

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



'17 OCT -9 P4:23

SENATE

S.B. No. 1600

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

AN ACT

TO STRENGTHEN THE OFFICE OF THE OMBUDSMAN BY ESTABLISHING A RETIREMENT BENEFIT SYSTEM FOR THE OMBUDSMAN, HIS/HER DEPUTIES, THE SPECIAL PROSECUTOR, AND OTHER OFFICIALS AND EMPLOYEES PERFORMING LEGAL, PROSECUTION, INVESTIGATION AND CORRUPTION PREVENTION FUNCTIONS, AUGMENTING EMPLOYEES' BENEFITS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. Although these precepts are laudable, the pervasiveness of graft and corruption remains a reality in Philippine society.

The Office of the Ombudsman is tasked to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the high-profile cases they are handling.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees, particularly its investigators and prosecutors, is still not comparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

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 investigators and prosecutors in the Office of the Ombudsman remains unnoticed.

Currently, the turn-over of Ombudsman investigators and prosecutors is quite high. Those lawyers who have been trained by the Office of the Ombudsman eventually leave to find employment in other government agencies or private sector which provide better compensation and retirement benefits.

To entice only the best and the brightest to join the Office of the Ombudsman, and to ensure that prosecutors of the Office of the Ombudsman are encouraged to stay serving the public by going after corrupt officials of the government, a competitive retirement system at least at par with the prosecutors of the Department of Justice should be provided. In such a way, there would be a continuous service of competent and dedicated graftbusters to strengthen the Office of the Ombudsman as *an institution* in its fight against graft and corruption.

The immediate passage of this Bill is earnestly requested.



SONNY ANGARA

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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 “Retirement Law of the
2 Office of the Ombudsman.”

3 **SEC. 2. Coverage.** – This Act shall apply to the Ombudsman, his/her Deputies,
4 the Special Prosecutor, and to all Ombudsman officials and employees performing
5 legal, prosecution, investigation and corruption prevention functions from Salary
6 Grades 26 to 29. The Ombudsman, his/her Deputies and the Special Prosecutor
7 shall enjoy the same retirement and other benefits as those of the Presiding Justice
8 of the Court of Appeals and the Associate Justice of the Court of Appeals,
9 respectively. All other Ombudsman officials and employees covered by this Act shall
10 enjoy the same retirement and other benefits as those Judges of the Regional Trial
11 Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit
12 Trial Courts with the same salary grades.

1 Any increase after the approval of this Act in the salaries, allowances or
2 retirement benefits or any upgrading of the salary grades or levels, of any or all of
3 the Justices and Judges referred to in the preceding paragraph shall apply to the
4 corresponding Ombudsman official or employee.

5 **SEC. 3. Retirement benefits.** – When an Ombudsman official or employee
6 covered by this Act has rendered at least fifteen (15) years of service, either in the
7 Office of the Ombudsman or in any branch of government, or in both, (a) retires for
8 having attained the age of sixty-five (65) years, or (b) resigns by reason of incapacity
9 to discharge the duties of his/her office as certified by the Ombudsman, whether
10 involving total or partial permanent disability, he/she shall receive during the residue
11 of his/her natural life, in the manner hereinafter provided, a retirement pension based
12 on the highest monthly salary, plus the highest monthly aggregate of transportation,
13 living and representation allowances, which he/she was receiving at the time of
14 his/her retirement or resignation.

15 When an Ombudsman official or employee covered by this Act has attained the
16 age of sixty (60) years and has rendered at least fifteen (15) years of service in the
17 government, the last five (5) years of which must have been continuously rendered
18 in the Office of the Ombudsman, he/she shall likewise be entitled to retire and
19 receive during the residue of his/her natural life the same benefits provided for in this
20 Section: *Provided, however,* that those with less than fifteen (15) years of service in
21 the government shall be entitled to a *pro-rata* monthly pension computed as follows:

22 No. of years
23 in Government
24 _____ X Basic Pay Plus the Highest Monthly Aggregate of
25 Transportation, Living and Representation Allowances
26 15 Years

27 When the Ombudsman, his/her Deputies or the Special Prosecutor has rendered
28 actual service for at least five (5) years with the Office of the Ombudsman,
29 regardless of age and years of total government service, he/she shall likewise be
30 entitled to retire and receive full retirement benefits under this Act.

1 In case an Ombudsman official or employee covered by this Act dies while in
2 actual service, regardless of his/her age and length of service as required in the first
3 and second paragraphs of this Section, his/her heirs shall receive a lump sum of five
4 (5) years' gratuity computed on the basis of the highest monthly salary plus the
5 highest aggregate of transportation, living and representation allowances received by
6 concerned official or employee as such: *Provided, however,* that where the
7 deceased Ombudsman official or employee has rendered at least fifteen (15) years
8 of government service, either in the Office of the Ombudsman or in any branch of
9 government, or both, his/her heirs shall instead be entitled to a lump sum of ten (10)
10 years gratuity computed on the same basis as indicated in this provision: *Provided,*
11 *further,* that the lump sum of ten (10) years gratuity shall be received by the heirs of
12 the Ombudsman official or employee who was killed by reason of his/duties as such:
13 *Provided,* that the official or employee has served in the Office of the Ombudsman
14 for at least five (5) years regardless of age at the time of death. When an
15 Ombudsman official or employee is killed intentionally while in service, the
16 presumption is that the death is work-related.

17 Upon retirement, an Ombudsman official or employee shall automatically be
18 entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest
19 monthly salary plus the highest aggregate of transportation, living and representation
20 allowances he/she was receiving on the date of his/her retirement, and thereafter,
21 upon survival after the expiration of five (5) years, to further annuity payable monthly
22 during the residue of his/her natural life pursuant to the first and second paragraphs
23 of this Section: *Provided, however,* if the reason for the retirement be any total
24 permanent disability, as certified by the Ombudsman, contracted during the retiree's
25 incumbency in office and prior to the date of retirement, he/she shall receive a
26 gratuity equivalent to ten (10) years salary and allowances aforementioned:
27 *Provided, further,* that should the retirement be under Section 3(a) hereof be with the
28 attendance of any partial permanent disability, as certified by the Ombudsman,
29 contracted during the retiree's incumbency and prior to the date of retirement,
30 he/she shall receive an additional gratuity equivalent to two (2) years lump sum that
31 he/she is entitled to under this Act: *Provided, furthermore,* that if he/she survives
32 after ten (10) years or seven (7) years, as the case may be, he/she shall receive a

1 monthly retirement pension as computed under this Act during the residue of his/her
2 natural life pursuant to the first and second paragraphs of this Section.

3 **SEC. 4. Conditions.** – To maintain entitlement to the pension herein, no
4 Ombudsman official or employee covered by this Act, during the time he/she is
5 receiving said pension, shall appear as counsel before any judicial or quasi-judicial
6 agency in any civil case wherein the Government or any agency, subdivision or
7 instrumentality thereof is an adverse party; or in any criminal case wherein any
8 officer or employee of the Government is accused of an offense committed in
9 relation to his/her office; or collect any fee for his/her appearance in any
10 administrative proceedings to maintain an interest adverse to the government,
11 whether national or local, or to any of its legally constituted officers.

12 A retiring Ombudsman official or employee who is entitled to any retirement
13 benefit of any prior retirement law shall have the option to choose between the
14 benefits in such law and those herein provided for, and in such case he/she shall be
15 entitled only to the benefits so chosen: *Provided, however,* that such Ombudsman
16 official or employee retired under any prior law and who is thereafter appointed to the
17 Office of the Ombudsman, shall be entitled to the benefits of this Act on condition
18 that, in case he/she has not fully refunded to the Government the gratuity previously
19 received by him/her, there shall be deducted from the amounts payable to him/her
20 under this Act such monthly installments as are required until the gratuity already
21 received by him/her shall have been refunded in full.

22 **SEC. 5. Automatic Increase.** – All pension benefits of retired officials or
23 employees of the Office of the Ombudsman covered by this Act shall be
24 automatically increased whenever there is an increase in the salary and allowances
25 in the same position from which he/she retired.

26 **SEC. 6. Survivorship Benefits.** – In case an Ombudsman official or employee
27 covered by this Act dies during his/her retirement, the surviving legitimate spouse
28 and dependent children of said Ombudsman official or employee shall be entitled to
29 receive all the retirement benefits that the deceased was receiving or entitled to
30 receive at the time of death. A “dependent” means a legitimate, illegitimate or legally-

1 adopted child who is chiefly dependent on the said deceased Ombudsman official or
2 employee if such dependent is not more than twenty-one (21) years of age,
3 unmarried and not gainfully employed, or if such dependent, regardless of age, is
4 incapable of self-support because of mental or physical defect. The said surviving
5 legitimate spouse shall continue to receive such retirement benefits during his/her
6 lifetime or until he/she remarries: *Provided*, that if the surviving spouse is receiving
7 benefits under existing retirement laws, he/she shall only be entitled to the difference
8 between the amount provided for in this Act and the benefits he/she is receiving.

9 **SEC. 7. Hazard Allowances.** – Ombudsman officials and employees,
10 regardless of their salary grades, and who are performing legal, prosecution,
11 investigation, corruption prevention and/or other technical functions, and who, by
12 reason of their assigned tasks and responsibilities, are exposed to actual danger or
13 threat, security risks and other hazards, as determined by the Ombudsman, are
14 entitled to receive an additional monthly Hazard Allowance (HA) which shall not
15 exceed fifty percent (50%) of the basic monthly salary of the official or employee
16 concerned.

17 **SEC. 8. Retroactivity.** – The benefits mentioned in Sections 3 and 6 hereof shall
18 be granted to those who retire, resign or die one (1) year prior to the effectivity of this
19 Act.

20 **SEC. 9. Appropriation.** – The amounts necessary for the implementation of this
21 Act shall be included in the Annual General Appropriations Act.

22 **SEC. 10. Repealing Clause.** – All acts, laws, decrees, executive orders, letters
23 of instructions and regulations or any part thereof which are inconsistent with any
24 provision of this Act are hereby repealed and/or modified accordingly.

25 **SEC. 11. Separability Clause.** – If, for any reason, any provision or section of
26 this Act is declared to be unconstitutional or invalid, the other provisions or sections
27 of this Act which are not affected shall continue in full force and effect.

1 **SEC. 12. *Effectivity.*** – This Act shall take effect after fifteen (15) days following
2 its publication in at least two (2) newspapers of general circulation or in the Official
3 Gazette.

Approved,