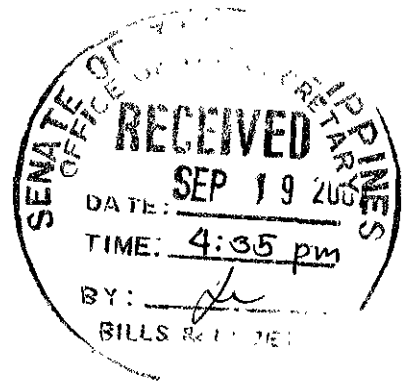


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session



SENATE

COMMITTEE REPORT NO. 1

Submitted jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance on SEP 19 2007

Re: Senate Bill No. 1620

Recommending its approval in substitution of Senate Bill Nos. 121, 1400, 1415 and 1597.

Sponsors: Senators Escudero, Enrile, Pangilinan, Cayetano (P), and Villar.

MR. PRESIDENT:

The Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance, to which were referred Senate Bill No. 121, introduced by Senator Enrile, entitled:

**"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"**

Senate Bill No. 1400, introduced by Senator Pangilinan, entitled:

**"AN ACT
GRANTING ADDITIONAL RETIREMENT BENEFITS TO MEMBERS OF
THE JUDICIARY, AMENDING FOR THE PURPOSE R.A. 910, AS
AMENDED, AND FOR OTHER PURPOSES"**

Senate Bill No. 1415, introduced by Senator Cayetano (P), entitled:

**"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"**

Senate Bill No. 1597, introduced by Senator Villar, entitled:

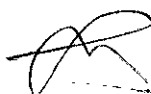
**“AN ACT
FURTHER STRENGTHENING THE PHILIPPINE JUDICIARY,
GRANTING ADDITIONAL RETIREMENT BENEFITS TO ITS MEMBERS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 1620 prepared by the Committees, entitled:

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


be approved in substitution of Senate Bill Nos. 121, 1400, 1415 and 1597.

Respectfully Submitted:



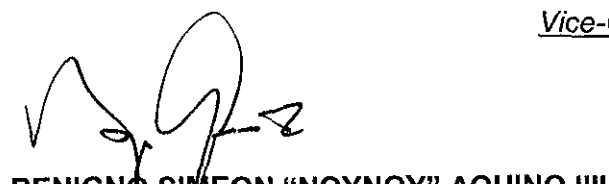
FRANCIS “CHIZ” G. ESCUDERO
*Chairman, Committee on Justice and Human Rights
Member, Committees on Finance and Civil Service
and Government Reorganization*

ANTONIO TRILLANES IV
*Chairman, Committee on Civil Service
and Government Reorganization
Member, Committee on Finance*

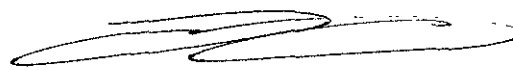


JUAN PONCE ENRILE
*Chairman, Committee on Finance
Member, Committee on Justice
and Human Rights*

Vice-Chairmen:



BENIGNO SIMEON “NOYNOY” AQUINO III
Committee on Justice and Human Rights



LOREN B. LEGARDA
*Committee on Civil Service and
Government Reorganization
Member, Committee on Finance*



EDGARDO J. ANGARA
Committee on Finance
Member, Committee on Civil Service
and Government Reorganization

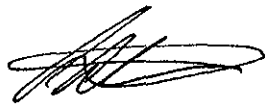


JOKER P. ARROYO
Committee on Finance



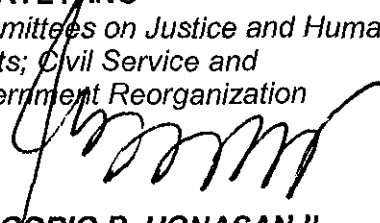
MIRIAM DEFENSOR-SANTIAGO
Committee on Finance

Members:



**ALAN PETER "COMPAÑERO"
S. CAYETANO**
Committees on Justice and Human
Rights; Civil Service and
Government Reorganization

"COMPAÑERA" PIA S. CAYETANO
Committee on Justice and
Human Rights; Finance

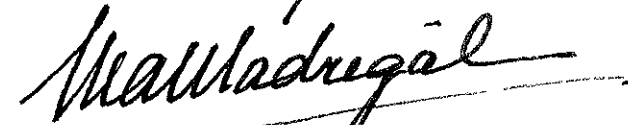


GREGORIO B. HONASAN II
Committees on Justice and Human
Rights; Civil Service and Government
Reorganization



RAMON BONG REVILLA, JR.
Committees on Justice and Human
Rights; Finance

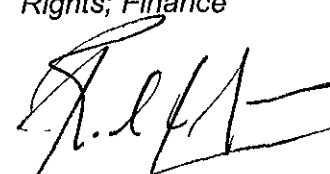
may amend



M. A. MADRIGAL
Committees on Justice and Human
Rights; Finance



RODOLFO G. BIAZON
Committees on Justice and Human
Rights; Finance



RICHARD J. GORDON
Committees on Civil Service and
Government Reorganization; Finance



MANUEL "LITO" M. LAPID
Committee on Finance



PANFILO M. LACSON
Committee on Finance



MAR ROXAS
Committee on Finance

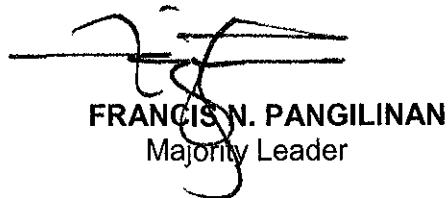


JUAN MIGUEL F. ZUBIRI
Committee on Finance

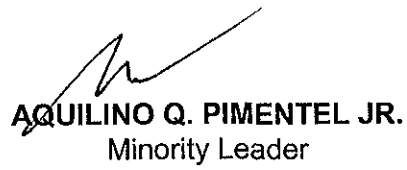
Ex-Officio Members:



JINGGOY EJERCITO-ESTRADA
President Pro-Tempore



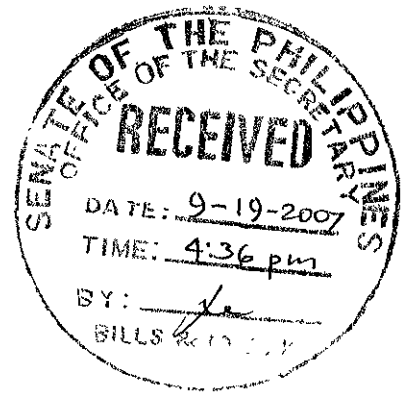
FRANCIS N. PANGILINAN
Majority Leader



AQUILINO Q. PIMENTEL JR.
Minority Leader

Hon. MANNY VILLAR
Senate President
Senate of the Philippines
Pasay City

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



SENATE
S.B. No. 1620

Prepared by the Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance, with Senators Enrile, Pangilinan, Cayetano (P), Villar, and Escudero as authors.

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 House of Representatives of the Philippines in Congress assembled:

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

3 "SECTION 1. When a justice of the Supreme Court, [or of] the Court of
4 Appeals, THE SANDIGANBAYAN, OR OF THE COURT OF TAX APPEALS, OR
5 a judge of the [Court of First Instance, Industrial Relations, Agrarian Relations,
6 Tax Appeals, Juvenile and Domestic Relations or a city or municipal judge]
7 REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT, MUNICIPAL
8 TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT
9 COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER
10 ESTABLISHED who has rendered at least [twenty] FIFTEEN (15) years service
11 in the Judiciary or in any other branch of the Government, or in both (a) retires for
12 having attained the age of seventy years or (b) resigns by reason of his OR HER
13 incapacity to discharge the duties of his OR HER office AS CERTIFIED BY THE
14 SUPREME COURT, he OR SHE shall receive during the residue of his OR HER
15 natural life, in the manner hereinafter provided, the salary PLUS THE HIGHEST
16 MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND
17 REPRESENTATION ALLOWANCES which he OR SHE was receiving at the

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

26	NO. OF YEARS IN THE	BASIC PAY PLUS THE
27	GOVERNMENT OR JUDICIARY	HIGHEST MONTHLY
28	----- X	AGGREGATE
29	15 YEARS	TRANSPORTATION,
30		LIVING REPRESENTATION
31		ALLOWANCES

1 It is a condition of the pension provided for herein that no retiring justice or judge
2 [of a court of record or city or municipal judge] OF THE AFOREMENTIONED
3 COURTS OR HIS OR HER SURVIVING SPOUSE RECEIVING THE BENEFITS
4 OF THIS ACT during the time that he OR SHE is receiving said pension shall
5 appear as counsel before any court in any civil case wherein the Government or
6 any subdivision or instrumentality thereof is the adverse party, or in any criminal
7 case wherein an INCUMBENT OR FORMER officer or employee of the
8 Government is accused of an offense committed in relation to his office, or collect
9 any fee for his appearance in any administrative proceedings to maintain an
10 interest to the Government, national, provincial or municipal, or to any of its
11 legally constituted officers. It is also a condition of the pension provided for
12 herein that [no] WHEN A member of the Judiciary OR HIS OR HER SURVIVING
13 SPOUSE entitled to the benefits of this Act shall assume an [elective public]
14 office OR POSITION IN GOVERNMENT OR ANY OF ITS
15 INSTRUMENTALITIES, WHETHER ELECTIVE OR APPOINTIVE, WHICH
16 ENTITLES HIM OR HER TO RECEIVE A SALARY, he OR SHE shall not, upon
17 assumption of office and during his OR HER term, receive the monthly pension
18 due him OR HER.

19 SEC. 2. Section 2 of the same Republic Act is hereby amended to read as
20 follows:

21 "SEC. 2 In case a justice of the Supreme Court, [or of] the Court of
22 Appeals, THE SANDIGANBAYAN, OR OF THE COURT OF TAX APPEALS, OR
23 a judge of the [Court of First Instance, Industrial Relations, Agrarian Relations,
24 Tax Appeals, Juvenile and Domestic Relations, city or municipal judge]
25 REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT, MUNICIPAL
26 TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT
27 COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER
28 ESTABLISHED, dies while in actual service, his OR HER heirs shall receive a
29 lump sum of five years' gratuity computed on the basis of the highest monthly
30 salary plus the highest monthly aggregate of transportation, living and
31 representation allowances received by him OR HER as such justice or judge [if

1 by reason of his length of service in the government he was already entitled to
2 the benefits of this Act] WITHOUT THE LENGTH OF SERVICE REQUIRED IN
3 SECTION ONE HEREOF: *PROVIDED, HOWEVER,* WHERE THE DECEASED
4 JUSTICE OR JUDGE HAS RENDERED AT LEAST FIFTEEN YEARS OF
5 SERVICE EITHER IN THE JUDICIARY OR IN ANY OTHER BRANCH OF
6 GOVERNMENT OR BOTH, HIS OR HER HEIRS SHALL INSTEAD BE
7 ENTITLED TO A LUMP SUM OF TEN YEARS GRATUITY COMPUTED ON
8 THE SAME BASIS AS INDICATED IN THIS PROVISION. [The same benefits
9 provided for in this section shall be extended to any incumbent justice of the
10 Supreme Court or the Court of Appeals, or judge of the Court of First Instance,
11 Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic
12 Relations, or city or municipal court, or any other court hereinafter established; as
13 the case may be, without having attained the length of service required in Section
14 1 hereof, shall have to retire upon reaching the age of sixty five years, or upon
15 other cause, such as illness or permanent physical disability, to be certified by
16 the tribunal to which the justice concerned belongs, or by the Supreme Court in
17 the case of an incumbent judge of the Court of First Instance, and other similar
18 courts or records, or a city or municipal judge, which render him incapacitated to
19 continue in his position.]

20 IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF HIS OR
21 HER WORK AS SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS WELL AS
22 THE LEGITIMATE AND ADOPTED CHILDREN BELOW EIGHTEEN (18)
23 YEARS OF AGE SHALL RECEIVE IN EQUAL SHARES ALL RETIREMENT
24 BENEFITS OF THE DECEASED JUSTICE OR JUDGE AS IF SUCH JUSTICE
25 OR JUDGE HAS REACHED COMPULSORY RETIREMENT AGE: *PROVIDED,*
26 *THAT,* THE JUSTICE OR JUDGE HAS SERVED IN GOVERNMENT FOR AT
27 LEAST FIVE (5) YEARS REGARDLESS OF AGE AT THE TIME OF DEATH.
28 WHEN A JUSTICE OR JUDGE IS KILLED INTENTIONALLY WHILE IN
29 SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK RELATED.

30 UPON REACHING THE AGE OF TWENTY-ONE (21), PREVIOUSLY
31 ENTITLED CHILDREN-BENEFICIARIES SHALL CEASE TO RECEIVE THEIR

1 PART OF THE RETIREMENT BENEFIT, WHICH SHARE SHALL REDOUND
2 TO THE SURVIVING SPOUSE. THE SURVIVING SPOUSE SHALL CONTINUE
3 TO RECEIVE SUCH RETIREMENT BENEFITS FOR THE REST OF HIS OR
4 HER NATURAL LIFE OR UNTIL REMARRIAGE.

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

6 "SEC. 3. Upon retirement, a justice of the Supreme Court, [or of] the
7 Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX
8 APPEALS, OR a judge of the [Court of First Instance, Industrial Relations,
9 Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations or a city or
10 municipal judge] REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT,
11 MUNICIPAL TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A
12 DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT
13 HEREAFTER ESTABLISHED shall be automatically entitled to a lump sum
14 payment of five years' salary [based upon] COMPUTED ON THE BASIS OF the
15 highest [annual] MONTHLY salary PLUS THE HIGHEST MONTHLY
16 AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION
17 ALLOWANCES that said justice or judge [has received] WAS RECEIVING ON
18 THE DATE OF HIS OR HER RETIREMENT and thereafter, upon survival after
19 the expiration of this period of five years, to a further annuity payable monthly
20 during the residue of his OR HER natural life[, equivalent to the amount of salary
21 he was receiving on the date of his retirement] PURSUANT TO SECTION 1
22 HEREOF: *Provided, however,* That if the reason for the retirement be with the
23 attendance of any permanent disability contracted during his OR HER
24 incumbency in office and prior to the date of retirement, he OR SHE shall receive
25 [only] a gratuity equivalent to ten years' salary [with no further annuity payable
26 monthly during the rest of the retiree's natural life] AND THE ALLOWANCES
27 AFOREMENTIONED: *PROVIDED, FURTHER,* THAT SHOULD THE
28 RETIREMENT BE WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT
29 DISABILITY CONTRACTED DURING HIS OR HER INCUMBENCY AND PRIOR
30 TO THE DATE OF RETIREMENT, HE OR SHE SHALL RECEIVE AN
31 ADDITIONAL GRATUITY EQUIVALENT TO TWO (2) YEARS' LUMP SUM

1 THAT HE OR SHE IS ENTITLED TO UNDER THIS ACT: *PROVIDED,*
2 *FURTHER,* THAT IF THE JUSTICE OR JUDGE SURVIVES AFTER TEN (10)
3 YEARS OR SEVEN (7) YEARS, AS THE CASE MAY BE, HE OR SHE SHALL
4 CONTINUE TO RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER
5 THIS ACT DURING THE RESIDUE OF HIS OR HER NATURAL LIFE
6 PURSUANT TO SECTION 1 HEREOF: *PROVIDED, FINALLY,* THAT THOSE
7 WHO HAVE RETIRED WITH THE ATTENDANCE OF ANY PARTIAL
8 PERMANENT DISABILITY FIVE YEARS PRIOR TO THE EFFECTIVITY OF
9 THIS ACT SHALL BE ENTITLED TO THE SAME BENEFITS PROVIDED
10 HEREIN.

11 UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY COURT IN THE
12 JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS RETIRED, OR WAS
13 ELIGIBLE TO RETIRE OPTIONALLY AT THE TIME OF DEATH, THE
14 SURVIVING LEGITIMATE SPOUSE SHALL BE ENTITLED TO RECEIVE ALL
15 THE RETIREMENT BENEFITS THAT THE DECEASED JUSTICE OR JUDGE
16 WOULD HAVE RECEIVED HAD THE JUSTICE OR JUDGE NOT DIED. THE
17 SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH RETIREMENT
18 BENEFITS UNTIL THE SURVIVING SPOUSE'S DEATH OR REMARRIAGE."

19 "Sec. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS OF THE
20 JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE
21 IS AN INCREASE IN THE SALARY OF THE SAME POSITION FROM WHICH
22 HE OR SHE RETIRED."

23 "Sec. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED
24 TO ALL THOSE WHO HAVE RETIRED PRIOR TO THE EFFECTIVITY OF THIS
25 ACT."

26 SEC. 4. During the fiscal year two thousand and seven, this Act shall be funded
27 from savings of the judiciary. Thereafter, the necessary sum for this purpose shall be
28 included in the annual General Appropriations Act.

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

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