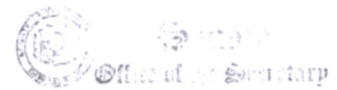


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



'18 MAR 20 P7:56

**SENATE**

RECEIVED BY: 

**COMMITTEE REPORT NO. 305**

Prepared and submitted jointly by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance on MAR 20 2018.

Re: Senate Bill No. 1762.

Recommending its approval in substitution of Senate Bill Nos. 347, 1034, 1600, 1625, 1632, 1638, taking into consideration House Bill No. 6578.

Sponsor: Senator Richard J. Gordon

**MR. PRESIDENT:**

The Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance, to which were referred Senate Bill No. 347, introduced by Senator Poe, entitled:

**"AN ACT**

**STRENGTHENING THE OFFICE OF THE OMBUDSMAN THROUGH FURTHER PROFESSIONALIZATION, IMPROVEMENT OF SKILLS AND AUGMENTING THE LIVING CONDITIONS OF ITS EMPLOYEES, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBER 6770, OTHERWISE KNOWN AS THE OMBUDSMAN ACT OF 1989, AND FOR OTHER PURPOSES"**

Senate Bill No. 1034, introduced by Senator Villanueva, entitled:

**"AN ACT**

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

Senate Bill No. 1600, introduced by Senator Angara, entitled:

**"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"**

Senate Bill No. 1625, introduced by Senator Gordon, entitled:

**"AN ACT**

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

Senate Bill No. 1632, introduced by Senator Legarda, entitled:

**"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 EMPLOYEE BENEFITS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"**

Senate Bill No. 1638, introduced by Senator Lacson, entitled:

**"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"**

taking into consideration House Bill No. 6578, introduced by Representatives Tugna, Hofer, Del Mar, Nieto, *et.al.*, entitled:

**"AN ACT**

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

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 1762, prepared by the Committees, entitled:

**"AN ACT**

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

be approved in substitution of Senate Bill Nos. 347, 1034, 1600, 1625, 1632, and 1638 taking into consideration House Bill No. 6578 with Senators Poe, Villanueva, Angara, Gordon, Legarda, and Lacson <sup>and Trillanes</sup> as authors thereof.

Respectfully submitted:

**Chairpersons:**

**SEN. RICHARD J. GORDON**

*Committee on Justice and Human Rights  
Member, Committee on Finance*

**SEN. LOREN B. LEGARDA**

*Committee on Finance  
Member, Committee on Civil Service,  
Government Reorganization & Professional  
Regulation*

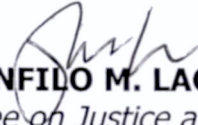
**SEN. ANTONIO "SONNY" F.  
TRILLANES IV**

*Committee on Civil Service, Government  
Reorganization & Professional Regulation  
Member, Committee on Finance*

**Vice Chairpersons:**



**SEN. FRANCIS "CHIZ" G. ESCUDERO**  
*Committee on Civil Service, Government  
Reorganization & Professional Regulation  
Member, Committee on Finance*




**SEN. PANFILO M. LACSON**  
*Committee on Justice and Human Rights;  
Finance*



**SEN. SONNY ANGARA**  
*Committee on Finance*

**SEN. CYNTHIA A. VILLAR**  
*Committee on Finance  
Member, Committee on Civil Service,  
Government Reorganization &  
Professional Regulation*



**SEN. JOSEPH VICTOR G. EJERCITO**  
*Committee on Finance  
Member, Committee on Justice & Human  
Rights*

**SEN. PAOLO BENIGNO "BAM"  
AQUINO IV**  
*Committee on Finance  
Member, Committee on Civil Service,  
Government Reorganization &  
Professional Regulation*

**Members:**



**SEN. JUAN MIGUEL F. ZUBIRI**  
*Committees on Justice and Human Rights;  
Finance*



**SEN. EMMANUEL "MANNY" D.  
PACQUIAO**  
*Committees on Justice and Human Rights;  
Civil Service, Government Reorganization  
& Professional Regulation*

**SEN. FRANCIS N. PANGILINAN**  
*Committees on Justice and Human Rights;  
Finance*

**SEN. GRACE POE**  
*Committees on Justice & Human Rights;  
Finance*

**SEN. GREGORIO B. HONASAN II**  
*Committees on Civil Service, Government  
Reorganization & Professional Regulation;  
Finance*

**SEN. RISA HONTIVEROS**  
*Committees on Justice and Human Rights;  
Finance*

**SEN. WIN GATCHALIAN**  
*Committee on Finance*

**SEN. MARIA LOURDES NANCY S.  
BINAY**  
*Committee on Finance*

  
**SEN. JOEL VILLANUEVA**  
*Committee on Finance*

***Ex-Officio Members:***

  
**RALPH G. RECTO**  
*President Pro-Tempore*

  
**VICENTE C. SOTTO III**  
*Majority Floor Leader*

  
**FRANKLIN M. DRILON**  
*Minority Floor Leader*

**AQUILINO "KOKO" PIMENTEL III**  
*Senate President*

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



'18 MAR 20 P7:57

**SENATE**

S.B. No. 1762

RECEIVED

Prepared by the Committees on Justice and Human Rights; Civil Service, Government Reorganization and Professional Regulation; and Finance, with Senators Poe, Villanueva, Angara, Gordon, Legarda, and Lacson as authors thereof

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

*Be it enacted by the Senate and the House of Representatives 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 his or her  
4 Deputies, the Special Prosecutor, and to all officials and employees of the Office of  
5 the Ombudsman from Salary Grade 26 to 29 who are performing legal, prosecution,  
6 investigation and corruption prevention functions, and whose position requires  
7 membership in the Philippine bar or a Master's degree in a relevant field as a  
8 qualification.
- 9 The Ombudsman shall enjoy the same retirement and other benefits as those of the  
10 Presiding Justice of the Court of Appeals, provided that he or she shall have served  
11 in such capacity for a full term of seven (7) years, regardless of age or number of  
12 years in government service. The Ombudsman's Deputies and the Special

1 Prosecutor, meanwhile, shall enjoy the same retirement and other benefits as those  
2 of an Associate Justice of the Court of Appeals, provided that they have served in  
3 such capacity for a full term of seven (7) years, regardless of age or number of  
4 years in government service. All other officials and employees covered by this Act  
5 shall enjoy the same retirement and other benefits as those of the judges of the  
6 Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities,  
7 Municipal Trial Courts, Municipal Circuit Trial Court or other trial courts with the  
8 same salary grades.

9 Any increase after the effectivity of this Act in the salaries, allowances or retirement  
10 benefits, or any upgrading of the salary grades or levels, of any or all of the Justices  
11 and judges referred to in the preceding paragraph shall apply to the corresponding  
12 Ombudsman official or employee covered by this Act.

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

23 When an official or employee covered by this Act has attained the age of sixty (60)  
24 years and has rendered at least fifteen (15) years of service in government, the last

1 five (5) years of which must have been continuously rendered in the Office of the  
 2 Ombudsman, he or she shall likewise be entitled to retire and receive, during the  
 3 residue of his or her natural life, the same benefits provided for in this section:  
 4 *Provided, however,* that those with less than fifteen (15) years of service in the  
 5 government shall be entitled to a pro-rata pension computed as follows:

6	<u>No. of years in government</u>		x	Basic Pay plus the Highest Monthly
7	15 years			Aggregate of Transportation, Living
8				and Representation Allowance

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



1 receive a monthly retirement pension as computed under this Act during the residue  
2 of his or her natural life pursuant to Section 3 of this Act.

3 When the Ombudsman, his or her Deputies, or the Special Prosecutor has completed  
4 his or her full term with the Office of the Ombudsman, regardless of age or years in  
5 government service, he or she shall likewise be entitled to the retirement benefits  
6 under this Act.

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

23 **SEC. 5. Conditions.** – To maintain entitlement to the pension herein provided, no  
24 Ombudsman official or employee covered by this Act shall appear as counsel before

1 any judicial or quasi-judicial agency in any civil case wherein the Government or any  
2 agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal  
3 case wherein any officer or employee of the Government is accused of an offense  
4 committed in relation to their office, or in any administrative proceeding to maintain  
5 an interest adverse to the government, whether national, provincial, or municipal or  
6 to any of its legally constituted officers.

7 When an Ombudsman official or employee covered by and receiving any benefit  
8 under this Act shall assume an elective position in government, he or she shall not,  
9 upon assumption of office and during his or her tenure as an elected official, receive  
10 the monthly pension or any of the allowances due him or her.

11 **SEC. 6. Automatic Increase.** - All pension benefits of retired officials or  
12 employees of the Office of the Ombudsman shall be automatically increased  
13 whenever there is an increase in the salary and allowance in the same position from  
14 which they retired.

15 **SEC. 7. Survivorship Benefits.** – In case an Ombudsman official or employee  
16 covered by this Act dies during his or her retirement, the surviving legitimate spouse  
17 and dependent children of said official or employee shall be entitled to receive all the  
18 retirement benefits that the deceased was receiving or entitled to receive. A  
19 “dependent” means a legitimate, illegitimate or legally-adopted child who is chiefly  
20 dependent on the said deceased Ombudsman official or employee if such dependent  
21 is not more than twenty-one (21) years of age, unmarried and not gainfully  
22 employed, or if such dependent, regardless of age, is incapable of self-support  
23 because of mental or physical defect. The said surviving legitimate spouse shall  
24 continue to receive such retirement benefits during his or her lifetime or until he or

1 she remarries: *Provided*, that if the surviving spouse is receiving benefits under  
2 existing retirement laws, he or she shall only be entitled to the difference between  
3 the amount provided for in this Act and the benefits the he or she is receiving.

4 **SEC. 8. Retroactivity.** - The benefits mentioned in Sections 3 and 7 hereof shall be  
5 granted to all those who retire, resign or die one (1) year prior to the effectivity of  
6 this Act.

7 **SEC. 9. Appropriations.** - The amount necessary for the initial implementation of  
8 this Act shall be charged against the current year's savings of the Office of the  
9 Ombudsman. Thereafter, such sums as may be necessary for the continued  
10 implementation of this Act shall be included in the annual General Appropriations  
11 Act.

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

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

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

*Approved,*