

FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

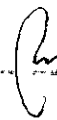
SENATE  
OFFICE OF THE SECRETARY

10 JUL 27 AM 12

SENATE

S. B. No. 2096

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Introduced by Senator FRANCIS G. ESCUDERO

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#### 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

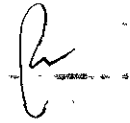
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AN ACT  
AMENDING SECTIONS 2 AND 5 OF REPUBLIC ACT NO. 9227, OTHERWISE  
KNOWN AS AN ACT GRANTING ADDITIONAL COMPENSATION IN THE  
FORM OF SPECIAL ALLOWANCES FOR JUSTICES, JUDGES AND ALL OTHER  
POSITIONS IN THE JUDICIARY WITH THE EQUIVALENT RANK OF JUSTICES  
OF THE COURT OF APPEALS AND JUDGES OF THE REGIONAL TRIAL COURT

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

1           SECTION 1. Section 2 of Republic Act. No. 9227 is hereby amended to  
2 read, as follows:

3  
4           "Sec. 2. Grant of Special Allowances. — All justices, judges and all  
5 other positions in the Judiciary with the equivalent rank of justices of the  
6 Court of Appeals and judges of the Regional Trial Court as authorized  
7 under existing laws shall be granted special allowances equivalent to one  
8 hundred percent (100%) of the basic monthly salary specified for their  
9 respective salary grades under Republic Act No. 6758, as amended,  
10 otherwise known as the Salary Standardization Law, to be implemented  
11 for       a       period       of       four       (4)       years.

12  
13           The grant of special allowances shall be implemented uniformly in such  
14 sums or amounts equivalent to twenty-five percent (25%) of the basic  
15 salaries of the positions covered hereof. Subsequent implementation  
16 shall be in such sums and amounts and up to the extent only that can be  
17 supported by the funding source specified in Sec. 3 hereof.

18  
19           PROVIDED, HOWEVER, THAT ALL JUDGES OF THE MUNICIPAL  
20 OR CITY AND REGIONAL TRIAL COURTS ASSIGNED TO AND  
21 ACTUALLY HOLDING COURT SESSIONS ON A PERMANENT  
22 BASIS IN ANY MUNICIPALITY, CITY OR IN SUCH PROVINCES AS  
23 SULU AND OTHER EQUALLY HAZARDOUS AREAS SHALL  
24 RECEIVE SALARIES, EMOLUMENTS, PERKS AND ALLOWANCES  
25 DOUBLE THOSE RECEIVED BY JUDGES OF THE SAME LEVEL  
26 WHO ARE ASSIGNED ELSEWHERE IN THE COUNTRY.

27  
28           IN ADDITION, THE SAID JUDGES SHALL BE PROVIDED  
29 SECURITY DETAILS OF NOT LESS THAN FIVE OR MORE THAN

1 SEVEN POLICE OFFICERS OR ELEMENTS OF THE ARMED  
2 FORCES. THE COSTS OF MAINTAINING THE SECURITY DETAIL  
3 AFOREMENTIONED SHALL BE SHARED IN EQUAL AMOUNTS BY  
4 AND SHALL BE TAKEN FROM THE BUDGETS OF THE JUDICIAL  
5 DEPARTMENT AND THE PROVINCE CONCERNED IN THE CASE  
6 OF THE REGIONAL TRIAL COURTS.

7  
8 THE COSTS OF MAINTAINNG THE SECURITY DETAIL IN THE  
9 OTHER LOCAL GOVERNMENT UNITS MENTIONED ABOVE  
10 SHALL BE SHARED IN EQUAL AMOUNTS BY AND SHALL BE  
11 TAKEN FROM THE BUDGETS OF THE JUDICIAL DEPARTMENT  
12 AND THE LOCAL GOVERNMENT UNITS CONCERNED.

13  
14 THE SHARES OF THE PROVINCES, THE CITIES OR THE  
15 MUNICIPALITIES CONCERNED SHALL BE AUTOMATICALLY  
16 DEDUCTED FROM THEIR INTERNAL REVENUE SHARES AT THE  
17 START OF EVERY FISCAL YEAR.

18  
19 IN THE EVENT THAT JUDGES SO ASSIGNED AS DESCRIBED  
20 ABOVE ARE KILLED IN THE LINE OF DUTY, THEIR HEIRS SHALL  
21 RECEIVE DOUBLE THE BENEFITS THAT THE HEIRS OF JUDGES  
22 ASSIGNED ELSEWHERE IN THE COUNTRY WHO DIE IN THE  
23 LINE OF DUTY ARE ENTITLED TO.

24  
25 JUDGES SO ASSIGNED MAY NOT BE TEMPORARILY DETAILED  
26 OR PERMANENTLY TRANSFERRED ELSEWHERE WITHOUT THE  
27 CONSENT OF THE JUDGES AND THE LOCAL GOVERNMENT  
28 UNITS CONCERNED.

29  
30 IN THE EVENT THAT THEY ARE TEMPORARILY DETAILED OR  
31 PERMANENTLY TRANSFERRED ELSEWHERE WITH THEIR  
32 CONSENT AND THAT OF THE LOCAL GOVERNMENT UNITS  
33 CONCERNED, THEY SHALL NO LONGER RECEIVE THE  
34 ENTITLEMENTS PROVIDED FOR IN THIS ACT.

35  
36 THE ADDITIONAL SALARIES, EMOLUMENTS, PERKS AND  
37 BENEFITS SPECIFIED IN THIS ACT SHALL CONTINUE TO BE  
38 GRANTED TO THE JUDGES CONCERNED UNTIL THE SECURITY  
39 SITUATION IN THE PLACES OF THEIR ASSIGNMENTS SHALL  
40 HAVE STABILIZED AS CERTIFIED TO BY THE COURT  
41 ADMINISTRATOR AND THE SECRETARY OF THE DEPARTMENT  
42 OF INTERIOR AND LOCAL GOVERNMENT<sup>4</sup>."

43  
44  
45 SEC. 2. Section 5 of Republic Act. No. 9227 is hereby amended to read, as  
46 follows:

47  
48 "Sec. 5. Inclusion in the Computation of Retirement Benefits. — For  
49 purposes of retirement, only the allowances actually received and the  
50 tranche or tranches of the special allowance already implemented and  
51 received pursuant to this Act by the justices, judges and all other  
52 positions in the Judiciary with the equivalent rank of justices of the  
53 Court of Appeals and judges of the Regional Trial Court as authorized

1 under existing laws shall, at the date of their retirement, be included in  
2 the computation of their respective retirement benefits.

3  
4 THIS PROVISION SHALL LIKEWISE BE EXTENDED TO  
5 SURVIVING JUSTICES, JUDGES AND ALL OTHER COURT  
6 OFFICIALS WITH THE EQUIVALENT RANKS OF JUSTICE OF THE  
7 COURT OF APPEALS AND JUDGE OF THE REGIONAL TRIAL  
8 COURT WHO RETIRED PRIOR TO NOVEMBER 11, 2003, THE DATE  
9 OF THE EFFECTIVITY OF THIS ACT."

10  
11 SEC. 3. Repealing Clause. - All laws, decrees, executive orders,  
12 proclamations, rules and regulations, or parts thereof inconsistent herewith are  
13 hereby repealed or modified accordingly.

14  
15 SEC. 4. Effectivity Clause. -This Act shall take effect fifteen (15) days after  
16 its publication in the Official Gazette or in any two (2) newspapers of general  
17 circulation.

18  
19 *Approved,*