



SENATE

S. No. 624

'19 JUL 18 P3:43

Introduced by **SENATOR LEILA M. DE LIMA**

RECEIVED BY

AN ACT
GRANTING HAZARD PAY TO JUSTICE SECTOR OFFICIALS AND
APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Section 5, Article II of the Constitution proclaims that “[t]he maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

The rule of law is the principle upon which all modern societies are based. For our democracy to function, we must instill upon our citizens faith in our court system. Our government must endeavor to keep our courts functioning in spite of the forces that undermine them.

Our justice sector officials are not strangers to risks. In recent years, a number of them were killed even in broad daylight.

In 2016, Davao Oriental Prosecutor Rolando Acido was killed as he was on his way to the Mati Hall of Justice.¹ The following year, Assistant City Prosecutor Diosdado Azarcon² and Judge Godofredo Abul Jr.³ both were killed by motorcycle riding gunmen. In 2018, Quezon City Prosecutor Prosecutor Rogelio Alfiler Velasco⁴

¹ Rappler. (01 November 2016). *Half-paralyzed Davao Oriental prosecutor shot dead*. Retrieved from <https://www.rappler.com/nation/150390-davao-oriental-prosecutor-shot-dead>

² Philstar (22 May 2017). *Prosecutor, cop gunned down*. Retrieved from <https://www.philstar.com/metro/2017/05/22/1702603/prosecutor-cop-gunned-down>

³ Sun Star Philippines (05 August 2017). *Judge killed in Butuan City*. Retrieved from: <https://www.sunstar.com.ph/article/157012/>

⁴ GMA News (18 March 2019) *HRW: Lopo slay linked to Duterte's drug war*. Retrieved from: <https://www.gmanetwork.com/news/news/nation/688306/hrw-lopoz-slay-linked-to-duterte-s-drug-war/story/>

and Regional Trial Court Executive Judge Edmundo Pintac⁵ who both handled drug and illegal firearms cases were also shot dead .

These senseless killings and attacks sow fear among our administrators of justice and thus have a chilling effect in the discharge of their functions.

In light of the dangers they face, court officials, i.e. judges, clerks of court, public prosecutors and public attorneys, deserve our support. We need to enact an incentive system that is commensurate to the dangers faced by our public officials. This will encourage our brave countrymen to take up posts in otherwise less than ideal public offices.

This bill provides for a hazard pay for court officials in areas where there are perils involved, including risks of natural disasters and armed conflicts, as well as additional hazard pay for court officials in second level courts that handle criminal cases.

Early approval of this measure is requested.

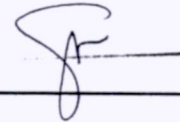

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⁵ Philippine News Agency (10 October 2018). *IBP calls on police to solve Ozamiz judge killing*. Retrieved from <http://www.pna.gov.ph/articles/1050499>

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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 “*Hazard Pay for*
2 *Justice Sector Officials Act of 2019.*”

3 Sec. 2. *Declaration of Policy.* – It is a policy of the State to value the work of
4 officials and employees in the justice sector of our government, especially those
5 assigned in areas where there are hazards involved, including risks of natural
6 disasters and armed conflicts, and those in the second level courts that handle
7 criminal cases. Hazard pay should accordingly be granted to these government
8 workers.

9 Sec. 3. *Definition of Terms:*

- 10 a. *Covered Officials* – include First and Second Level judges, clerks of court,
11 public prosecutors, and public attorneys;
- 12 b. *First Level Courts* – include Metropolitan Trial Courts, Municipal Trial Courts
13 in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts and the
14 Shari’a Circuit Courts;
- 15 c. *Second Level Courts* – include Regional Trial Courts and Shari’a District
16 Courts;
- 17 d. *Risk-adjacent Courts* – courts declared as such by the Supreme Court by
18 reason of their geographical location or proximity to prolonged armed
19 conflicts or disaster-prone areas, whether First Level or Second Level Court,

1 Sec. 4. *Grant of Hazard Pay.* – The covered officials in Risk-adjacent Courts shall
2 be granted a monthly hazard pay of fifteen percent (15%) of their basic monthly
3 salary.

4 Sec. 5. *Additional Hazard Pay.* – The covered officials in Second Level Courts
5 who handle criminal cases shall be entitled to an additional hazard pay of ten percent
6 (10%) of their basic monthly salary.

7 Sec. 6. *Exemption from Tax.* – The hazard pay for covered officials shall not be
8 subject to tax and nothing in this Act shall be construed as to diminish, in any
9 manner, any benefit granted by existing laws, rules and regulations, local ordinances
10 and other issuances especially favorable to said covered officials.

11 Sec. 7. *Implementing Rules and Regulations.* - The Department of Budget and
12 Management (DBM), in consultation with the Supreme Court (SC) and the
13 Department of Justice (DOJ), shall, within sixty (60) days after the effectivity of this
14 Act, issue its implementing rules and regulations.

15 Sec. 8. *Appropriations.* – Such amounts as may be necessary to implement this
16 Act for the current year shall be charged against the savings of the SC and the DOJ.
17 Thereafter, the National Government shall appropriate annually and include in the
18 General Appropriations Act the amount corresponding to the total annual cost of the
19 allowances under this Act.

20 Sec. 9. *Separability Clause.* - If any provision of this Act is declared invalid or
21 unconstitutional, the provisions not affected thereby shall continue to be in full force
22 and effect.

23 Sec. 10. *Repealing Clause.* - All laws, executive orders, presidential decrees,
24 presidential proclamations, letters of instruction, rules and regulations or parts
25 thereof inconsistent with the provisions of this Act are hereby repealed, modified, or
26 amended accordingly.

27 Sec. 11. *Effectivity.* - This Act shall take effect fifteen (15) days following its
28 publication in the Official Gazette or in two (2) newspapers of general circulation in
29 the Philippines.

Approved,