

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

Office of the Secretary

24 FEB 27 P 4:37

SENATE
S. No. 2576

RECEIVED



Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
STANDARDIZING THE RETIREMENT BENEFITS OF JUSTICES, JUDGES, AND
JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES,
AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 910, AS AMENDED

EXPLANATORY NOTE

The Judiciary fulfills a vital role in the bureaucracy, and recognizing the substantial equality in the roles of judiciary officials is necessary in upholding equal protection even among them.

This measure proposes to further amend the Republic Act No. 910, to include judiciary officials conferred with the same rank as justices and judges in the grant of retirement benefits. At present, Section 3-B of the said law limits its benefits to the Justices and Judges only. The Supreme Court has issued resolutions granting the court administrator and deputy, clerks of court, and other officers with the rank of a justice or a judge by the Supreme Court. Republic Act No. 8291 or The Government Service Insurance System Act of 1997, also excludes the judiciary officials with judicial rank, salary and privileges out of its coverage, except for life insurance, and refund to their personal contribution to the GSIS fund.

The lack in legislation that expressly upholds the number of similar resolutions issued by the Supreme Court allowing Judiciary officials with judicial rank, salary and

privileges to retire under Republic Act No. 910, as amended, without limitation or qualification, has led to a fragmented application of the law.

This measure thus proposes to qualify the judiciary officials with judicial rank, salary and privileges, including those who have compulsory retired prior to the enactment of this measure, to all retirement benefits being received by their counterpart judges and justices under Republic Act 910, as amended by Republic Act No. 9946. Moreover, the current provision that excludes retirees covered by the law from receiving benefits upon assuming elective office will be expressly repealed under this measure.

This measure has already been approved by the House of Representatives in both the 18th and 19th Congresses.

In view of standardizing retirement law for its judicial officials with judicial rank, salary, and privileges, the immediate passage of this measure is earnestly sought.


RAMON BONG REVILLA, JR.

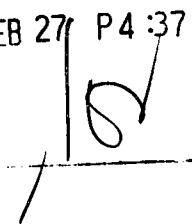
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AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 910, AS AMENDED

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

1

2 Section 1. Section 1 of Republic Act No. 910, as amended by Republic Act No. 9946,
3 is further amended to read as follows:

4

5 "SECTION 1. When a Justice of the Supreme Court, the Court of Appeals, the
6 Sandiganbayan, or the Court of Tax Appeals, or a Judge of the regional trial
7 court, metropolitan trial court, municipal trial court, municipal circuit trial court,
8 shari'a district court, shari'a circuit court, or any other court hereafter
9 established, **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME**
10 **RANK, SALARY AND PRIVILEGES AS A JUSTICE OR A JUDGE OF SAID**
11 **COURTS**, who has rendered at least fifteen (15) years **OF** service in the
12 Judiciary or in any other branch of the Government, or in both, (a) retires for
13 having attained the age of seventy (**70**) years, or (b) resigns by reason of
14 his/her incapacity to discharge the duties of his/her office as certified by the
15 Supreme Court, he/she shall receive during the residue of his/her natural life,
16 in the manner hereinafter provided, the salary [**which**] plus the highest
17 monthly aggregate of transportation, representation and other allowances such
18 as personal economic relief allowance (PERA) and additional compensation
19 allowance which he/she was receiving at the time of his/her retirement, or
20 resignation, and non-wage benefit in the form of education scholarship to one
21 (1) child of all Justices, [**and**] Judges, **AND JUDICIARY OFFICIALS**, to free
22 tuition fee in a state university or college, **WITHOUT PREJUDICE TO THE**
23 **AVAILMENT OF RIGHTS TO FREE TERTIARY EDUCATION UNDER**
24 **EXISTING LAWS: Provided**, That such grant will cover only one (1) bachelor's
25 degree. When a Justice of the Supreme Court, the Court of Appeals, the

1 Sandiganbayan or of the Court of Tax Appeals, [ø] a Judge of the regional trial
 2 court, metropolitan trial court, municipal trial court, municipal circuit trial court,
 3 shari'a district court, shari'a circuit court, or any other court hereafter
 4 established, **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME**
 5 **RANK, SALARY AND PRIVILEGES AS A JUSTICE OR A JUDGE OF SAID**
 6 **COURTS**, has attained the age of sixty (60) years and has rendered at least
 7 fifteen (15) years **OF** service in the Government, the last three (3) of which
 8 shall have been continuously rendered in the Judiciary, he/she shall likewise be
 9 entitled to retire and receive during the residue of his/her natural life also in
 10 the manner hereinafter provided, the salary plus the highest monthly aggregate
 11 of transportation, representation, and other allowances such as personal
 12 economic relief allowance (PERA) and additional compensation allowance which
 13 he/she was then receiving and the non-wage benefit in the form of education
 14 scholarship to one (1) child of all Justices, [and] Judges, **AND JUDICIARY**
 15 **OFFICIALS**, to free tuition fee in a state university or college, **WITHOUT**
 16 **PREJUDICE TO THE AVAILMENT OF RIGHTS TO FREE TERTIARY**
 17 **EDUCATION UNDER EXISTING LAWS:** *Provided*, however, That any
 18 Justice, [ø] Judge, **OR JUDICIARY OFFICIAL** with less than fifteen (15)
 19 years **OF** service in the Government or Judiciary, who shall retire due to reasons
 20 hereinabove provided, shall be entitled to a pro-rata monthly pension computed
 21 as follows:

22	23	24	25	26	27
	Number of years in the		Basic pay plus the highest monthly aggregate		
	<u>Government or Judiciary</u> x		transportation, representation and other		
	15		allowances (PERA and additional compensation		
			allowance)		

28 It is a condition of the pension provided for herein that no retiring Justice or
 29 Judge of the aforementioned courts, **OR JUDICIARY OFFICIAL**
 30 ~~**[CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE]**~~, or
 31 his/her surviving spouse receiving the benefits of this Act during the time that
 32 he/she is receiving the said pension shall appear as counsel before any court
 33 in any civil case wherein the government or any subdivision or instrumentality
 34 thereof is the adverse party, or in any criminal case wherein an incumbent or
 35 former officer or employee of the **[g]Government** is accused of an offense
 36 committed in relation to his/her office, or collect any fee for his/her appearance
 37 in any administrative proceedings to maintain an interest to the Government,
 38 national, provincial or municipal, or to any of its legally constituted officers."
 39 ~~**[It is also a condition of the pension provided for herein that when a**~~
 40 ~~**member of the judiciary or his/her surviving spouse entitled to the**~~
 41 ~~**benefits of this Act shall assume an elective public office, he/she shall**~~
 42 ~~**not, upon assumption of office and during his/her term, receive the**~~
 43 ~~**monthly pension due to him/her."**~~
 44

45 Sec. 2. Section 2 of the same Republic Act, as amended, is hereby further
 46 amended to read as follows:

1 "SEC. 2. In case a Justice of the Supreme Court or Court of Appeals,
2 Sandiganbayan or of the Court of Tax Appeals, [or] a Judge of the regional trial
3 court, metropolitan trial court, municipal trial court in cities, municipal trial
4 court, municipal circuit trial court, shari'a district court, shari'a circuit court, or
5 any other court hereafter established, **OR A JUDICIARY OFFICIAL**
6 **CONFERRED WITH THE SAME RANK, SALARY AND PRIVILEGES AS A**
7 **JUSTICE OR JUDGE**, dies while in actual service, regardless of his/her age
8 and length of service as required in Section 1 hereof, his/her heirs shall receive
9 a lump sum of five (5) years' gratuity computed on the basis of the highest
10 monthly salary plus the highest monthly aggregate of transportation,
11 representation and other allowances such as personal economic relief
12 allowance (PERA) and additional compensation allowance received by him/her
13 as such Justice, [or] Judge **OR JUDICIARY OFFICIAL: Provided, however,**
14 **That** where the deceased Justice, [or] Judge **OR JUDICIARY OFFICIAL** has
15 rendered at least fifteen (15) years **OF SERVICE** either in the Judiciary or in
16 any other branch of Government, or both, his/her heirs shall instead be entitled
17 to a lump sum of ten (10) years gratuity computed on the same basis as
18 indicated in this provision: *Provided, further,* **That** the lump sum of ten (10)
19 years gratuity shall be received by the heirs of the Justice, [or the] Judge **OR**
20 **JUDICIARY OFFICIAL** who was killed because of his/her work as such:
21 *Provided,* **That** the Justice, [or] Judge **OR JUDICIARY OFFICIAL** has served
22 in Government for at least five (5) years regardless of age at the time of death.
23 When a Justice, [or] Judge **OR JUDICIARY OFFICIAL** is killed intentionally
24 while in service, the presumption is that the death is work-related."
25

26 Sec. 3 Section 3 of the same Act, as amended, is hereby further amended to
27 read as follows:
28

29 "SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of
30 Appeals, the Sandiganbayan or of the Court of Tax Appeals, [or] a Judge of
31 the regional trial court, metropolitan trial court, municipal trial court in cities,
32 municipal trial court, municipal circuit trial court, shari'a district court, shari'a
33 circuit court, or any other court hereafter established **OR A JUDICIARY**
34 **OFFICIAL CONFERRED WITH THE SAME RANK, SALARY AND**
35 **PRIVILEGES AS JUSTICE OR JUDGE** shall be automatically entitled to a
36 lump sum of five (5) years' gratuity computed on the basis of the highest
37 monthly salary plus the highest monthly aggregate of transportation,
38 representation and other allowances such as personal economic relief
39 allowance (PERA) and additional compensation allowance he/she was receiving
40 on the date of his/her retirement and thereafter upon survival after the
41 expiration of five (5) years, to further annuity payable monthly during the
42 residue of his/her natural life pursuant to Section 1 hereof: *Provided, however,*
43 **That** if the reason for the retirement be any permanent disability contracted
44 during his/her incumbency in office and prior to the date of retirement, he/she
45 shall receive a gratuity equivalent to ten (10) years' salary and the allowances
46 aforementioned: *Provided, further,* **That** should the retirement under Section 1
47 (a) hereof be with the attendance of any partial permanent disability contracted
48 during his/her incumbency and prior to the date of retirement, he/she shall

1 receive an additional gratuity equivalent to two (2) years lump sum that he/she
2 is entitled to under this Act: *Provided, furthermore,* That if he/she survives after
3 ten (10) years or seven (7) years, as the case may be, he/she shall continue to
4 receive a monthly annuity as computed under this Act during the residue of
5 his/her natural life pursuant to Section 1 hereof: *Provided, finally,* That those
6 who have retired with the attendance of any partial permanent disability five
7 (5) years prior to the effectivity of this Act shall be entitled to the same benefits
8 provided herein.

9
10 "Upon the death of a Justice or Judge of any court in the Judiciary, **OR A**
11 **JUDICIARY OFFICIAL**, if such Justice, ~~[or]~~ Judge **OR JUDICIARY**
12 **OFFICIAL** has retired, or was eligible to retire optionally at the time of death,
13 the surviving legitimate spouse shall be entitled to receive all the retirement
14 benefits that the deceased Justice, ~~[or]~~ Judge **OR JUDICIARY OFFICIAL**
15 would have received had ~~[the Justice or Judge]~~ **HE/SHE** not died. The
16 surviving spouse shall continue to receive such retirement benefits until the
17 surviving spouse's death or remarriage."

18
19 Sec. 4. Section 3-A of the same Act, as amended, is further amended to read
20 as follows:

21
22 "SEC. 3-A. All pension benefits of retired ~~[m]~~Members of the Judiciary **AND**
23 **JUDICIARY OFFICIALS CONFERRED WITH JUDICIAL RANK, SALARY**
24 **AND PRIVILEGES** shall be automatically increased whenever there is an
25 increase in the salary **AND ALLOWANCES FOR** the same position from which
26 ~~[he/she]~~ **THEY** retired."

27
28 Sec. 5. Section 3-B of the same Act, as amended, is further amended to read
29 as follows:

30
31 "SEC. 3-B. The benefits under this Act shall be granted to those who have
32 retired prior to the effectivity of this Act, **INCLUDING JUDICIARY**
33 **OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES WHO**
34 **COMPULSORILY RETIRED AT THE AGE OF SIXTY-FIVE (65) IN**
35 **ACCORDANCE WITH LAW AT THE TIME OF THEIR RETIREMENT, AND**
36 **THOSE WHO AVAILED THEMSELVES OF OPTIONAL OR DISABILITY**
37 **RETIREMENT UNDER THIS ACT: *Provided,* ~~[That the benefits shall be~~
38 ~~applicable only to members of the Judiciary; *Provided, further*~~ That
39 the benefits to be granted shall be prospective."**

40
41 Sec. 6. *Appropriation.* – The amount necessary for the initial implementation of
42 this Act shall be charged against the current year's savings of the Judiciary. Thereafter,
43 such sums as may be necessary for the continued implementation of this Act shall be
44 included in the annual General Appropriations Act.

1 Sec. 7. *Separability Clause.* - If any provision of this Act is declared
2 unconstitutional or invalid, the remainder of this Act or any provisions not affected
3 hereby shall remain in full force and effect.

4
5 Sec 8. *Repealing Clause.* - All laws, executive orders, rules, and regulations
6 inconsistent with or contrary to this Act, are hereby repealed or amended accordingly.

7
8 Sec. 9. *Effectivity.* - This Act shall take effect fifteen (15) days after its
9 publication in the Official Gazette or in two (2) newspapers of general circulation in
10 the Philippines.

Approved,