repealing Clause.* – All acts, laws, decrees,  
15 executive orders, letters of instructions and regulations or  
16 any part thereof which are inconsistent with any  
17 provision of this Act are hereby repealed and/or modified  
18 accordingly.

19       SEC. 13. *Effectivity.* – This Act shall take effect after  
20 fifteen (15) days after its publication in the *Official*

- 1 *Gazette* or in at least two (2) newspapers of general
- 2 circulation.

Approved,