

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

7 JAN 16 1974

SENATE

RECEIVED BY: 

S. NO. 2566

Introduced by Senator Franklin M. Drilon

EXPLANATORY NOTE

Existing laws provide for survivorship benefits to military personnel (Republic Act No. 3056, RA 5976), policemen and firemen (RA 541). The rationale for survivorship benefits is to provide subsistence to the surviving spouse and heirs of the deceased whose government work exposed him or her to risks of loss of life.

The same rationale applies to judges or justices who are increasingly subject to threats to their personal safety by reason of their judicial work. Many judges have been killed because of the cases they handled. Many more face risks to their lives for handling criminal cases where the penalties mandated by law are stiff.

Moreover, judges and justices retire compulsorily at age 70. Many live only a few years after retirement, leaving their surviving spouses without support in the remaining years of their lives. This situation does not give peace of mind to judges and justices who have no other means of income other than their meager salaries because of the strictures of their office.

If only to assure judges and justices that in case of their death, untimely or otherwise, their loved ones will not become public charges, the law must extend to the heirs of judges and justices the same survivorship benefits extended to the heirs of military personnel, policemen and firemen.

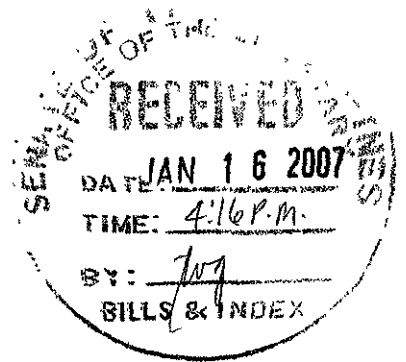
Survivorship benefits to the heirs of judges and justices will go a long way in keeping the judiciary honest and independent.

Early approval of this bill is sought.


FRANKLIN M. DRILON

THIRTEENTH CONGRESS OF THE REPUBLIC)
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**AN ACT TO PROVIDE
SURVIVORSHIP RETIREMENT BENEFITS
TO MEMBERS OF THE JUDICIARY**

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

SECTION 1. Upon the death of a judge or justice of any court in the Judiciary, if such judge or justice 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 judge or justice would have received had the judge or justice not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

SECTION 2. The legitimate surviving spouse, as well as the legitimate and adopted children below eighteen (18) years of age, of a judge or justice who is killed because of his work as a judge or justice, 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 the service, the presumption is that the death is work related.

SECTION 3. The benefits and limitations in Section 1 shall apply to beneficiaries in Section 2: *Provided*, That, upon reaching the age of twenty-one (21) years, the children shall cease to receive any of the benefits.

SECTION 4. The provisions of Section 2 and 3 shall apply to judges killed three (3) years before the effectivity of this Act.

SECTION 5. 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 Acts.

SECTION 5. This Act shall take effect on July 1, 2007.

Approved,