

THIRTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
First Regular Session

'04 OCT 21 P2:30

SENATE

S. No. **1824**

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

EXPLANATORY NOTE

This Bill seeks to amend Republic Act No. 910, as amended entitled "An Act to Provide the Retirement of Justices of the Supreme Court and of the Court of Appeals, for the Enforcement of the Provisions Hereof by the Government Service Insurance System, and to Repeal Commonwealth Act Numbered Five Hundred and Thirty Six."

On July 13, 2004, in an En Banc Resolution, The Supreme Court granted the request of the Retired RTC Judges Association that R.A. 910, as amended be amended in order that the Retired Judges, both first (RTC) and second (MTC) levels should receive the same monthly pension being receive by the incumbent Judges RTC and MTC. Said Resolution is quoted as follows:

July 13, 2004

"A.M. No. 04-5-12-SC. - Re: Request of Retired Judge Doroteo N. Cañeba, RTC, Manila, for the Retired RTC Judges Association.-Acting on the letter dated 11 May 2004 of retired Judge Doroteo N. Cañeba, requesting funding and/or allocation from the Judiciary Development Fund (JDF) for the increase in the retirement benefits under Republic Act No. 910, as amended, of retired Judges of the Regional Trial Court, the Court Resolved, upon the recommendation of the Office of the Chief Attorney, to DIRECT and AUTHORIZE the Court Administrator to assist the retired Judges in pursuing the passage of an amendatory law to Section 3-A of Republic Act No. 910, as amended by Republic Act No. 1797, in order that retired judges of first and second level courts may enjoy an automatic increase in pensions upon an increase in salary or compensation of incumbent judges."

Consequently, the Supreme Court committed to fund the difference of the prevailing monthly pension of retired Judges so that their monthly pension will be at par with the incumbent Judges chargeable against the Judiciary Development Fund (JDF) of the Supreme Court.

These being no problem as to the funding of this Bill, approval of the same is hereby recommended.


MANUEL B. VILLAR, JR.

THIRTEENTH CONGRESS OF THE }
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First Regular Session

OCT 21 P2:31

SENATE

RECEIVED BY: _____

S. No. 1824

INTRODUCED BY HON. MANUEL B. VILLAR, JR.

**AN ACT
PROVIDING FOR THE RETIREMENT BENEFITS OF MEMBERS OF THE
JUDICIARY, FURTHER AMENDING FOR THE PURPOSE SECTION 1 OF REPUBLIC
ACT NO. 910, AS AMENDED**

*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 further
amended to read as follows:

SEC. 1. When a justice of the Supreme Court or of the Court of appeals(,) OR a judge of (Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge) THE COURT OF TAX APPEALS, REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, 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) 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 which he was receiving at the time of his retirement or resignation: PROVIDED, THAT THE AMOUNT THEREOF SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS AN INCREASE IN THE SALARY OF INCUMBENT JUSTICES OR JUDGES OF THE SAME RANK. [And] When a justice of the Supreme Court or of the Court of Appeals(,) OR a judge of (Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge) THE COURT OF TAX APPEALS, REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT, SHARIA CIRCUIT COURT OR ANY OTHER COURT HEREAFTER ESTABLISHED, has attained the age of sixty (60) year and has rendered at least twenty years service in the Government, the last five years of which shall have been continuously rendered in the judiciary, he shall likewise be entitled to retire and receive during the residue of his natural life, also in the manner hereinafter provided, the salary which he was then receiving. It is a condition of the pension provided for herein that no retiring justice or judge of a court of record or city or municipal judge during the time that he is receiving said pension shall appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings to maintain an

interest adverse to the Government, national, provincial or municipal, or to any of its legally constituted officers. It is also a condition of the pension provided for herein that when a member of the judiciary entitled to the benefits of this Act shall assume an elective public office, he shall not, upon assumption of office and during his term, receive the monthly pension due him.

SECTION 2. Such sum coming from the Judiciary Development Fund (JDF) of the Supreme Court as may be necessary to carry out the purpose of this amendatory Act pursuant to the EN BANC Resolution, dated July 13, 2004 under AM No. 04-5-12-SC shall be made available by the Supreme Court.

SECTION 3. All laws, degrees, orders, rules and regulations, and all other issuances, or parts thereof, which are inconsistent with this Act are hereby repealed.

SECTION 4. If any part or provisions of this Act is held unconstitutional or invalid, other parts of provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. This Act shall take effect after fifteen (15) days following its complete publication in at least two (2) newspapers of general circulation.

Approved,