


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

7 JUL 31 1927

SENATE

RECEIVED BY: 

S.B. No. 1415

Introduced by **SENATOR COMPAÑERA PIA S. CAYETANO**

EXPLANATORY NOTE

Republic Act No. 8291 or the GSIS Law entitles a GSIS member to monthly pension after he/she has rendered at least fifteen (15) years of service and is at least sixty (60) years of age at the time of retirement. On the other hand, Republic Act No. 910 or the retirement law for members of the Judiciary requires a Justice or Judge to render at least twenty (20) years of service in the Judiciary or in any other branch of the government before he/she can be entitled to monthly pension.

In line with the GSIS Law, this bill seeks to reduce to fifteen (15) years of service in the Judiciary or in any other branch of the Government or in both, the eligibility of a Justice or Judge who retires at the compulsory age of seventy (70) years, for the basic monthly pension for life to start at the end of the 5-year guaranteed period. Five years after retirement, the lump sum received by a 70-year old Justice or Judge is already depleted and he/she now needs the basic monthly pension for life for his/her support, medical and other needs, as well as that of his/her family. At the age of seventy-five (75), a retired Judge or Justice is already deteriorating in health and is afflicted with different kinds of disease brought about by old age and weakened body resistance. Now in their twilight years, these retired Justices and Judges need the additional financial assistance and support which the Government can provide them after having devoted the best years of their lives to public service. This bill, thus, will benefit the surviving retired members of the Judiciary who are only a few in number and who may only have a few more years to live.


The immediate approval of this bill is recommended.


COMPAÑERA PIA S. CAYETANO
Senator

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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 the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 1 of Republic Act No. 910, as amended is hereby amended to read as follows:

"SECTION 1. When a Justice of the Supreme Court, [or of the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER ESTABLISHED who has rendered at least [twenty (20)] FIFTEEN (15) years service in the Judiciary or in any other branch of the Government, or in both (a) retires for having attained the age of seventy years or (b) resigns by reason of his incapacity to discharge the duties of his office AS CERTIFIED BY THE SUPREME COURT, he shall receive during the residue of his natural life, in the manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES which he was receiving at the time of his retirement, or resignation, AND NON-WAGE BENEFIT IN THE FORM OF EDUCATION SCHOLARSHIP TO ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES TO FREE TUITION FEE IN A STATE UNIVERSITY OR COLLEGE, PROVIDED THAT SUCH GRANT WILL COVER ONLY ONE (1) BACHELORS DEGREE. [And] When a justice of the Supreme Court or of the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER ESTABLISHED, [or a city or municipal judge] has

attained the age of sixty years (60) and has rendered at least FIFTEEN [twenty] years service in the Government, the last five (5) of which shall have been continuously rendered in the Judiciary, he shall likewise be entitled to retire and receive during the residue of his natural life also in the manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES WHICH he was then receiving AND THE NON-WAGE BENEFIT IN THE FORM OF EDUCATION SCHOLARSHIP TO ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES TO FREE TUITION FEE IN A STATE UNIVERSITY OR COLLEGE. PROVIDED, HOWEVER, THAT ANY JUSTICE OR JUDGE WITH LESS THAN FIFTEEN (15) YEARS SERVICE IN THE GOVERNMENT OR JUDICIARY, WHO SHALL RETIRE DUE TO REASONS HEREINABOVE PROVIDED, SHALL BE ENTITLED TO A PRO-RATA MONTHLY PENSION COMPUTED AS FOLLOWS:

NO. OF YEARS IN THE GOVERNMENT OR JUDICIARY	x	BASIC PAY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORATION, LIVING AND REPRESENTATION ALLOWANCES
<u>15 YEARS</u>		

It is a condition of the pension provided for herein that no retiring Justice or Judge of THE AFOREMENTIONED COURTS during the time that he is receiving said pension shall appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an INCUMBENT OR FORMER officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceeding to maintain an interest to the Government, national, provincial or municipal, or to any of its legally constituted officers. It is also a condition of the pension provided for herein that when a member of the Judiciary entitled to the benefits of this Act shall assume an elective public office, [he] shall not, upon assumption of office and during his term, receive the monthly pension OR ANY OF THE ALLOWANCES due him.

SECTION. 2. Section 2 of the same Republic Act is hereby amended to read as follows:

“SECTION 2. In case a Justice of the Supreme Court or Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER ESTABLISHED, dies while in actual service, his heirs shall receive a lump sum of five years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances received by him as such justice or judge [if by reason of his length

of service in the government he was already entitled to the benefits of this Act] WITHOUT THE LENGTH OF SERVICE REQUIRED IN SECTION ONE HEREOF, PROVIDED, HOWEVER, WHERE THE DECEASED JUSTICE OR JUDGE HAS RENDERED AT LEAST FIFTEEN YEARS EITHER IN THE JUDICIARY OR IN ANY OTHER BRANCH OF GOVERNMENT OR BOTH, HIS HEIRS SHALL INSTEAD BE ENTITLED TO A LUMP SUM OF TEN YEARS GRATUITY COMPUTED ON THE SAME BASIS AS INDICATED IN THIS PROVISION. IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF HIS WORK AS SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS WELL AS THE LEGITIMATE AND ADOPTED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE SHALL RECEIVE IN EQUAL SHARES ALL RETIREMENT BENEFITS OF THE DECEASED JUDGE OR JUSTICE AS IF SUCH JUDGE OR JUSTICE HAS REACHED COMPULSORY RETIREMENT AGE, PROVIDED THE JUDGE OR JUSTICE HAS SERVED IN GOVERNMENT FOR AT LEAST FIVE (5) YEARS REGARDLESS OF AGE AT THE TIME OF DEATH. WHEN A JUDGE OR JUSTICE IS KILLED INTENTIONALLY WHILE IN SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK RELATED. UPON REACHING THE AGE OF TWENTY-ONE (21), PREVIOUSLY ENTITLED CHILDREN-BENEFICIARIES SHALL CEASE TO RECEIVE THEIR PART OF THE RETIREMENT BENEFIT, WHICH SHARE SHALL REDOUND TO THE SURVIVING SPOUSE. THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS FOR THE REST OF HER NATURAL LIFE OR UNTIL REMARRIAGE.” [The same benefits provided for in this section shall be extended ‘to any incumbent justice of the Supreme Court or the Court of Appeals, or judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or city or municipal court, or any other court hereafter established; as the case may be, who, without having attained the length of service required in Section 1 hereof, shall have to retire upon reaching the age of sixty five years,, or upon other cause, such as illness or permanent physical disability, to be certified by the tribunal to which the justice concerned belongs, or by the Supreme Court in the case of an incumbent judge of the Court of First Instance, and other similar courts or records, or a city or municipal judge, which render him incapacitated to continue in his position.]

SECTION 3. Section 3 of the same Act is hereby amended to read as follows:

“SECTION 3. Upon Retirement, a Justice of the Supreme Court or of the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT, SHARI’A DISTRICT COURT, SHARI’A CIRCUIT COURT, OR ANY OTHER COURT HEREAFTER ESTABLISHED shall be automatically entitled to a lump sum payment of five years SALARY [gratuity] computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances he was receiving on the date of his retirement[.] AND

THEREAFTER UPON SURVIVAL AFTER THE EXPIRATION OF FIVE YEARS, TO FURTHER ANNUITY PAYABLE MONTHLY DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF: *Provided, however,* That if the reason for the retirement be any permanent disability contracted during his incumbency in office and prior to the date of his retirement, he shall receive [only] a gratuity equivalent to ten years salary and THE allowances aforementioned [within further annuity payable monthly during the rest of the retiree's natural life.]: *PROVIDED, FURTHER,* THAT SHOULD THE RETIREMENT BE WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY CONTRACTED DURING HIS INCUMBENCY AND PRIOR TO THE DATE OF RETIREMENT, HE SHALL RECEIVE AN ADDITIONAL GRATUITY EQUIVALENT TO TWO (2) YEARS LUMP SUM THAT HE IS ENTITLED TO UNDER THIS ACT: *PROVIDED, FURTHER,* THAT IF THE JUSTICE SURVIVES AFTER TEN (10) YEARS OR SEVEN (7) YEARS, AS THE CASE MAY BE, HE SHALL CONTINUE TO RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER THIS ACT DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF: *PROVIDED, FINALLY;* THAT THOSE WHO HAVE RETIRED WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY FIVE YEARS PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE ENTITLED TO THE SAME BENEFITS PROVIDED HEREIN. UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY COURT IN THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS RETIRED, OR WAS ELIGIBLE TO RETIRE OPTIONALLY AT THE TIME OF DEATH, THE SURVIVING LEGITIMATE SPOUSE SHALL BE ENTITLED TO RECEIVE ALL THE RETIREMENT BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WOULD HAVE RECEIVED HAD THE JUSTICE OR JUDGE NOT DIED. THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE'S DEATH OR REMARRIAGE.

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

"SECTION 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED TO ALL THOSE WHO HAVE RETIRED PRIOR TO THE EFFECTIVITY OF THIS ACT.

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

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

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

Approved,