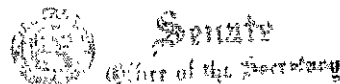



SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



73 JUL -4 18 15

SENATE

S. B. No. 439

BY: 

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

13 JUL -4 48:15

SENATE

S. B. No. 439

RP1

BY: 

Introduced by Senator FRANCIS G. ESCUDERO

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 read, as
2 follows:

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

11
12 The grant of special allowances shall be implemented uniformly in such sums or
13 amounts equivalent to twenty-five percent (25%) of the basic salaries of the
14 positions covered hereof. Subsequent implementation shall be in such sums and
15 amounts and up to the extent only that can be supported by the funding source
16 specified in Sec. 3 hereof.

17
18 **PROVIDED, HOWEVER, THAT ALL JUDGES OF THE MUNICIPAL**
19 **OR CITY AND REGIONAL TRIAL COURTS ASSIGNED TO AND**
20 **ACTUALLY HOLDING COURT SESSIONS ON A PERMANENT BASIS**
21 **IN ANY MUNICIPALITY, CITY OR IN SUCH PROVINCES AS SULU**
22 **AND OTHER EQUALLY HAZARDOUS AREAS SHALL RECEIVE**
23 **SALARIES, EMOLUMENTS, PERKS AND ALLOWANCES DOUBLE**
24 **THOSE RECEIVED BY JUDGES OF THE SAME LEVEL WHO ARE**
25 **ASSIGNED ELSEWHERE IN THE COUNTRY.**

26
27 **IN ADDITION, THE SAID JUDGES SHALL BE PROVIDED SECURITY**
28 **DETAILS OF NOT LESS THAN FIVE OR MORE THAN SEVEN**
29 **POLICE OFFICERS OR ELEMENTS OF THE ARMED FORCES. THE**
30 **COSTS OF MAINTAINING THE SECURITY DETAIL**
31 **AFOREMENTIONED SHALL BE SHARED IN EQUAL AMOUNTS BY**
32 **AND SHALL BE TAKEN FROM THE BUDGETS OF THE JUDICIAL**
33 **DEPARTMENT AND THE PROVINCE CONCERNED IN THE CASE OF**
34 **THE REGIONAL TRIAL COURTS.**

1 THE COSTS OF MAINTAINNG THE SECURITY DETAIL IN THE
2 OTHER LOCAL GOVERNMENT UNITS MENTIONED ABOVE SHALL
3 BE SHARED IN EQUAL AMOUNTS BY AND SHALL BE TAKEN FROM
4 THE BUDGETS OF THE JUDICIAL DEPARTMENT AND THE LOCAL
5 GOVERNMENT UNITS CONCERNED.

6
7 THE SHARES OF THE PROVINCES, THE CITIES OR THE
8 MUNICIPALITIES CONCERNED SHALL BE AUTOMATICALLY
9 DEDUCTED FROM THEIR INTERNAL REVENUE SHARES AT THE
10 START OF EVERY FISCAL YEAR.

11
12 IN THE EVENT THAT JUDGES SO ASSIGNED AS DESCRIBED
13 ABOVE ARE KILLED IN THE LINE OF DUTY, THEIR HEIRS SHALL
14 RECEIVE DOUBLE THE BENEFITS THAT THE HEIRS OF JUDGES
15 ASSIGNED ELSEWHERE IN THE COUNTRY WHO DIE IN THE LINE
16 OF DUTY ARE ENTITLED TO.

17
18 JUDGES SO ASSIGNED MAY NOT BE TEMPORARILY DETAILED OR
19 PERMANENTLY TRANSFERRED ELSEWHERE WITHOUT THE
20 CONSENT OF THE JUDGES AND THE LOCAL GOVERNMENT UNITS
21 CONCERNED.

22
23 IN THE EVENT THAT THEY ARE TEMPORARILY DETAILED OR
24 PERMANENTLY TRANSFERRED ELSEWHERE WITH THEIR
25 CONSENT AND THAT OF THE LOCAL GOVERNMENT UNITS
26 CONCERNED, THEY SHALL NO LONGER RECEIVE THE
27 ENTITLEMENTS PROVIDED FOR IN THIS ACT.

28
29 THE ADDITIONAL SALARIES, EMOLUMENTS, PERKS AND
30 BENEFITS SPECIFIED IN THIS ACT SHALL CONTINUE TO BE
31 GRANTED TO THE JUDGES CONCERNED UNTIL THE SECURITY
32 SITUATION IN THE PLACES OF THEIR ASSIGNMENTS SHALL
33 HAVE STABILIZED AS CERTIFIED TO BY THE COURT
34 ADMINISTRATOR AND THE SECRETARY OF THE DEPARTMENT
35 OF INTERIOR AND LOCAL GOVERNMENT4.”

36
37
38 **SEC. 2.** Section 5 of Republic Act. No. 9227 is hereby amended to read, as follows:

39
40 "Sec. 5. Inclusion in the Computation of Retirement Benefits. — For purposes
41 of retirement, only the allowances actually received and the tranche or tranches
42 of the special allowance already implemented and received pursuant to this Act
43 by the justices, judges and all other positions in the Judiciary with the equivalent
44 rank of justices of the Court of Appeals and judges of the Regional Trial Court as
45 authorized under existing laws shall, at the date of their retirement, be included in
46 the computation of their respective retirement benefits.

47
48 **THIS PROVISION SHALL LIKEWISE BE EXTENDED TO SURVIVING**
49 **JUSTICES, JUDGES AND ALL OTHER COURT OFFICIALS WITH**
50 **THE EQUIVALENT RANKS OF JUSTICE OF THE COURT OF**
51 **APPEALS AND JUDGE OF THE REGIONAL TRIAL COURT WHO**
52 **RETIRED PRIOR TO NOVEMBER 11, 2003, THE DATE OF THE**
53 **EFFECTIVITY OF THIS ACT."**

54
55 **SEC. 3. Repealing Clause.** - All laws, decrees, executive orders, proclamations, rules
56 and regulations, or parts thereof inconsistent herewith are hereby repealed or modified
57 accordingly.

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SEC. 4. 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,