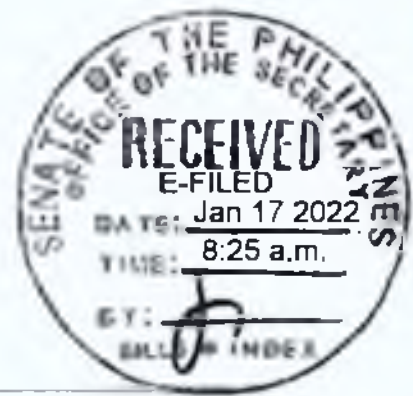


EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
Third Regular Session

SENATE
S.B. No. 2476



Introduced by Senator SONNY ANGARA

AN ACT
STANDARDIZING THE RETIREMENT BENEFITS OF JUSTICES, JUDGES, AND
JUDICIARY OFFICIALS CONFERRED WITH JUDICIAL RANK, SALARY AND
PRIVILEGES, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 910, AS AMENDED

EXPLANATORY NOTE

In 1971, the Supreme Court *en banc* conferred judicial rank, salary and privileges, as provided under Republic Act (R.A.) No. 910 otherwise known as "An Act to Provide for the Retirement of Justices of the Supreme Court and of the Court of Appeals, for the Enforcement of the Provisions Hereof by the Government Service Insurance System", to positions in the Office of the Clerk of Court through Resolutions and has continuously done so in recognition of the judiciary officials' invaluable support system in the administration of justice. However, R.A. No. 8291 or the GSIS Act of 1997 took them out of its coverage thereby resulting in the loss of entitlement to all retirement benefits provided by said law, including survivorship and death benefits. Despite this, the Supreme Court and the third level collegiate courts continued to allow these judiciary officials to retire under R.A. No. 910.

R.A. 910 was amended in 2009 by R.A. No. 9946 or "An Act Granting Additional Retirement, Survivorship, and other Benefits to Members of the Judiciary" to provide for more retirement benefits. Unfortunately, the law, as amended, again limits its benefits to the Members of the Judiciary, *i.e.* Judges and Justices. Nonetheless, the Supreme Court, exercising its constitutional mandate of judicial power and administrative supervision of courts and court personnel along with the fiscal autonomy of the Judiciary, issued Resolutions stating that the judiciary officials' retirement law is R.A. No. 910, as amended. However, the Department of Budget and Management (DBM) is of the position that a *resolution* is not the *law* that would merit the release of retirement benefits provided under R.A. No. 910.

This interpretation of the DBM created inequality among the judiciary officials. For instance, a former judge who was eventually appointed as a Court Administrator will have more retirement benefits (as he can retire under R.A. No. 910, as amended) than a Court

Administrator who was never a judge or justice. The restrictive application of R.A. No. 910, as amended, likewise caused disparities in entitlement to survivorship benefits, among others.

The absence of a retirement law that expressly upholds the Resolutions of the Supreme Court allowing the judiciary officials to retire under R.A. No. 910, as amended, resulted in inequalities and fragmented application of the said law. Thus, there is an imperative need to correct these inequalities by enacting a common retirement law for all judiciary officials with judicial rank, salary and privileges that accords due respect and value to Supreme Court Resolutions.

In view of the foregoing, we urge the swift approval of this measure.



SONNY ANGARA

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PRIVILEGES, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE
PURPOSE REPUBLIC ACT NO. 910, AS AMENDED

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

1 **SECTION 1.** Section 1 of Republic Act No. 910, as amended by Republic Act No. 9946,
2 is further amended to read as follows:

3 "Section 1. When a Justice of the Supreme Court, the Court of Appeals, the
4 Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial
5 court, metropolitan trial court, municipal trial court, municipal circuit trial court,
6 shari'a district court, shari'a circuit court, or any other court hereafter established,
7 **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A**
8 **JUSTICE OR A JUDGE OF SAID COURTS**, who has rendered at least fifteen
9 (15) years service in the Judiciary or in any other branch of the Government, or in
10 both, (a) retires for having attained the age of seventy years, or (b) resigns by
11 reason of his/her incapacity to discharge the duties of his/her office as certified by
12 the Supreme Court, he/she shall receive during the residue of his/her natural life,
13 in the manner hereinafter provided, the salary [which] plus the highest monthly
14 aggregate of transportation, representation and other allowances such as personal
15 economic relief allowance (PERA) and additional compensation allowance which
16 he/she was receiving at the time of his/her retirement, or resignation, and non-
17 wage benefit in the form of education scholarship to one (1) child of all Justices,
18 [and] Judges, **AND JUDICIARY OFFICIALS**, to free tuition fee in a state
19 university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF RIGHTS**
20 **TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS:** *Provided*, That
21 such grant will cover only one (1) bachelor's degree. When a Justice of the
22 Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax
23 Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal
24 trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or

1 any other court hereafter established, **OR A JUDICIARY OFFICIAL**
 2 **CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE OF SAID**
 3 **COURTS**, has attained the age of sixty (60) years and has rendered at least fifteen
 4 (15) years service in the Government, the last three (3) of which shall have been
 5 continuously rendered in the Judiciary, he/she shall likewise be entitled to retire
 6 and receive during the residue of his/her natural life also in the manner hereinafter
 7 provided, the salary plus the highest monthly aggregate of transportation,
 8 representation, and other allowances such as personal economic relief allowance
 9 (PERA) and additional compensation allowance which he/she was then receiving
 10 and the non-wage benefit in the form of education scholarship to one (1) child of
 11 all Justices, [and] Judges, **AND JUDICIARY OFFICIALS**, to free tuition fee in a
 12 state university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF**
 13 **RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS:**
 14 *Provided*, however, That any Justice, [or] Judge, **OR JUDICIARY OFFICIAL** with
 15 less than fifteen (15) years service in the Government or Judiciary, who shall retire
 16 due to reasons hereinabove provided, shall be entitled to a pro-rata monthly
 17 pension computed as follows:

18 Number of years in the Government 19 or Judiciary 20 _____ 21 15 years	Basic pay plus the highest monthly aggregate transportation, representation X and other allowances (PERA and additional compensation allowance)
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22
 23 It is a condition of the pension provided for herein that no retiring Justice or Judge
 24 of the aforementioned courts, **OR JUDICIARY OFFICIAL CONFERRED WITH**
 25 **THE SAME RANK AS A JUSTICE OR A JUDGE**, or his/her surviving spouse
 26 receiving the benefits of this Act during the time that he/she is receiving the said
 27 pension shall appear as counsel before any court in any civil case wherein the
 28 government or any subdivision or instrumentality thereof is the adverse party, or
 29 in any criminal case wherein an incumbent or former officer or employee of the
 30 government is accused of an offense committed in relation to his/her office, or
 31 collect any fee for his/her appearance in any administrative proceedings to
 32 maintain an interest to the Government, national, provincial or municipal, or to
 33 any of its legally constituted officers. It is also a condition of the pension provided
 34 for herein that when a member of the judiciary or his/her surviving spouse entitled
 35 to the benefits of this Act shall assume an elective public office, he/she shall not,
 36 upon assumption of office and during his/her term, receive the monthly pension
 37 due to him/her.

38 **SEC. 2.** Section 3-A of the same Act, as amended, is further amended to read as
 39 follows:

1 "SEC. 3-A. All pension benefits of retired members of the Judiciary **AND**
2 **JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND**
3 **PRIVILEGES** shall be automatically increased whenever there is an increase in
4 the salary **AND ALLOWANCES** of the same position from which [he/she] **THEY**
5 retired."

6 **SEC. 3.** Section 3-B of the same Act, as amended, is further amended to read as
7 follows:

8 "SEC. 3-B. The benefits under this Act shall be granted to all those who have
9 retired prior to the effectivity of this Act, **INCLUDING JUDICIARY OFFICIALS**
10 **WITH JUDICIAL RANK, SALARY AND PRIVILEGES WHO COMPULSORILY**
11 **RETIRED AT THE AGE OF SIXTY-FIVE (65) IN ACCORDANCE WITH LAW**
12 **AT THE TIME OF THEIR RETIREMENT, AND THOSE WHO AVAILED**
13 **THEMSELVES OF OPTIONAL OR DISABILITY RETIREMENT UNDER THIS**
14 **ACT; Provided, [That the benefits shall be applicable only to members of the**
15 **Judiciary, Provided further] That the benefits to be granted shall be prospective."**

16 **SEC. 4.** The amount necessary for the initial implementation of this Act shall be
17 charged against the current year's savings of the Judiciary. Thereafter, such sums as may
18 be necessary for the continued implementation of this Act shall be included in the annual
19 General Appropriations Act.

20 **SEC. 5.** If any provision or part of this Act is declared invalid or unconstitutional,
21 the remaining parts or provisions not affected shall remain in full force and effect.

22 **SEC. 6.** All laws, rules, regulations, orders, circulars and other issuances or parts
23 thereof which are inconsistent with the provisions of this Act are hereby repealed,
24 amended or modified accordingly.

25 **SEC. 7.** This Act shall take effect fifteen (15) days after its publication in the *Official*
26 *Gazette* or in a newspaper of general circulation.

Approved,