


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

7 JUL 26 2004

SENATE

S.B. NO. 1400RECEIVED BY 

Introduced by Senator Francis N. Pangilinan

## EXPLANATORY NOTE

On July 13, 2004, in En Banc Resolution, the Supreme Court granted the request of the Retired RTC Judges Association that Republic Act No. 910, as amended, should be amended in order that the retired Judges, both first (RTC) and second (MTC) levels should receive the same monthly pension being received 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 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."

Likewise, other forms of assistance, which would not require much application, can supplement the financial requirements of judges. If the State recognizes the rationale for providing educational benefits to children of barangay officials under the Local Government Code, with equal reason should the State extend the same benefits to children of judges of the first and second level courts.

Grant of educational benefits to the children of judges will immensely alleviate their financial predicament, and ultimately lead to judicial reform.

Consequently, the Supreme Court committed to fund the difference of the prevailing monthly pension of retired Judges so that their monthly pension should be at par with the incumbent Judges chargeable against the Judiciary Development Fund (JDF) of the Supreme Court. Thereafter, the sum necessary for this purpose shall be included in the annual General Appropriations Act.

Passage of this bill is earnestly sought.




FRANCIS N. PANGILINAN

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**AN ACT  
GRANTING ADDITIONAL RETIREMENT BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING  
FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, AND FOR OTHER PURPOSES**

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

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

3                   "SEC. 1. When a Justice of the Supreme Court [or of] the Court of Appeals, **THE**  
4           **SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR** a Judge of the [Court  
5 of First Instance] **REGIONAL TRIAL COURT, [Industrial Relations, Juvenile and**  
6 **Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or**  
7 **a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT**  
8 **COURT, SHARI'A CIRCUIT COURT OR ANY OTHER COURT HEREAFTER**  
9 **ESTABLISHED** who has rendered at least [twenty (20)] **FIFTEEN (15)** years service in  
10 *the Judiciary or in any other branch of the Government, or in both (a) retires for having*  
11 *attained the age seventy years or (b) resigns by reason of his incapacity to discharge the*  
12 *duties of his office* **AS CERTIFIED BY THE SUPREME COURT,** he shall receive during  
13 *the residue of his natural life, in the manner hereinafter provided, the salary* **PLUS THE**  
14 **HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND**  
15 **REPRESENTATION ALLOWANCES** which he was receiving at the time of his retirement,  
16 *or resignation* **AND NON-WAGE BENEFIT IN THE FORM OF EDUCATION**  
17 **SCHOLARSHIP TO ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES**  
18 **TO FREE TUITION FEE IN A STATE UNIVERSITY OR COLLEGE: PROVIDED, THAT**

1        **SUCH GRANT WILL COVER ONLY ONE (1) BACHELOR'S DEGREE. [And] When a**  
2        Justice of the Supreme Court or of the Court of Appeals, **THE SANDIGANBAYAN OR OF**  
3        **THE COURT OF TAX APPEALS, OR** a Judge of the [Court of First Instance] **REGIONAL**  
4        **TRIAL COURT, [Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and**  
5        **Domestic Relations], METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or**  
6        **a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT SHARI'A DISTRICT**  
7        **COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER**  
8        **ESTABLISHED, has attained the age of sixty (60) years and has rendered at least**  
9        **[twenty] FIFTEEN (15) years service in the Government, the last five (5) years of which**  
10       shall have been continuously rendered in the Judiciary, he shall likewise be entitled to  
11       retire and receive during the residue of his natural life, also in the manner hereinafter  
12       provided, the salary **PLUS THE HIGHEST MONTHLY AGGREGATE OF**  
13       **TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES** which he was  
14       then receiving **AND THE NON-WAGE BENEFIT IN THE FORM OF EDUCATION**  
15       **SCHOLARSHIP TO ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES**  
16       **TO FREE TUITION FEE IN A STATE UNIVERSITY OR COLLEGE: PROVIDED,**  
17       **HOWEVER, THAT ANY JUSTICE OR JUDGE WITH LESS THAN FIFTEEN (15) YEARS**  
18       **SERVICE IN THE GOVERNMENT OR JUDICIARY, WHO SHALL RETIRE DUE TO**  
19       **REASON HEREINABOVE PROVIDED, SHALL BE ENTITLED TO A PRO-RATA**  
20       **MONTHLY PENSION COMPUTED AS FOLLOWS:**

21	<b>NO. OF YEARS IN THE</b>		<b>BASIC PAY PLUS THE HIGHEST</b>
22	<b>GOVERNMENT OR JUDICIARY</b>		<b>MONTHLY AGGREGATE OF</b>
23	-----	<b>X</b>	<b>TRANSPORTATION, LIVING AND</b>
24	<b>15 YEARS</b>		<b>REPRESENTATION ALLOWANCES</b>

25       *It is a condition of the pension provided for herein that no retiring Justice or Judge of THE*  
26       **AFOREMENTIONED COURTS** during the time that he is receiving said pension shall

1 appear as counsel before any court in any civil case wherein the Government or any  
2 subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein  
3 an **INCUMBENT OR FORMER** officer or employee of the Government is accused of an  
4 offense committed in relation to his office, or collect any fee for his appearance in any  
5 administrative proceedings to maintain an interest to the Government, national, provincial  
6 or municipal, or to any of its legally constituted officers. It is also a condition of the pension  
7 provided for herein that when a member of the Judiciary entitled to the benefits of this Act  
8 shall assume an elective public office, [he] shall not, upon assumption of office and during  
9 his term, receive the monthly pension **OR ANY OF THE ALLOWANCES** due him."

10 **SEC. 2.** Section 2 of the same Act is hereby amended to read as follows:

11 "SEC. 2. In case a Justice of the Supreme Court or Court of Appeals, **THE**  
12 **SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR** a Judge of the [Court  
13 of First Instance] **REGIONAL TRIAL COURT, [Industrial Relations], [Juvenile and**  
14 **Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or**  
15 **a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT**  
16 **COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER**  
17 **ESTABLISHED, dies while in actual service, his heirs shall receive a lump sum of five**  
18 **years' gratuity computed on the basis of the highest monthly salary plus the highest**  
19 **monthly aggregate of transportation, living and representation allowances received by him**  
20 **as such justice or judge [if by reason of his length of service in the government he was**  
21 **already entitled to the benefits of this Act] WITHOUT THE LENGTH OF SERVICE**  
22 **REQUIRED IN SECTION ONE HEREOF: PROVIDED, HOWEVER, WHERE THE**  
23 **DECEASED JUSTICE OR JUDGE HAS RENDERED AT LEAST FIFTEEN YEARS**  
24 **EITHER IN THE JUDICIARY OR IN ANY OTHER BRANCH OF GOVERNMENT OR**  
25 **BOTH, HIS HEIRS SHALL INSTEAD BE ENTITLED TO A LUMP SUM OF TEN YEARS**  
26 **GRATUITY COMPUTED ON THE SAME BASIS AS INDICATED IN THIS PROVISION.**

1 IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF HIS WORK AS  
2 SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS WELL AS THE LEGITIMATE AND  
3 ADOPTED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE SHALL RECEIVE IN  
4 EQUAL SHARES ALL RETIREMENT BENEFITS OF THE DECEASED JUDGE OR  
5 JUSTICE AS IF SUCH JUDGE OR JUSTICE HAS REACHED COMPULSORY  
6 RETIREMENT AGE: *PROVIDED*, THAT THE JUDGE OR JUSTICE HAS SERVED IN  
7 GOVERNMENT FOR AT LEAST FIVE (5) YEARS REGARDLESS OF AGE AT THE  
8 TIME OF DEATH. WHEN A JUDGE OR JUSTICE IS KILLED INTENTIONALLY WHILE  
9 IN SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK RELATED.

10 UPON REACHING THE AGE OF TWENTY-ONE (21), PREVIOUSLY  
11 ENTITLED CHILDREN-BENEFICIARIES SHALL CEASE TO RECEIVE THEIR PART  
12 OF THE RETIREMENT BENEFIT, WHICH SHARE SHALL REDOUND TO THE  
13 SURVIVING SPOUSE. THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE  
14 SUCH RETIREMENT BENEFITS FOR THE REST OF HER NATURAL LIFE OR UNTIL  
15 **REMARRIAGE.** [The same benefits provided for in this section shall be extended to any  
16 incumbent justice of the Supreme Court or the Court of Appeals, or judge of the Court of  
17 First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and  
18 Domestic Relations, or city or municipal court, or any other court hereafter established; as  
19 the case may be, who, without having attained the length of service required in Section 1  
20 hereof, shall have to retire upon reaching the age of sixty five years, or upon other cause,  
21 such as illness or permanent physical disability, to be certified by the tribunal to which the  
22 justice concerned belongs, or by the Supreme Court in the case of an incumbent judge of  
23 the Court of First Instance, and other similar courts or records, or a city or municipal  
24 judge, which render him incapacitated to continue in his position.]

25 **SEC. 3.** Section 3 of the same Act is hereby amended to read as follows:

26 "SEC. 3. Upon Retirement, a Justice of the Supreme Court or of the Court of  
27 Appeals, **THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR** a Judge

1 of the [Court of First Instance] **REGIONAL TRIAL COURT**, [Industrial Relations],  
2 [Juvenile and Domestic Relations] **METROPOLITAN TRIAL COURT**, **MUNICIPAL**  
3 **TRIAL COURT**, [or a city or municipal judge] **MUNICIPAL CIRCUIT TRIAL COURT**,  
4 **SHARI'A DISTRICT COURT**, **SHARI'A CIRCUIT COURT**, OR ANY OTHER COURT  
5 **HEREAFTER ESTABLISHED** shall be automatically entitled to a lump sum payment of  
6 five years **SALARY** [gratuity] computed on the basis of the highest monthly salary plus  
7 the highest monthly aggregate of transportation, living and representation allowances he  
8 was receiving on the date of his retirement[.] **AND THEREAFTER UPON SURVIVAL**  
9 **AFTER THE EXPIRATION OF FIVE YEARS**, TO FURTHER ANNUITY PAYABLE  
10 **MONTHLY DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION**  
11 **1 HEREOF: Provided, however,** That if the reason for the retirement be any permanent  
12 disability contracted during his incumbency in office and prior to the date of his retirement,  
13 he shall receive [only] a gratuity equivalent to ten years salary and **THE** allowances  
14 aforementioned [within further annuity payable monthly during the rest of the retiree's  
15 natural life.]: **PROVIDED, FURTHER,** THAT SHOULD THE RETIREMENT BE WITH  
16 **THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY CONTRACTED**  
17 **DURING HIS INCUMBENCY AND PRIOR TO THE DATE OF RETIREMENT, HE SHALL**  
18 **RECEIVE AN ADDITIONAL GRATUITY EQUIVALENT TO TWO (2) YEARS LUMP SUM**  
19 **THAT HE IS ENTITLED TO UNDER THIS ACT: PROVIDED, FURTHER,** THAT IF THE  
20 **JUSTICE SURVIVES AFTER TEN (10) YEARS OR SEVEN (7) YEARS, AS THE CASE**  
21 **MAY BE, HE SHALL CONTINUE TO RECEIVE A MONTHLY ANNUITY AS COMPUTED**  
22 **UNDER THIS ACT DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO**  
23 **SECTION 1 HEREOF: PROVIDED, FINALLY,** THAT THOSE WHO HAVE RETIRED  
24 **WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY FIVE YEARS**  
25 **PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE ENTITLED TO THE SAME**  
26 **BENEFITS PROVIDED HEREIN.**

1           UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY COURT IN THE  
2           JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS RETIRED, OR WAS ELIGIBLE TO  
3           RETIRE OPTIONALLY AT THE TIME OF. DEATH, THE SURVIVING LEGITIMATE  
4           SPOUSE SHALL BE ENTITLED TO RECEIVE ALL THE RETIREMENT BENEFITS  
5           THAT THE DECEASED JUSTICE OR JUDGE WOULD HAVE RECEIVED HAD THE  
6           JUSTICE OR JUDGE NOT DIED. THE SURVIVING SPOUSE SHALL CONTINUE TO  
7           RECEIVE SUCH RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE'S DEATH  
8           OR REMARRIAGE.

9           “SEC. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS OF THE  
10          JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS AN  
11          INCREASE IN THE SALARY OF THE SAME POSITION FROM WHICH HE RETIRED.”

12          “SEC. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED TO ALL  
13          THOSE WHO HAVE RETIRED PRIOR TO THE EFFECTIVITY OF THIS ACT.”

14          **SEC. 4.** During the fiscal year two thousand and seven, this Act shall be funded from savings of  
15          the Judiciary. Thereafter, the necessary sum for this purpose shall be included in the annual General  
16          Appropriations Act.

17          **SEC. 5.** All laws, decrees, orders, rules or regulations or parts thereof inconsistent with the  
18          provisions of this Act are hereby repealed or modified accordingly.

19          **SEC. 6.** This Act shall take effect fifteen (15) days following the completion of its publication in the  
20          Official Gazette or in any two (2) newspapers of general circulation.

Approved,