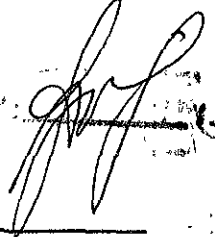


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

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SENATE
S. B.-No. 121

RECEIVED BY: 

Introduced by Senator Juan Ponce Enrile

EXPLANATORY NOTE

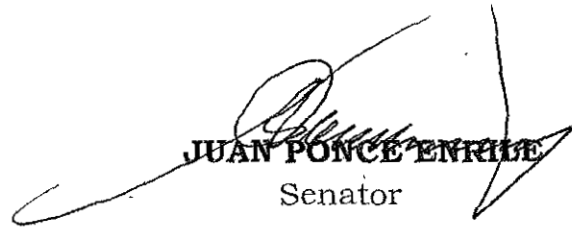
This Bill seeks to enhance the current retirement benefits of Justices and Judges by reducing the required length of service in the government from twenty (20) years to (15) years in order to receive retirement pension, adding additional monetary as well as non-monetary benefits to the retirees, and providing survivorship benefits to direct heirs of retirees and magistrates who died or were killed in the performance of their duty as such.

Choosing a career in the Judiciary entails dedication, integrity and probity. It is not an easy career, as a magistrate needs to undergo a never-ending process of self-improvement through continuous legal education and training, necessary in order for him or her to be efficient, fair and just in deciding controversies before them. The work demands in terms of number of cases filed before the magistrates are not the only challenge of the profession. Whenever a sensitive and controversial case is before a Justice or a Judge, they may suffer the ire of a litigant and risk not only their personal safety but the safety of their loved ones as well.

The compulsory retirement age of a Justice and Judge is seventy (70) years old. Most of the retirees, more often than not, within a few years after retirement, spend their benefits and pension on medications and hospital bills. When they pass away, there will be nothing left for their family, especially their spouse, who supported the deceased in choosing a career in public service. The upgrading and enhancement of retirement benefits of qualified Justices and Judges, which will now include survivorship benefits for their spouses, is a fitting way to give appreciation to these members of the Judiciary for their length of service in the government, devoting their minds and talents for justice to prevail in our land.

This Bill's purpose is to give gratuity to the deserving men and women in the Judiciary who dedicated their lives for public service, in order to be instruments in dispensing justice in our nation.

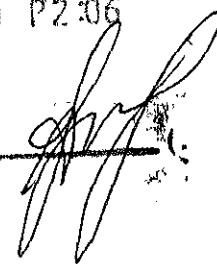
In view of the foregoing, the immediate passage of the Bill is earnestly sought.



JUAN PONCE ENRILE
Senator

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUN 30 P2:06

RECEIVED BY: 

SENATE

S.B. No. 121

Introduced by Senator JUAN PONCE ENRILE

AN ACT
GRANTING ADDITIONAL RETIREMENT BENEFITS TO MEMBERS OF THE
JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS
AMENDED, AND FOR OTHER PURPOSES

*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 is hereby
2 amended to read as follows:

3
4 "SECTION 1. When a Justice of the Supreme Court, [or of] the
5 Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX
6 APPEALS, OR a Judge of the Court, [Industrial Relations], [Juvenile and
7 Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL
8 COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL
9 COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY
10 OTHER COURT HEREAFTER ESTABLISHED who has rendered at least
11 [twenty (20)] FIFTEEN (15) years service in the Judiciary or in any other
12 branch of the Government, or in both (a) retires for having attained the
13 age of seventy years or (b) resigns by reason of his incapacity to
14 discharge the duties of his office AS CERTIFIED BY THE SUPREME
15 COURT, he shall receive during the residue of his natural life, in the

1 manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY
2 AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION
3 ALLOWANCES which he was receiving at the time of his retirement, or
4 resignation, AND NON-WAGE BENEFIT IN THE FORM OF EDUCATION
5 SCHOLARSHIP TO ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND
6 JUDGES TO FREE TUITION FEE IN A STATE UNIVERSTIY OF
7 COLLEGE: *PROVIDED*, THAT SUCH GRANT WILL COVER ONLY ONE (1)
8 BACHELOR'S DEGREE. [And] When a Justice of the Supreme Court or
9 the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF
10 TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL
11 TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]
12 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or
13 municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A
14 DISTRICT COURT, SHARIA CIRCUIT COURT, OR ANY OTHER COURT
15 HEREAFTER ESTABLISHED, [or a city or municipal judge] has attained
16 the age of sixty years (60) and has rendered at least FIFTEEN [twenty]
17 years service in the Government, the last five (5) of which shall have been
18 continuously rendered in the Judiciary, he shall likewise be entitled to
19 retire and receive during the residue of his natural life also in the
20 manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY
21 AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION
22 ALLOWANCE WHICH he was then receiving AND THE NON-WAGE
23 BENEFIT IN THE FORM OF EDUCATION SCHOLARSHIP TO ONE (1)
24 LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES TO FREE TUITION
25 FEE IN A STATE UNIVERSITY OR COLLEGE; *PROVIDED, HOWEVER*,
26 THAT ANY JUSTICE OR JUDGE WITH LESS THAN FIFTEEN (15) YEARS
27 SERVICE IN THE GOVERNMENT OR JUDICIARY, WHO SHALL RETIRE

1 “SEC. 2. In case a Justice of the Supreme Court or Court of
2 Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEAL,
3 OR a Judge of the [Court of First Instance] REGIONAL TRIAL COURT,
4 [Industrial Relations], [Juvenile and Domestic Relations]
5 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or
6 municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A
7 DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT
8 *HEREAFTER ESTABLISHED*, dies while in actual service, his heirs shall
9 receive a lump sum of five years' gratuity computed on the basis of the
10 highest monthly salary plus the highest monthly aggregate of
11 transportation, living and representation allowances received by him as
12 such justice or judge [if by reason of his length of service in the
13 government he was already entitled to the benefits of this Act] *WITHOUT*
14 *THE LENGTH OF SERVICE REQUIRED IN SECTION ONE HEREOF:*
15 *PROVIDED, HOWEVER, WHERE THE DECEASED JUSTICE OR JUDGE*
16 *HAS RENDERED AT LEAST FIFTEEN YEARS EITHER IN THE*
17 *JUDICIARY OR IN ANY OTHER BRANCH OF GOVERNMENT OR BOTH,*
18 *HIS HEIRS SHALL INSTEAD BE ENTITLED TO A LUMP SUM OF TEN*
19 *YEARS GRATUITY COMPUTED ON THE SAME BASIS AS INDICATED IN*
20 *THIS PROVISION.*

21
22 IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF HIS
23 WORK AS SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS WELL AS
24 THE LEGITIMATE AND ADOPTED CHILDREN BELOW EIGHTEEN (18)
25 YEARS OF AGE SHALL RECEIVE IN EQUAL SHARES ALL RETIREMENT
26 BENEFITS OF THE DECEASED JUDGE OR JUSTICE AS IF SUCH
27 JUDGE OR JUSTICE HAS REACHED COMPULSORY RETIREMENT AGE,
28 *PROVIDED THE JUDGE OR JUSTICE HAS SERVED IN GOVERNMENT*

1 FOR AT LEAST FIVE (5) YEARS REGARDLESS OF AGE AT THE TIME OF
2 DEATH. WHEN A JUDGE OR JUSTICE IS KILLED INTENTIONALLY
3 WHILE IN SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK
4 RELATED.

5
6 UPON REACHING THE AGE OF TWENTY-ONE (21), PREVIOUSLY
7 ENTITLED CHILDREN-BENEFICIARIES SHALL CEASE TO RECEIVE
8 THEIR PART OF THE RETIREMENT BENEFIT, WHICH SHARE SHALL
9 REDOUND TO THE SURVIVING SPOUSE. THE SURVIVING SPOUSE
10 SHALL CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS FOR
11 THE REST OF HER NATURAL LIFE OR UNTIL REMARRIAGE. [The same
12 benefits provided for in this section shall be extended to any incumbent
13 justice of the Supreme Court or the Court of Appeals, or judge of the
14 Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax
15 Appeals, Juvenile and Domestic Relations, or city or municipal court, or
16 any other court hereinafter established; as the case may be, without
17 having attained the length of service required in Section 1 hereof, shall
18 have to retire upon reaching the age of sixty five years, or upon other
19 cause, such as illness or permanent physical disability, to be certified by
20 the tribunal to which the justice concerned belongs, or by the Supreme
21 Court in the case of an incumbent judge of the Court of First Instance,
22 and other similar courts or records, or a city or municipal judge, which
23 render him incapacitated to continue in his position.]

24
25 SEC. 3. Section 3 of the same Act is hereby amended to read as follows:
26

27 "SEC. 3. Upon Retirement, a Justice of the Supreme Court or of
28 the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF

1 TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL
2 TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]
3 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or
4 municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A
5 DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT
6 HEREAFTER ESTABLISHED shall be automatically entitled to a lump
7 sum payment of five years SALARY [gratuity] computed on the basis of
8 the highest monthly salary plus the highest monthly aggregate of
9 transportation, living and representation allowances he was receiving on
10 the date of his retirement[.] AND THEREAFTER UPON SURVIVAL AFTER
11 THE EXPIRATION OF FIVE YEARS, TO FURTHER ANNUITY PAYABLE
12 MONTHLY DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT
13 TO SECTION 1 HEREOF: *Provided, however,* That if the reason for the
14 retirement be any permanent disability contracted during the
15 incumbency in office and prior to the date of his retirement, he shall
16 receive [only] a gratuity equivalent to ten years salary and THE
17 allowances aforementioned [within further annuity payable monthly
18 during the rest of the retiree's natural life]: *PROVIDED, FURTHER,* THAT
19 SHOULD THE RETIREMENT BE WITH THE ATTENDANCE OF ANY
20 PARTIAL PERMANENT DISABILITY CONTRACTED DURING HIS
21 INCUMBENCY AND PRIOR TO THE DATE OF RETIREMENT, HE SHALL
22 RECEIVE AN ADDITIONAL GRATUITY EQUIVALENT TO TWO (2) YEARS
23 LUMP SUM THAT HE IS ENTITLED TO UNDER THIS ACT: *PROVIDED,*
24 *FURHTER,* THAT IF THE JUSTICE SURVIVES AFTER TEN (10) YEARS
25 OR SEVEN (7) YEARS, AS THE CASE MAY BE, HE SHALL CONTINUE TO
26 RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER THIS ACT
27 DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION
28 1 HEREOF: *PROVIDED, FINALLY,* THAT THOSE WHO HAVE RETIRED

1 WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY
2 FIVE YEARS PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE
3 ENTITLED TO THE SAME BENEFITS PROVIDED HEREIN.
4

5 UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY COURT IN
6 THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS RETIRED, OR WAS
7 ELIGIBLE TO RETIRE OPTIONALLY AT THE TIME OF DEATH, THE
8 SURVIVING LEGITIMATE SPOUSE SHALL BE ENTITLED TO RECEIVE
9 ALL THE RETIREMENT BENEFITS THAT THE DECEASED JUSTICE OR
10 JUDGE WOULD HAVE RECEIVED HAD THE JUSTICE OR JUDGE NOT
11 DIED. THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE
12 SUCH RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE'S
13 DEATH OR REMARRIAGE."
14

15 "Sec. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS OF
16 THE JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER
17 THERE IS AN INCREASE IN THE SALARY OF THE SAME POSITION
18 FROM WHICH HE RETIRED."
19

20 "Sec. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED
21 TO ALL THOSE WHO HAVE RETIRED PRIOR TO THE EFFECTIVITY OF
22 THIS ACT."
23

24 SEC. 4. During the fiscal year two thousand and seven, *this Act shall be*
25 *funded from savings of the Judiciary. Thereafter, the necessary sum for this*
26 *purpose shall be included in the annual General Appropriations Act.*
27

1 SEC. 5. All laws, decrees, orders, rules or regulations or parts thereof
2 inconsistent with the provisions of this Act are hereby repealed or modified
3 accordingly.

4
5 SEC. 6. This Act shall take effect fifteen (15) days following the
6 completion of its publication in the Official Gazette or in any two (2)
7 newspapers of general circulation.

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10 *Approved,*

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