

SENATE
S. No. 1625

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*17 DEC -4 P3:55

Introduced by **Senator Richard J. Gordon**

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**AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM IN THE OFFICE
OF THE OMBUDSMAN, AUGMENTING ITS EMPLOYEE BENEFITS, AND
APPROPRIATING FUNDS THEREFOR.**

EXPLANATORY NOTE

Pursuant to Section 8 of Article XVI of the 1987 Constitution, the "State shall, from time to time, review to upgrade the pensions and other benefits due to retirees of both the government and the private sectors." Indeed, retirement benefits "serve a public purpose and a primary objective in establishing them is to induce competent persons to enter and remain in public employment and render faithful and efficient service while so employed".¹ They are valuable parts of the consideration for entrance into and continuation in public service by the best, the brightest, and the most diligent and honest. They are meant to help guarantee and preserve the independence of the Office of the Ombudsman by giving qualified officers and employees the ability to earn sufficiently.

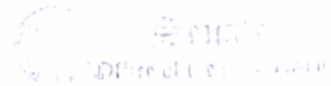
In recent years, the retirement benefits of the Judiciary and the National Prosecution Service have been upgraded, in recognition of their contribution to the dispensation of justice in the country. To date, however, the retirement benefits of officials and employees of the Office of the Ombudsman have not followed suit.

Aside from retirement benefits, the welfare of the heirs and surviving spouses of employees who die before or after retirement must also be protected in order to cushion the dependents against the adverse economic effects resulting from the death of the wage earner or pensioner, with particular consideration into the nature of employment and the vulnerability of the individual to risks that might lead to an early demise.

Foregoing reasons considered, the immediate passage of this bill is sought.


RICHARD J. GORDON

¹ *Profeta v. Drilon*, G.R. No. 104139, 22 December 1992 citing *Ortiz v. COMELEC*, G.R. No. L-78957, 28 June 1988.



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

1 **SECTION 1. Short 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 and the Deputies, the
4 Special Prosecutor, and to all officials and employees of the Office of the Ombudsman from
5 Salary Grade 26 to 29, performing legal, prosecution, investigation and corruption
6 prevention functions. The Ombudsman shall enjoy the same retirement and other benefits
7 as those of the Presiding Justice of the Court of Appeals, while the Deputies and the Special
8 Prosecutor shall enjoy the same retirement and other benefits as those of the Associate
9 Justice of the Court of Appeals. All other officials and employees covered by this Act shall
10 enjoy the same retirement and other benefits as those of the judges of the Regional Trial
11 Courts, Municipal Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial
12 Court with the same salary grades.

13 Any increase after the effectivity of this Act in the salaries, allowances or retirement
14 benefits, or any upgrading of the salary grades or levels, of any or all of the Justices and
15 judges referred in the preceding paragraph shall apply to the corresponding Ombudsman
16 official or employee.

17 **SEC. 3. Retirement Benefits.** - When an official or employee of the Office of the
18 Ombudsman covered by this Act who has rendered at least fifteen (15) years of service
19 either in the Office of the Ombudsman or in any branch of government, or in both, retires
20 for having attained the age of sixty-five (65) years or resigns by reason of incapacity to
21 discharge the duties of the office as certified by the Ombudsman, such official or employee
22 shall, during the residue of the official or employee's natural life, in the manner hereinafter
23 provided, receive a retirement pension based on the highest monthly salary, plus the
24 highest monthly aggregate of transportation, living and representation allowances being
25 received by the official or employee at the time of retirement or resignation.

1 When an official or employee covered by this Act has attained the age of sixty (60)
2 years and has rendered at least fifteen (15) years of service in government, the last five (5)
3 years of which must have been continuously rendered in the Office of the Ombudsman,
4 such official or employee shall likewise be entitled to retire and receive during the residue
5 of the official or employee's natural life the same benefits provided for in this section:
6 *Provided, however,* That those with less than fifteen (15) years of service in the government
7 shall be entitled to a *pro-rata* pension computed as follows:

8 <u>No. of years in government</u>		Basic Pay plus the Highest Monthly
9 15 years	x	Aggregate of Transportation, Living
		and Representation Allowance

11 **SEC. 4. Conditions.** – While receiving the pension and benefits granted herein, no
12 official or employee covered by this Act shall appear as counsel before any judicial or quasi-
13 judicial agency in any civil case wherein the Government or any agency, subdivision, or
14 instrumentality thereof is an adverse party, or in any criminal case wherein any officer or
15 employee of the Government is accused of an offense committed in relation to their office,
16 or collect any fee for appearance in any administrative proceedings to maintain an interest
17 adverse to the government, whether national, provincial, or municipal or to any of its
18 legally constituted officers.

19 **SEC. 5. Automatic Increase.** - All pension benefits of retired officials or employees
20 of the Office of the Ombudsman shall be automatically increased whenever there is an
21 increase in the salary and allowance in the same position from which they retired.

22 **SEC. 6. Survivorship Benefits.** – Upon the death of a retired or incumbent official or
23 employee covered by this Act, the surviving legitimate spouse and dependent children of
24 said official or employee shall be entitled to receive on a monthly basis all the retirement
25 benefits that the deceased had been receiving or entitled to receive at the time of death
26 under the provisions of the applicable retirement laws then in force. A “dependent” means
27 a legitimate, illegitimate or legally-adopted child who is chiefly dependent on the said
28 deceased Ombudsman official or employee if such dependent is not more than twenty-one
29 (21) years of age, unmarried and not gainfully employed, or if such dependent, regardless
30 of age, is incapable of self-support because of mental or physical defect. The surviving
31 legitimate spouse shall continue to receive the retirement benefits during such spouse's
32 lifetime or until the surviving spouse remarries: *Provided,* That if the surviving spouse is
33 receiving benefits under existing retirement laws, such spouse shall only be entitled to the
34 difference between the amount provided for in this Act and the benefits the surviving
35 spouse is receiving.

1 **SEC. 7. Hazard Allowances.** - Ombudsman officials and employees performing
2 prosecution, investigation, corruption prevention and other technical functions, and who,
3 by reason of their assigned tasks and responsibilities, are exposed to hardships, security
4 risks and other hazards, as determined by the Ombudsman, are entitled to receive an
5 additional monthly hazard allowance which shall not exceed fifty percent (50%) of the
6 basic monthly salary of the official or employee concerned.

7 **SEC. 8. Retroactivity.** - The benefits granted in Sections 3 and 6 hereof shall be
8 given to those who retire within one (1) year prior to the effectivity of this Act.

9 **SEC. 9. Appropriation.** - The amounts necessary for the implementation of this Act
10 shall be included in the annual General Appropriations Act.

11 **SEC. 10. Separability Clause.** - If, for any reason, any section or provision of this
12 Act is declared to be unconstitutional or invalid, the other sections or provisions of this Act
13 which are not affected shall continue in full force and effect.

14 **SEC. 11. Repealing Clause.** - All acts, laws, decrees, executive orders, letters of
15 instructions and regulations or any part thereof which are inconsistent with any provision
16 of this Act are hereby repealed and or modified accordingly.

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

19 *Approved,*