

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

Office of the Secretary

24 APR -2 P 6:10

SENATE
S. No. 2628

RECEIVED [Signature]

Introduced by Senator Loren B. Legarda

**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

In recognition of their vital role in safeguarding the principles of democracy, justice, and the rule of law, specific Judiciary Officials were conferred with judicial rank, salary and privileges. Despite being granted these privileges by the Supreme Court, the benefits of these Judiciary Officials are not covered by current legislation.

At present, Judiciary Officials are excluded from the coverage of both R.A. No. 8291, or the "Government Service Insurance System Act of 1997," except for life insurance purposes, and R.A. No. 910, as amended by R.A. No. 9946, or "An Act Granting Additional Retirement, Survivorship, and Other Benefits to Members of the Judiciary."

To provide legal basis for the benefits due to the Judiciary Officials, the Supreme Court issued Resolutions to allow these Judiciary Officials enjoy the privileges conferred on them, invoking its constitutional mandated powers of fiscal autonomy and administrative supervision over all courts and personnel.

The absence of legislation in favor of Judiciary Officials has deprived them of fair and equal application of retirement benefits, as the Department of Budget and Management is of the position that a legislative enactment is necessary to entitle Judiciary Officials to the retirement benefits stated under R.A. No. 910, as amended by R.A. No. 9946.

To rectify the inequalities and delay resulting from the conflicting opinions in the entitlement of Judiciary Officials to retirement benefits, there is an urgent need to enact legislation that will amend the coverage of existing retirement laws, and include Judiciary Officials that were conferred with judicial rank, salary and privileges.

In view of the foregoing, the passage of this measure is earnestly sought.



LOREN LEGARDA

2

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

Senate
Office of the Secretary

24 APR -2 P 6:10

SENATE

S. No. 2628

RECEIVED

Introduced by Senator Loren B. Legarda

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

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

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

3 “Section 1. When a Justice of the Supreme Court, the Court of Appeals, the
4 Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional
5 trial court, metropolitan trial court, municipal trial court, municipal circuit
6 trial court, shari'a district court, shari'a circuit court, or any other court
7 hereafter established, **OR A JUDICIARY OFFICIAL CONFERRED WITH**
8 **THE SAME RANK, SALARY AND PRIVILEGES AS A JUSTICE OR A**
9 **JUDGE OF SAID COURTS**, who has rendered at least fifteen (15) years
10 **OF** service in the Judiciary or in any other branch of the Government, or in
11 both, (a) retires for having attained the age of seventy (70) years, or (b)
12 resigns by reason of his/her incapacity to discharge the duties of his/her
13 office as certified by the Supreme Court, he/she shall receive during the
14 residue of his/her natural life, in the manner hereinafter provided, the
15 salary [~~which~~] plus the highest monthly aggregate of transportation,

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

Number of
years in the
Government
or Judiciary
15 years

x

Basic pay plus the highest
monthly aggregate
transportation,
representation and other
allowances (PERA and
additional compensation
allowance)

1 It is a condition of the pension provided for herein that no retiring Justice,
2 ~~[or] Judge [of the aforementioned courts],~~ **JUDICIARY OFFICIAL**, or
3 his/her surviving spouse receiving the benefits of this Act during the time
4 that he/she is receiving the said pension shall appear as counsel before any
5 court in any civil case wherein the [G]government or any subdivision or
6 instrumentality thereof is the adverse party, or in any criminal case
7 wherein an incumbent or former officer or employee of the [G]government
8 is accused of an offense committed in relation to his/her office, or collect
9 any fee for his/her appearance in any administrative proceedings to
10 maintain an interest to the [G]government, national, provincial or
11 municipal, or to any of its legally constituted officers. ~~[It is also a condition~~
12 ~~of the pension provided for herein that when a member of the judiciary or~~
13 ~~his/her surviving spouse entitled to the benefits of this Act shall assume~~
14 ~~an elective public office, he/she shall not, upon assumption of office and~~
15 ~~during his/her term, receive the monthly pension due to him/her.]”~~

16 **SEC. 2.** Section 2 of the same Act, as amended by, is further amended to read as
17 follows:

18 “Section 2. In case a Justice of the Supreme Court or Court of Appeals,
19 Sandiganbayan or the Court of Tax Appeals, or a Judge of the regional trial
20 court, metropolitan trial court, municipal trial court in cities, municipal
21 trial court, municipal circuit trial court, shari'a district court, shari'a circuit
22 court, or any other court hereafter established, **OR A JUDICIARY**
23 **OFFICIAL CONFERRED WITH THE SAME RANK, SALARY AND**
24 **PRIVILEGES AS A JUSTICE OR A JUDGE**, dies while in actual service,
25 regardless of his/her age and length of service as required in Section 1
26 hereof, his/her heirs shall receive a lump sum of five (5) years' gratuity

1 computed on the basis of the highest monthly salary plus the highest
2 monthly aggregate of transportation, representation and other allowances
3 such as personal economic relief allowance (PERA) and additional
4 compensation allowance received by him/her as such Justice, [ø] Judge
5 **OR JUDICIARY OFFICIAL**: *Provided, however,* That where the deceased
6 Justice, [ø] Judge **OR JUDICIARY OFFICIAL** has rendered at least fifteen
7 (15) years **OF SERVICE** either in the Judiciary or in any other branch of
8 Government, or both, his/her heirs shall instead be entitled to a lump sum
9 of ten (10) years gratuity computed on the same basis as indicated in this
10 provision: *Provided, further,* That the lump sum of ten (10) years gratuity
11 shall be received by the heirs of the Justice, [ø] Judge **OR JUDICIARY**
12 **OFFICIAL** who was killed because of his/her work as such: *Provided,* That
13 the Justice, [ø] Judge **OR JUDICIARY OFFICIAL** has served in
14 Government for at least five (5) years regardless of age at the time of death.
15 When a Justice, [ø] Judge **OR JUDICIARY OFFICIAL** is killed
16 intentionally while in service, the presumption is that the death is work-
17 related.”

18 **SEC. 3.** Section 3 of the same Act, as amended, is further amended to read as
19 follows:

20 “Section 3. Upon retirement, a Justice of the Supreme Court or of the Court
21 of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge
22 of the regional trial court, metropolitan trial court, municipal trial court in
23 cities, municipal trial court, municipal circuit trial court, shari'a district
24 court, shari'a circuit court, or any other court hereafter established, **OR A**
25 **JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A**
26 **JUSTICE OR A JUDGE**, shall be automatically entitled to a lump sum of
27 five (5) years' gratuity computed on the basis of the basis of the highest
28 monthly salary plus the highest monthly aggregate of transportation,
29 representation and other allowances such as personal economic relief
30 allowance (PERA) and additional compensation allowance he/she was
31 receiving on the date of his/her retirement and thereafter upon survival

1 after the expiration of five (5) years, to further annuity payable monthly
2 during the residue of his/her natural life pursuant to Section 1 hereof:
3 *Provided, however,* That if the reason for the retirement be any permanent
4 disability contracted during his/her incumbency in office and prior to the
5 date of retirement, he/she shall receive a gratuity equivalent to ten (10)
6 years' salary and the allowances aforementioned: *Provided, further,* That
7 should the retirement under Section 1(a) hereof be with the attendance of
8 any partial permanent disability contracted during his/her incumbency
9 and prior to the date of retirement, he/she shall receive an additional
10 gratuity equivalent to two (2) years lump sum that he/she is entitled to
11 under this Act: *Provided, furthermore,* That if he/she survives after ten (10)
12 years or seven (7) years, as the case may be, he/she shall continue to receive
13 a monthly annuity as computed under this Act during the residue of
14 his/her natural life pursuant to Section 1 hereof: *Provided, finally,* That those
15 who have retired with the attendance of any partial permanent disability
16 five (5) years prior to the effectivity of this Act shall be entitled to the same
17 benefits provided herein.

18 Upon the death of a Justice or Judge of any court in the Judiciary, **OR A**
19 **JUDICIARY OFFICIAL**, if such Justice, ~~[or]~~ Judge **OR JUDICIARY**
20 **OFFICIAL** has retired, or was eligible to retire optionally at the time of
21 death, the surviving legitimate spouse shall be entitled to receive all the
22 retirement benefits that the deceased Justice, ~~[or]~~ Judge **OR JUDICIARY**
23 **OFFICIAL** would have received had ~~[the Justice or Judge]~~ **HE/SHE** not
24 died. The surviving spouse shall continue to receive such retirement
25 benefits until the surviving spouse's death or remarriage."

26 **SEC. 4.** Section 3-A of the same Act, as amended, is further amended to read as
27 follows:

28 "Section 3-A. All pension benefits of retired members of the Judiciary **AND**
29 **JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND**
30 **PRIVILEGES** shall be automatically increased whenever there is an

1 increase in the salary AND ALLOWANCES of the same position from
2 which [he/she] THEY retired."

3 SEC 5. Section 3-B of the same Act, as amended, is further amended to read as
4 follows:

5 "Section 3-B. The benefits under this Act shall be granted to all those who
6 have retired prior to the effectivity of this Act, **INCLUDING JUDICIARY**
7 **OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES**
8 **WHO COMPULSORILY RETIRED AT THE AGE OF SIXTY-FIVE (65)**
9 **YEARS IN ACCORDANCE WITH LAW AT THE TIME OF THEIR**
10 **RETIREMENT, AND THOSE WHO AVAILED THEMSELVES OF**
11 **OPTIONAL OR DISABILITY RETIREMENT UNDER THIS ACT;**
12 *Provided, [That the benefits shall be applicable only to members of the*
13 *Judiciary, ~~Provided further~~] That the benefits to be granted shall be*
14 *prospective."*

15 SEC 6. The amount necessary for the initial implementation of this Act shall be
16 charged against the current year's savings of the Judiciary. Thereafter, such sums as
17 may be necessary for the continued implementation of this Act shall be included in
18 the annual General Appropriations Act.

19 SEC 7. If any provision or part of this Act is declared invalid or unconstitutional,
20 the remaining parts or provisions not affected shall remain in full force and effect.

21 SEC. 8. All laws, rules, regulations, orders, circulars and other issuances or parts
22 thereof which are inconsistent with the provisions of this Act are hereby repealed,
23 amended or modified accordingly.

24 SEC 9. This Act shall take effect fifteen (15) days after its publication in the
25 *Official Gazette* or in a newspaper of general circulation.

Approved,