


Republic of the Philippines }
FOURTEENTH CONGRESS }
First Regular Session }

7 AUG 28 2004

RECEIVED BY: 

SENATE

Bill No. **1491**

Introduced by Senator **FRANCIS G. ESCUDERO**

EXPLANATORY NOTE

Republic Act No. 9227 grants "additional compensation in the form of special allowances for justices, judges and all other positions in the judiciary with the equivalent rank of justices of the Court of Appeals and judges of the Regional Trial Court." Such special allowances are intended to be part of the basic salary of the justices, judges and all other positions in the judiciary of equivalent rank.

Since the special allowances received by incumbent justices under R.A. No. 9227 are, to all intents and purposes, part of their increased basic salary, such increase becomes the basis of their retirement pension at the time of their cessation in office. Section 3-A of Republic Act No. 910 as amended (commonly referred to as the "Retirement Law for the Judiciary"), explicitly states that whenever the salary of an incumbent justice of the Supreme Court or Court of Appeals is increased, such increased salary shall be deemed to be the salary or retirement pension which a justice who retired was receiving at the time of his cessation in office.

Those surviving justices, judges and all court officials who, while in the service, held positions in the judiciary of equivalent rank to that of justices of the Court of Appeals and judges of the Regional Trial Court and who have retired prior to November 11, 2003 (the date of effectivity of R.A. No. 9227) should be extended similar financial benefits. For this purpose, there should be a readjustment of their retirement benefits to include the amounts corresponding to the special allowances received by incumbent justices, judges and court officials holding positions equivalent to the ranks of justice of the Court of Appeals and judge of the Regional Trial Court as long as they are qualified to receive monthly pensions under R.A. No. 910.

The appropriate legislation should be enacted granting special allowance to those who have retired prior to November 11, 2003, the date of the effectivity of R.A. No. 9227 by upgrading their retirement gratuities.


The foregoing considered, immediate approval of this bill is highly sought.


FRANCIS G. ESCUDERO

Republic of the Philippines }
FOURTEENTH CONGRESS }
First Regular Session }

7 AUG 28 P 6:54

SENATE

RECEIVED BY: 

Bill No. **491**

Introduced by **Senator FRANCIS G. ESCUDERO**

AN ACT
AMENDING SECTION 5 OF REPUBLIC ACT NO. 9227, OTHERWISE KNOWN AS AN ACT GRANTING ADDITIONAL COMPENSATION IN THE FORM OF SPECIAL ALLOWANCES FOR JUSTICES, JUDGES AND ALL OTHER POSITIONS IN THE JUDICIARY WITH THE EQUIVALENT RANK OF JUSTICES OF THE COURT OF APPEALS AND JUDGES OF THE REGIONAL TRIAL COURT, AND FOR OTHER PURPOSES

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

SECTION 1. Section 5 of Republic Act. No. 9227 is hereby amended to read, as follows:

“SEC. 5. Inclusion in the Computation of Retirement Benefits. - For purposes of retirement, only the allowances actually received and the tranche or tranches of the special allowance already implemented and received pursuant to this Act by the justices, judges and all other positions in the Judiciary with the equivalent rank of justices of the Court of Appeals and judges of the Regional Trial Court as authorized under existing laws shall, at the date of their retirement, be included in the computation of their respective retirement benefits.

THIS PROVISION SHALL LIKEWISE BE EXTENDED TO SURVIVING JUSTICES, JUDGES AND ALL OTHER COURT OFFICIALS WITH THE EQUIVALENT RANKS OF JUSTICE OF THE COURT OF APPEALS AND JUDGE OF THE REGIONAL TRIAL COURT WHO RETIRED PRIOR TO NOVEMBER 11, 2003, THE DATE OF THE EFFECTIVITY OF THIS ACT.”

SEC. 2. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in any two (2) newspapers of general circulation.

Approved,