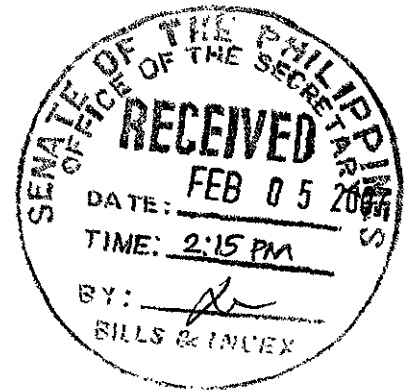


THIRTEENTH CONGRESS OF THE REPUBLIC  
OF THE PHILIPPINES  
*Third Regular Session*



SENATE

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COMMITTEE REPORT NO. 242

Submitted jointly by the Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance on FEB 05 2007

Re : Senate Bill No. 2591

Recommending its approval in substitution of Senate Bill Nos. 814, 1084, 1404, 1799, 1824, 1844 and 2566.

Sponsors: Senators Enrile, Angara and Drilon.

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**MR. PRESIDENT:**

The Committees on Justice and Human Rights; Civil Service and Government Reorganization; and Finance, to which was referred Senate Bill No. 814, introduced by Senator Villar, Jr., entitled:

**“AN ACT  
PROVIDING FOR THE PAYMENT OF SURVIVORSHIP BENEFITS TO THE SPOUSE OF A DECEASED RETIRED JUSTICE OF THE SUPREME COURT OR COURT OF APPEALS OR OF A DECEASED RETIRED MEMBER OF THE CONSTITUTIONAL COMMISSIONS, AND FOR OTHER PURPOSES”**

Senate Bill No. 1084, introduced by Senator Angara, 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. 1404, introduced by Senator Pangilinan, entitled:

**“AN ACT  
TO AMEND SECTIONS ONE, TWO, THREE-A OF REPUBLIC ACT NO. 910 PROVIDING FOR THE RETIREMENT OF JUSTICES AND JUDGES IN THE JUDICIARY AS AMENDED TO APPROPRIATE FUNDS FOR THIS PURPOSE”**

Senate Bill No. 1799, introduced by Senator Cayetano, entitled:

**“AN ACT  
PROVIDING FOR RETIREMENT BENEFITS OF ALL MEMBERS OF THE  
JUDICIARY, FURTHER AMENDING FOR THE PURPOSE SECTION ONE OF  
REPUBLIC ACT NO. 910, AS AMENDED”**

Senate Bill No. 1824, introduced by Senator Villar, Jr., entitled:

**“AN ACT  
PROVIDING FOR THE RETIREMENT BENEFITS OF MEMBERS OF THE  
JUDICIARY, FURTHER AMENDING FOR THE PURPOSE SECTION 1 OF  
REPUBLIC ACT NO. 910, AS AMENDED”**

Senate Bill No. 1844, introduced by Senator Pangilinan, entitled:

**“AN ACT  
PROVIDING FOR THE RETIREMENT BENEFITS OF MEMBERS OF THE  
JUDICIARY, FURTHER AMENDING FOR THE PURPOSE SECTION 1 OF  
REPUBLIC ACT NO. 910, AS AMENDED”**

Senate Bill No. 2566, introduced by Senator Drilon, entitled:

**“AN ACT  
TO PROVIDE SURVIVORSHIP RETIREMENT BENEFITS TO MEMBERS OF  
THE JUDICIARY”**

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. 2591, prepared by the Committees, 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”**

be approved in substitution of Senate Bill Nos. 814, 1084, 1404, 1799, 1824, 1844 and 2566 with Senators Villar, Jr., Angara, Pangilinan, Cayetano, and Drilon, as authors thereof.

Respectfully submitted:

Chairmen:



**JUAN PONCE ENRILE**

*Chairman, Committee on Justice and Human Rights  
Member, Committee on Finance*

**PANFILO M. LACSON**

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



**FRANKLIN M. DRILON**

*Chairman, Committee on Finance  
Member, Committee on Justice and  
and Human Rights*

Members:

**RAMON "BONG" REVILLA, JR.**

*Member, Committees on Justice  
and Human Rights; Youth, Women  
and Family Relations; and Finance*

**"COMPAÑERA" PIA S. CAYETANO**

*Member, Committee on Justice and  
Human Rights*

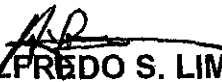


**RICHARD J. GORDON**

*Member, Committees on Justice and  
Human Rights; and Finance*

**JINGGOY EJERCITO ESTRADA**

*Member, Committees on Justice and  
Human Rights; and Civil Service and  
Government Corporations*

  
**ALFREDO S. LIM**  
Member, Committees on Justice and  
Human Rights; and Finance

**M.A. MADRIGAL**  
Member, Committees on Justice and  
Human Rights; Civil Service and  
Government Reorganization; and Finance

  
**RAMON B. MAGSAYSAY JR**  
Member, Committees on Civil Service  
and Government Reorganization;  
and Finance

**RALPH G. RECTO**  
Member, Committees on Civil Service and  
Government Reorganization; and Finance

  
**JOKER P. ARROYO**  
Member, Committee on Finance

  
**MIRIAM DEFENSOR SANTIAGO**  
Member, Committee on Finance

**RODOLFO G. BIAZON**  
Member, Committee on Finance

**MAR ROXAS**  
Member, Committee on Finance

**MANUEL "LITO" M. LAPID**  
Member, Committee on Finance

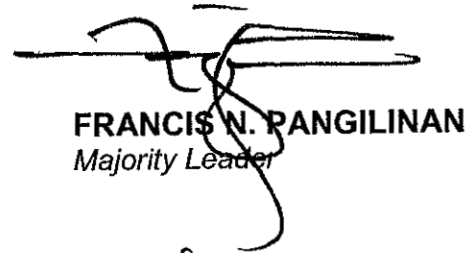
  
**SERGIO OSMEÑA III**  
Member, Committee on Finance

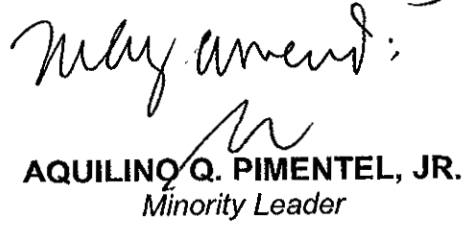
  
**EDGARDO J. ANGARA**  
Member, Committee on Finance

**LUISA "LOI" P. EJERCITO ESTRADA**  
Member, Committee on Finance

Ex-Officio Members:

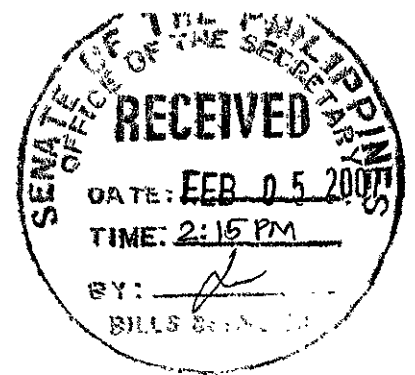
  
**JUAN M. FLAVIER**  
*Pro-Tempore*

  
**FRANCIS N. PANGILINAN**  
*Majority Leader*

  
**AQUILINO Q. PIMENTEL, JR.**  
*Minority Leader*

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

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



SENATE  
S. NO. 2591

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Introduced by Senators Juan Ponce Enrile, Edgardo J. Angara, Franklin M. Drilon, Manuel B. Villar, Jr., Francis N. Pangilinan, Compañera Pia S. Cayetano

---

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 amended to  
2 read as follows:

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“SECTION 1. When a Justice of the Supreme Court, [or of] the  
Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF  
TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL  
TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]  
METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a  
city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,  
SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY  
OTHER COURT HEREAFTER ESTABLISHED who has rendered at least  
[twenty (20)] FIFTEEN (15) years service in the Judiciary or in any other  
branch of the Government, or in both (a) retires for having attained the age  
of seventy years or (b) resigns by reason of his incapacity to discharge the  
duties of his office AS CERTIFIED BY THE SUPREME COURT, he shall  
receive during the residue of his natural life, in the manner hereinafter  
provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF  
TRANSPORTATION, LIVING AND REPRESENTATION

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

1	NO. OF YEARS IN THE	BASIC PAY PLUS THE HIGHEST
2	<u>GOVERNMENT OR JUDICIARY</u>	MONTHLY AGGREGATE OF
3	15 YEARS	TRANSPORATION, LIVING AND
	X	REPRESENTATION ALLOWANCES

4 It is a condition of the pension provided for herein that no retiring Justice or  
5 Judge of THE AFOREMENTIONED COURTS during the time that he is  
6 receiving said pension shall appear as counsel before any court in any civil  
7 case wherein the Government or any subdivision or instrumentality thereof  
8 is the adverse party, or in any criminal case wherein an INCUMBENT OR  
9 FORMER officer or employee of the Government is accused of an offense  
10 committed in relation to his office, or collect any fee for his appearance in  
11 any administrative proceeding to maintain an interest to the Government,  
12 national, provincial or municipal, or to any of its legally constituted  
13 officers. It is also a condition of the pension provided for herein that when  
14 a member of the Judiciary entitled to the benefits of this Act shall assume  
15 an elective public office, [he] shall not, upon assumption of office and  
16 during his term, receive the monthly pension OR ANY OF THE  
17 ALLOWANCES due him.

18  
19 **Sec. 2.** Section 2 of the same Republic Act is hereby amended to read as follows:

20  
21 “SEC. 2. In case a Justice of the Supreme Court or Court of Appeals, THE  
22 SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a  
23 Judge of the [Court of First Instance] REGIONAL TRIAL COURT,  
24 [Industrial Relations], [Juvenile and Domestic Relations]  
25 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a  
26 city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,  
27 SHARI’A DISTRICT COURT, SHARI’A CIRCUIT COURT, OR ANY  
28 OTHER COURT HEREAFTER ESTABLISHED, dies while in actual  
29 service, his heirs shall receive a lump sum of five years’ gratuity computed



1 on the basis of the highest monthly salary plus the highest monthly  
2 aggregate of transportation, living and representation allowances received  
3 by him as such justice or judge [if by reason of his length of service in the  
4 government he was already entitled to the benefits of this Act] WITHOUT  
5 THE LENGTH OF SERVICE REQUIRED IN SECTION ONE HEREOF,  
6 PROVIDED, HOWEVER, WHERE THE DECEASED JUSTICE OR  
7 JUDGE HAS RENDERED AT LEAST FIFTEEN YEARS EITHER IN  
8 THE JUDICIARY OR IN ANY OTHER BRANCH OF GOVERNMENT  
9 OR BOTH, HIS HEIRS SHALL INSTEAD BE ENTITLED TO A LUMP  
10 SUM OF TEN YEARS GRATUITY COMPUTED ON THE SAME BASIS  
11 AS INDICATED IN THIS PROVISION.

12  
13 IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF  
14 HIS WORK AS SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS  
15 WELL AS THE LEGITIMATE AND ADOPTED CHILDREN BELOW  
16 EIGHTEEN (18) YEARS OF AGE SHALL RECEIVE IN EQUAL  
17 SHARES ALL RETIREMENT BENEFITS OF THE DECEASED JUDGE  
18 OR JUSTICE AS IF SUCH JUDGE OR JUSTICE HAS REACHED  
19 COMPULSORY RETIREMENT AGE, PROVIDED THE JUDGE OR  
20 JUSTICE HAS SERVED IN GOVERNMENT FOR AT LEAST FIVE (5)  
21 YEARS REGARDLESS OF AGE AT THE TIME OF DEATH. WHEN A  
22 JUDGE OR JUSTICE IS KILLED INTENTIONALLY WHILE IN  
23 SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK  
24 RELATED.

25  
26 UPON REACHING THE AGE OF TWENTY-ONE (21),  
27 PREVIOUSLY ENTITLED CHILDREN-BENEFICIARIES SHALL  
28 CEASE TO RECEIVE THEIR PART OF THE RETIREMENT BENEFIT,  
29 WHICH SHARE SHALL REDOUND TO THE SURVIVING SPOUSE.

1 THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH  
2 RETIREMENT BENEFITS FOR THE REST OF HER NATURAL LIFE  
3 OR UNTIL REMARRIAGE.” [The same benefits provided for in this  
4 section shall be extended to any incumbent justice of the Supreme Court or  
5 the Court of Appeals, or judge of the Court of First Instance, Circuit  
6 Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic  
7 Relations, or city or municipal court, or any other court hereafter  
8 established; as the case may be, who, without having attained the length of  
9 service required in Section 1 hereof, shall have to retire upon reaching the  
10 age of sixty five years, or upon other cause, such as illness or permanent  
11 physical disability, to be certified by the tribunal to which the justice  
12 concerned belongs, or by the Supreme Court in the case of an incumbent  
13 judge of the Court of First Instance, and other similar courts or records, or a  
14 city or municipal judge, which render him incapacitated to continue in his  
15 position.]  
16

17 **Sec. 3.** Section 3 of the same Act is hereby amended to read as follows:  
18

19 “SEC. 3. Upon Retirement, a Justice of the Supreme Court or of the  
20 Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF  
21 TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL  
22 TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]  
23 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a  
24 city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,  
25 SHARI’A DISTRICT COURT, SHARI’A CIRCUIT COURT, OR ANY  
26 OTHER COURT HEREAFTER ESTABLISHED shall be automatically  
27 entitled to a lump sum payment of five years SALARY [gratuity] computed  
28 on the basis of the highest monthly salary plus the highest monthly  
29 aggregate of transportation, living and representation allowances he was

1 receiving on the date of his retirement[.] AND THEREAFTER UPON  
2 SURVIVAL AFTER THE EXPIRATION OF FIVE YEARS, TO  
3 FURTHER ANNUITY PAYABLE MONTHLY DURING THE RESIDUE  
4 OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF:  
5 *Provided, however,* That if the reason for the retirement be any permanent  
6 disability contracted during his incumbency in office and prior to the date of  
7 his retirement, he shall receive [only] a gratuity equivalent to ten years  
8 salary and THE allowances aforementioned [within further annuity payable  
9 monthly during the rest of the retiree's natural life.]: *PROVIDED,*  
10 *FURTHER,* THAT SHOULD THE RETIREMENT BE WITH THE  
11 ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY  
12 CONTRACTED DURING HIS INCUMBENCY AND PRIOR TO THE  
13 DATE OF RETIREMENT, HE SHALL RECEIVE AN ADDITIONAL  
14 GRATUITY EQUIVALENT TO TWO (2) YEARS LUMP SUM THAT  
15 HE IS ENTITLED TO UNDER THIS ACT: *PROVIDED, FURTHER,*  
16 THAT IF THE JUSTICE SURVIVES AFTER TEN (10) YEARS OR  
17 SEVEN (7) YEARS, AS THE CASE MAY BE, HE SHALL CONTINUE  
18 TO RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER THIS  
19 ACT DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT  
20 TO SECTION 1 HEREOF: *PROVIDED, FINALLY,* THAT THOSE WHO  
21 HAVE RETIRED WITH THE ATTENDANCE OF ANY PARTIAL  
22 PERMANENT DISABILITY FIVE YEARS PRIOR TO THE  
23 EFFECTIVITY OF THIS ACT SHALL BE ENTITLED TO THE SAME  
24 BENEFITS PROVIDED HEREIN.

25 UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY  
26 COURT IN THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS  
27 RETIRED, OR WAS ELIGIBLE TO RETIRE OPTIONALLY AT THE  
28 TIME OF DEATH, THE SURVIVING LEGITIMATE SPOUSE SHALL  
29 BE ENTITLED TO RECEIVE ALL THE RETIREMENT BENEFITS

1            THAT THE DECEASED JUSTICE OR JUDGE WOULD HAVE  
2            RECEIVED HAD THE JUSTICE OR JUDGE NOT DIED. THE  
3            SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH  
4            RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE'S  
5            DEATH OR REMARRIAGE.

6  
7            "Sec. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS OF THE  
8            JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS  
9            AN INCREASE IN THE SALARY OF THE SAME POSITION FROM WHICH HE  
10          RETIRED.

11  
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  
15          **SEC. 4.** During the fiscal year two thousand and seven, this Act shall be funded  
16          from savings of the Judiciary. Thereafter, the necessary sum for this purpose shall be  
17          included in the annual General Appropriations Act.

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

21  
22          **SEC. 6.** This Act shall take effect fifteen (15) days following the completion of its  
23          publication in the Official Gazette or in any two (2) newspapers of general circulation.

24  
25          Approved,

26