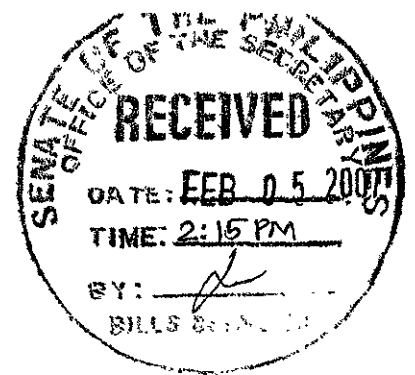


THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE
S. NO. 2591

Introduced by Senators Juan Ponce Enrile, Edgardo J. Angara, Franklin M. Drilon, Manuel B. Villar, Jr., Francis N. Pangilinan, Compañera Pia S. Cayetano

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:

1 SECTION 1. Section 1 of Republic Act No. 910, as amended is hereby amended to
2 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
6 TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL
7 TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]
8 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a
9 city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,
10 SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY
11 OTHER COURT HEREAFTER ESTABLISHED who has rendered at least
12 [twenty (20)] FIFTEEN (15) years service in the Judiciary or in any other
13 branch of the Government, or in both (a) retires for having attained the age
14 of seventy years or (b) resigns by reason of his incapacity to discharge the
15 duties of his office AS CERTIFIED BY THE SUPREME COURT, he shall
16 receive during the residue of his natural life, in the manner hereinafter
17 provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF
18 TRANSPORTATION, LIVING AND REPRESENTATION

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

1
2 NO. OF YEARS IN THE GOVERNMENT OR JUDICIARY
3 15 YEARS X BASIC PAY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES

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

18
19 **Sec. 2.** Section 2 of the same Republic Act is hereby amended to read as follows:

20
21 "SEC. 2. In case a Justice of the Supreme Court or Court of Appeals, THE
22 SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS, OR a
23 Judge of the [Court of First Instance] REGIONAL TRIAL COURT,
24 [Industrial Relations], [Juvenile and Domestic Relations]
25 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a
26 city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,
27 SHARI'A DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY
28 OTHER COURT HEREAFTER ESTABLISHED, dies while in actual
29 service, his heirs shall receive a lump sum of five years' gratuity computed

1 on the basis of the highest monthly salary plus the highest monthly
2 aggregate of transportation, living and representation allowances received
3 by him as such justice or judge [if by reason of his length of service in the
4 government he was already entitled to the benefits of this Act] WITHOUT
5 THE LENGTH OF SERVICE REQUIRED IN SECTION ONE HEREOF,
6 PROVIDED, HOWEVER, WHERE THE DECEASED JUSTICE OR
7 JUDGE HAS RENDERED AT LEAST FIFTEEN YEARS EITHER IN
8 THE JUDICIARY OR IN ANY OTHER BRANCH OF GOVERNMENT
9 OR BOTH, HIS HEIRS SHALL INSTEAD BE ENTITLED TO A LUMP
10 SUM OF TEN YEARS GRATUITY COMPUTED ON THE SAME BASIS
11 AS INDICATED IN THIS PROVISION.

12
13 IF THE JUSTICE OR THE JUDGE WAS KILLED BECAUSE OF
14 HIS WORK AS SUCH, THE LEGITIMATE SURVIVING SPOUSE, AS
15 WELL AS THE LEGITIMATE AND ADOPTED CHILDREN BELOW
16 EIGHTEEN (18) YEARS OF AGE SHALL RECEIVE IN EQUAL
17 SHARES ALL RETIREMENT BENEFITS OF THE DECEASED JUDGE
18 OR JUSTICE AS IF SUCH JUDGE OR JUSTICE HAS REACHED
19 COMPULSORY RETIREMENT AGE, PROVIDED THE JUDGE OR
20 JUSTICE HAS SERVED IN GOVERNMENT FOR AT LEAST FIVE (5)
21 YEARS REGARDLESS OF AGE AT THE TIME OF DEATH. WHEN A
22 JUDGE OR JUSTICE IS KILLED INTENTIONALLY WHILE IN
23 SERVICE, THE PRESUMPTION IS THAT THE DEATH IS WORK
24 RELATED.

25
26 UPON REACHING THE AGE OF TWENTY-ONE (21),
27 PREVIOUSLY ENTITLED CHILDREN-BENEFICIARIES SHALL
28 CEASE TO RECEIVE THEIR PART OF THE RETIREMENT BENEFIT,
29 WHICH SHARE SHALL REDOUND TO THE SURVIVING SPOUSE.

1 THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH
2 RETIREMENT BENEFITS FOR THE REST OF HER NATURAL LIFE
3 OR UNTIL REMARRIAGE.” [The same benefits provided for in this
4 section shall be extended to any incumbent justice of the Supreme Court or
5 the Court of Appeals, or judge of the Court of First Instance, Circuit
6 Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic
7 Relations, or city or municipal court, or any other court hereafter
8 established; as the case may be, who, without having attained the length of
9 service required in Section 1 hereof, shall have to retire upon reaching the
10 age of sixty five years, or upon other cause, such as illness or permanent
11 physical disability, to be certified by the tribunal to which the justice
12 concerned belongs, or by the Supreme Court in the case of an incumbent
13 judge of the Court of First Instance, and other similar courts or records, or a
14 city or municipal judge, which render him incapacitated to continue in his
15 position.]

16
17 **Sec. 3.** Section 3 of the same Act is hereby amended to read as follows:

18
19 “SEC. 3. Upon Retirement, a Justice of the Supreme Court or of the
20 Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT OF
21 TAX APPEALS, OR a Judge of the [Court of First Instance] REGIONAL
22 TRIAL COURT, [Industrial Relations], [Juvenile and Domestic Relations]
23 METROPOLITAN TRIAL COURT, MUNICIPAL TRIAL COURT, [or a
24 city or municipal judge] MUNICIPAL CIRCUIT TRIAL COURT,
25 SHARI’A DISTRICT COURT, SHARI’A CIRCUIT COURT, OR ANY
26 OTHER COURT HEREAFTER ESTABLISHED shall be automatically
27 entitled to a lump sum payment of five years SALARY [gratuity] computed
28 on the basis of the highest monthly salary plus the highest monthly
29 aggregate of transportation, living and representation allowances he was

1 receiving on the date of his retirement[.] AND THEREAFTER UPON
2 SURVIVAL AFTER THE EXPIRATION OF FIVE YEARS, TO
3 FURTHER ANNUITY PAYABLE MONTHLY DURING THE RESIDUE
4 OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF:
5 *Provided, however,* That if the reason for the retirement be any permanent
6 disability contracted during his incumbency in office and prior to the date of
7 his retirement, he shall receive [only] a gratuity equivalent to ten years
8 salary and THE allowances aforementioned [within further annuity payable
9 monthly during the rest of the retiree's natural life.]: *PROVIDED,*
10 *FURTHER,* THAT SHOULD THE RETIREMENT BE WITH THE
11 ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY
12 CONTRACTED DURING HIS INCUMBENCY AND PRIOR TO THE
13 DATE OF RETIREMENT, HE SHALL RECEIVE AN ADDITIONAL
14 GRATUITY EQUIVALENT TO TWO (2) YEARS LUMP SUM THAT
15 HE IS ENTITLED TO UNDER THIS ACT: *PROVIDED, FURTHER,*
16 THAT IF THE JUSTICE SURVIVES AFTER TEN (10) YEARS OR
17 SEVEN (7) YEARS, AS THE CASE MAY BE, HE SHALL CONTINUE
18 TO RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER THIS
19 ACT DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT
20 TO SECTION 1 HEREOF: *PROVIDED, FINALLY,* THAT THOSE WHO
21 HAVE RETIRED WITH THE ATTENDANCE OF ANY PARTIAL
22 PERMANENT DISABILITY FIVE YEARS PRIOR TO THE
23 EFFECTIVITY OF THIS ACT SHALL BE ENTITLED TO THE SAME
24 BENEFITS PROVIDED HEREIN.

25 UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY
26 COURT IN THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS
27 RETIRED, OR WAS ELIGIBLE TO RETIRE OPTIONALLY AT THE
28 TIME OF DEATH, THE SURVIVING LEGITIMATE SPOUSE SHALL
29 BE ENTITLED TO RECEIVE ALL THE RETIREMENT BENEFITS

1 THAT THE DECEASED JUSTICE OR JUDGE WOULD HAVE
2 RECEIVED HAD THE JUSTICE OR JUDGE NOT DIED. THE
3 SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE SUCH
4 RETIREMENT BENEFITS UNTIL THE SURVIVING SPOUSE'S
5 DEATH OR REMARRIAGE.

6
7 "Sec. 3-A. ALL PENSION BENEFITS OF RETIRED MEMBERS OF THE
8 JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS
9 AN INCREASE IN THE SALARY OF THE SAME POSITION FROM WHICH HE
10 RETIRED.

11
12 "Sec. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED TO ALL
13 THOSE WHO HAVE RETIRED PRIOR TO THE EFFECTIVITY OF THIS ACT.

14
15 **SEC. 4.** During the fiscal year two thousand and seven, this Act shall be funded
16 from savings of the Judiciary. Thereafter, the necessary sum for this purpose shall be
17 included in the annual General Appropriations Act.

18
19 **SEC. 5.** All laws, decrees, orders, rules or regulations or parts thereof inconsistent
20 with the provisions of this Act are hereby repealed or modified accordingly.

21
22 **SEC. 6.** This Act shall take effect fifteen (15) days following the completion of its
23 publication in the Official Gazette or in any two (2) newspapers of general circulation.

24
25 Approved,

26