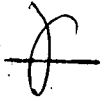


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'16 AUG 16 P6:34

SENATE

RECEIVED BY: 

S. B. No. 1034

Introduced by SENATOR JOEL "TESDAMAN" VILLANUEVA

**AN ACT ESTABLISHING A
RETIREMENT BENEFIT SYSTEM FOR PROSECUTORS IN THE
OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

In 2010, a law was enacted granting retirement benefits to prosecutors in the national prosecution service of the Department of Justice. Sadly, the plight of the prosecutors in the Office of the Ombudsman remains unnoticed.

The Office of the Ombudsman is the constitutional body created to investigate and prosecute public officials and employees. Most often than not, the subject of complaints are officials occupying high and powerful positions in the government. Prosecution of these officials tends to be more difficult since the latter have influence that can affect gathering of evidence. Thus, the investigation and prosecution of complaints by the Office of the Ombudsman entail greater risks and more difficulty.

The Office of the Ombudsman needs prosecutors who are more resilient, skilled, courageous and knowledgeable on how to investigate cases properly and prosecute those officials who appear to have violated laws. Currently, the turn-over of lawyers employed in the Office of the Ombudsman is quite high. Most of the lawyers are young and inexperienced who need a lot of training. Those who have been trained eventually leaves to find employment in other government agencies or private sector which provide better compensation and retirement benefits.

To ensure that prosecutors of the Office of the Ombudsman are encouraged to spend their professional career serving the public by going after corrupt officials of the government, a retirement system that will at least be at par with the prosecutors in the Department of Justice shall be provided. In such a way, the investigators and prosecutors of the Office of the Ombudsman and their families are guaranteed a comfortable life after retiring from service.

In view of the foregoing, immediate passage of the bill is earnestly sought.



SENATOR JOEL VILLANUEVA



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**AN ACT ESTABLISHING A
RETIREMENT BENEFIT SYSTEM FOR PROSECUTORS IN THE
OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES**

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

1 SECTION 1. **Title.** - This Act shall be known as the "Expanded Retirement Law of
2 the Office of the Ombudsman".
3

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5 SECTION 2. **Coverage.** - This Act shall apply to prosecutors of the Office of the
6 Ombudsman.
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9 SECTION 3. **Retirement Benefits.** - When a prosecutor, who has rendered at least
10 fifteen (15) years of service in the Office of the Ombudsman, retires for having attained
11 the age of sixty-five (65) years or resigns by reason of incapacity to discharge the
12 duties of his/her office by reason of work-related illness, injury, or other causes, he/she
13 shall, during the residue of his/her natural life, in the manner hereinafter provided,
14 receive a retirement pension based on the highest monthly salary, plus the highest
15 monthly aggregate of transportation, living and representation allowances, which
16 he/she was receiving at the time of his/her retirement or incapacity to discharge the
17 duties o his/her office by reason of work-related illness, injury, or other causes.
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19
20 SECTION 3. **Conditions.** - To maintain entitlement to the pension herein provided,
21 no prosecutor in the Office of the Ombudsman, during the time he/she is receiving the
22 pension, shall appear as counsel before any judicial or quasi-judicial or quasi-judicial
23 agency in any civil case wherein the Government or any agency, subdivision, or
24 instrumentality thereof is an adverse party, or in any criminal case wherein any officer
25 or employee of the Government is accused of an offense committed in relation to
26 his/her office, or collect any fee for his/her appearance in any administrative
27 proceeding to maintain an interest adverse to the government, whether national,

1 provincial, or municipal or to any of its legally constituted officers. When a prosecutor
2 covered under this Act shall assume an elective public office, he/she shall not, upon
3 assumption of office and during his/her term, retrieve the monthly pension or any of
4 the allowance due to him/her.

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7 SECTION 4. **Retroactivity.** - The benefits under this Act shall be granted to all those
8 who retired prior to the effectivity of this Act.

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11 SECTION 5. **Appropriation.** - Such amount necessary to carry out the provisions of
12 this act is hereby appropriated out of any funds in the National Treasury not otherwise
13 appropriated. Thereafter, such amount as may be necessary to implement this Act
14 shall be included in the Annual General Appropriations Act.

15
16
17 SECTION 6. **Separability Clause.** - If any provision of this Act is declared invalid,
18 the other provisions not affected thereby shall remain valid.

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21 SECTION 7. **Repealing Clause.** - All laws, proclamations, executive orders, rules
22 and regulations or parts thereof inconsistent with this Act are hereby repealed,
23 modified or amended accordingly: Provided, That no person shall be deemed to be
24 vested with any property or other right by virtue of the enactment or operation of this
25 Act.

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27
28 Section 8. **Effectivity Clause.** - This Act shall take effect fifteen (15) days after its
29 complete publication in the *Official Gazette* or in at least two (2) national newspapers
30 of general circulation whichever comes earlier.

31
32
33 Approved,