


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

7 JUL -2 11:22

SENATE

RECEIVED BY: 

Senate Bill No. 379

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE


When those who are called upon to administer justice are themselves denied of their right to due process of law, security of tenure and the equal protection of the law, something must be done in order to redress their grievances. Otherwise, dissension will arise among the ranks of those who are considered as sentinels of truth and justice.

When Batas Pambansa Bilang 129 was being drafted, it envisioned changes that will redound to the benefit, improvement and interest of the Judiciary. Those who drafted it did not anticipate the situations wherein the cause of the gap in the judicial service can not be attributed to the justice or judge. It is to be noted that when "courtesy resignation" were made in the light of the Judiciary Re-Organization implemented on February 1, 1981, the same were made out of respect only. It does not necessarily reflect the true sentiments of the concerned judges.

Having practically spent the best years of their lives in the service of the country, they do not deserve such unjust treatment by the government they have so faithfully served. There is therefore a need to rectify through legislation the wrong inflicted upon the members of the bench affected by such provision.

This bill seeks to cure the inequity brought about by Section 42 of Batas Pambansa Bilang 129, particularly on the term, "continuous" as the same did not anticipate certain situations wherein the gap in service is due to unforeseen and fortuitous events not attributable to the judge or justice.

In view of the foregoing, the immediate passage of this bill is earnestly requested.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

AMENDING SECTION 42 OF BATAS PAMBANSA BILANG 129, AS AMENDED, OTHERWISE KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1981, EXEMPTING AFFECTED MEMBERS OF THE JUDICIARY AS MAY HEREIN BE QUALIFIED FROM THE CONTINUOUS SERVICE REQUIREMENT

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

SECTION 1. Declaration of Policy. – It is hereby declared to be the policy of the State to extend and grant full vindication to those members of the Judiciary whose security of tenure, right to due process, and to equal protection of the law were unjustly violated during the re-organization of the Judiciary as implemented on February 1, 1981.

SEC. 2. To implement this declared policy, Section 42 of Batas Pambansa Bilang 129 is amended as follows as follows:

Section 42. Longevity Pay – A month longevity pay equivalent to 5% of the monthly basic pay shall be paid to the Justices of judge of the Courts herein created for each five years of continuous, efficient and meritorious service rendered in the Judiciary; PROVIDED THAT IN NO CASE SHALL THE TOTAL SALARY OF EACH JUSTICE OR JUDGE CONCERNED, AFTER THIS LONGEVITY PAY IS ADDED, EXCEED THE SALARY OF THE JUSTICE OF JUDGE IN RANK; AND PROVIDED FURTHER, THAT THE JUSTICE AND JUDGE WHOSE COURTESY RESIGNATION” WERE ACCEPTED DURING THE 1987 JUDICIARY RE-ORGANIZATION AND WHO WHERE THEREAFTER REINSTATED AND APPLIED FOR THE MONEY VALUE OF THEIR ACCRUED VACATION AND SICK LEAVES SHALL BE CONSIDERED IN CONTINUOUS SERVICE AND THERE SHALL BE NO REDUCTION OF THEIR LONGEVITY PAY RATING.

SEC. 3. Such sums as may be necessary to carry out the amendatory provision of this Act, including the longevity pay differentials of all those Justices and Judges entitled to the benefits of this Act are hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 4. *Repealing Clause.* All laws, presidential decrees, executive orders, rules and regulation contrary to or inconsistent with the provision of this Act, are hereby repealed, or modified accordingly.

SEC. 5. *Separability Clause.* If for any reason, any part of provision of this Act is declared invalid or unconstitutional, the remaining parts or provision not affected thereby shall remain full force and reflect.

SEC. 6. *Effectivity.* This Act shall take upon its approval.

Approved,