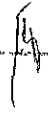


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

8 SEP 16 2008

SENATE

RECEIVED BY



COMMITTEE REPORT NO. 101

Submitted jointly by the Committees on Accounts and Finance on SEP 16 2008

Re: Senate Joint Resolution No. 13.

Recommending the approval of a substitute Senate Joint Resolution taking into consideration House Joint Resolution No. 20 and Senate Joint Resolution Nos. 3 and 5.

Sponsors: Senators Pangilinan, Enrile, Pimentel, Jr., Villar, Estrada and Legarda

MR. PRESIDENT:

The Committees on Accounts and Finance to which were referred Senate Joint Resolution No. 3, introduced by Senators Pimentel, Jr., Villar, Pangilinan and Ejercito-Estrada, entitled:

**“JOINT RESOLUTION
PROVIDING FOR RETIREMENT BENEFITS AND INCENTIVES TO
ALL QUALIFIED OFFICIALS AND EMPLOYEES OF THE SENATE
OF THE PHILIPPINES, THE HOUSE OF REPRESENTATIVES, THE
COMMISSION ON APPOINTMENTS, AND THE ELECTORAL
TRIBUNALS OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES, APPROPRIATING FUNDS THEREFOR AND
FOR OTHER PURPOSES”**

Senate Joint Resolution No. 5, introduced by Senator Legarda, entitled:

**“JOINT RESOLUTION
PROVIDING FOR RETIREMENT BENEFITS AND INCENTIVES TO
ALL QUALIFIED OFFICIALS AND EMPLOYEES OF THE SENATE
OF THE PHILIPPINES, THE HOUSE OF REPRESENTATIVES, THE
COMMISSION ON APPOINTMENTS, AND THE ELECTORAL
TRIBUNALS OF THE SENATE, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES”**

and House Joint Resolution No. 20 introduced by Rep. Defensor (A) and Lagman, entitled:


**“JOINT RESOLUTION
PROVIDING SEVERANCE INCENTIVE TO ALL OFFICIALS AND
EMPLOYEES OF THE SENATE OF THE PHILIPPINES, THE
HOUSE OF REPRESENTATIVES, THE COMMISSION ON
APPOINTMENTS, THE SENATE ELECTORAL TRIBUNAL AND
THE HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER
PURPOSES”**

· have considered the same and have the honor to report it back to the Senate with the recommendation that the attached substitute Senate Joint Resolution No. 13, prepared by the Committees, entitled:

**“JOINT RESOLUTION
PROVIDING SEVERANCE INCENTIVE TO ALL OFFICIALS AND
EMPLOYEES OF THE SENATE OF THE PHILIPPINES, THE HOUSE OF
REPRESENTATIVES, THE COMMISSION ON APPOINTMENTS, THE
SENATE ELECTORAL TRIBUNAL AND THE HOUSE OF
REPRESENTATIVES ELECTORAL TRIBUNAL, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES”**

be approved.


Respectfully submitted:


SEN. FRANCIS N. PANGILINAN
Chairman
Committee on Accounts



SEN. JUAN PONCE ENRILE
Chairman
Committee on Finance

Members:


SEN. JOKER P. ARROYO



SEN. MIRIAM DEFENSOR SANTIAGO



SEN. MAR ROXAS


SEN. FRANCIS "CHIZ" ESCUDERO


SEN. GREGORIO B. HONASAN II


SEN. EDGARDO J. ANGARA


SEN. PANFILO "PING" LACSON


SEN. "COMPAÑERA" PIA S. CAYETANO


SEN. LOREN B. LEGARDA

SEN. ANTONIO "SONNY" F. TRILLANES


SEN. RICHARD J. GORDON



SEN. BENIGNO "NOYNOY" C. AQUINO III


SEN. M. A. MADRIGAL


SEN. RAMON "BONG" B. REVILLA JR.


SEN. JUAN MIGUEL F. ZUBIRI


SEN. RODOLFO G. BIAZON


SEN. MANUEL "LITO" M. LAPID

Members:

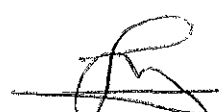


SEN. JOKER P. ARROYO

SEN. MIRIAM DEFENSOR SANTIAGO



SEN. MAR ROXAS



SEN. FRANCIS "CHIZ" ESCUDERO




SEN. GREGORIO B. HONASAN II



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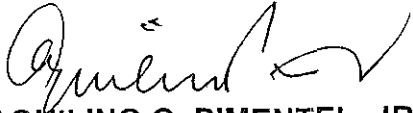


SEN. MANUEL "LITO" M. LAPID

Ex-Officio Members



SEN. JINGGOY EJERCITO-ESTRADA
Pro Tempore




AQUILINO Q. PIMENTEL, JR.
Minority Leader

Hon. MANNY VILLAR
Senate President
Pasay City

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

8 SLP 16

SENATE JOINT RESOLUTION NO. 13
RECEIVED BY: 

Introduced by Senators Pimentel, Jr., Villar, Pangilinan, Ejercito-Estrada, Legarda and Enrile

JOINT RESOLUTION

PROVIDING SEVERANCE INCENTIVE TO ALL OFFICIALS AND EMPLOYEES OF THE SENATE OF THE PHILIPPINES, THE HOUSE OF REPRESENTATIVES, THE COMMISSION ON APPOINTMENTS, THE SENATE ELECTORAL TRIBUNAL AND THE HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

WHEREAS, the Congress of the Philippines is the legislative branch of the government coequal with the Executive Department and the Judiciary;

WHEREAS, Article VI (The Legislative Department) of the Constitution includes the Senate, the House of Representatives, the Commission on Appointments, the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal;

WHEREAS, the Special Provisions applicable to the Congress of the Philippines in the General Appropriations Act of 2008 authorize the President of the Senate with respect to the Senate and the Commission on Appointments, the Speaker with respect to the House of Representatives and the Chairmen of the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal to formulate and implement the organizational structure of their respective offices and to fix and determine the salaries, allowances and other benefits of their respective employees;

WHEREAS, the Secretariat and staff of the Senate, the House of Representatives, the Commission on Appointments, the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal are composed of dedicated, competent, efficient and honest public servants;

WHEREAS, the Secretariat and staff of the Senate and the House of Representatives have the unequalled responsibility of providing professional and legislative technical assistance in the exercise of the legislative powers of Congress;

WHEREAS, the Commission on Appointments is mandated to review the fitness and qualification of all presidential appointees and nominees subject for confirmation with the end in view of ensuring that they all possess the competence, ethical and moral standards required of a public servant;

WHEREAS, the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal were created as special tribunals to be 'the sole judge of all electoral contests pertaining to the Members of the Senate and the House of Representatives and, as such, they are vital in preserving the democratic institutions and in upholding the integrity of the electoral process;

WHEREAS, to maintain the highest level of morale among the officers and staff of the Senate, the House of Representatives, the Commission on Appointments, the Senate Electoral Tribunal and the House of Representatives Electoral Tribunal, and to ensure the highest degree of professionalism in the service, a severance incentive should be institutionalized so that these officers and staff may have something to look forward to when they are separated from the Legislative Branch: **Now, therefore, be it**

Resolved by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Statement of Policy.** - It is hereby declared the policy of the State to
2 promote the welfare of government workers. Towards this end, the State hereby grants
3 severance incentive to officials and employees of the Legislative Branch to recognize and
4 reward them for providing specialized technical and related services to enable the legislature to
5 perform its functions needed for legislation responsive to the needs of the Filipino people.
6

7 **SEC. 2. Coverage.** - The Secretary of the Senate, the Secretary General of the House
8 of Representatives, the Sergeant-at-Arms of both Houses, the Secretary and the Sergeant-at-
9 Arms of the Commission on Appointments, and all officials and employees of the Senate, the
10 House of Representatives, the Commission on Appointments, the Senate Electoral Tribunal
11 and the House of Representatives Electoral Tribunal, whether permanent, temporary, co-
12 terminus or casual/contractual who have met the requirements provided herein shall qualify for
13 the severance incentive provided for in this Joint Resolution.
14

15 **SEC. 3. Severance Incentive.** - Qualified officials and employees shall be entitled to
16 any of the following benefit scheme:
17

18 (a) Two (2) months of the present adjusted basic salary for every year of legislative
19 service for those who have rendered ten (10) to fifteen (15) years of service;
20

21 (b), Two and a half (2 ½%) months of the present adjusted basic salary for every year
22 of legislative service computed from the first year of service for those who have rendered
23 sixteen (16) to twenty (20) years of service; and
24

25 (c) Three (3) months of the present adjusted basic salary for every year of legislative
26 service computed from the first year of service for those who have rendered twenty-one (21)
27 years of service and above: **Provided**, That in computing the number of years rendered, actual
28 legislative service from the 8TH Congress in 1987 up to the time of their separation in any of the
29 institutions classified in the coverage of this Joint Resolution shall be considered.
30

31 **SEC. 4. Availment of Severance Incentive.** - Officials and employees mentioned in
32 Section 2 herein regardless of age who have rendered at least ten (10) years of aggregate
33 legislative service, the last three (3) years of which have been continuously rendered in the
34 legislative service shall be entitled to the severance incentive upon separation from the service
35 and approval of the institution concerned. The severance incentive shall be released within
36 sixty (60) calendar days upon approval.
37

38 Provided, that officials and employees who have rendered less than ten (10) years of
39 legislative service shall be entitled to the following pro-rated amount of their present adjusted
40 salary for every year of service:
41

- 1 a) 3 years - 30%
- 2 b) 4 years but less than 5 years - 40%
- 3 c) 5 years but less than 6 years - 50%
- 4 d) 6 years but less than 7 years - 60%
- 5 e) 7 years but less than 8 years - 70%
- 6 f) 8 years but less than 9 years - 80%; and
- 7 g) 9 years but less than 10 years - 90%

8
9
10 **SEC. 5. Restrictions on Availment of Severance Incentive.** – After availment, an official
11 or employee shall not be eligible for reappointment to or reemployment in the Legislative
12 Department whether on a permanent, temporary, co-terminus and casual/contractual status
13 within a period of three (3) years after separation. This incentive may be availed of only once.

14 **SEC. 6. Suspension/Forfeiture of Severance Incentive.** – Severance incentive due to
15 any official or employee shall be withheld if the official or employee has unliquidated accounts
16 or any pending administrative, criminal or civil case connected with his/her position. If the
17 official or employee is found guilty, severance incentive under this Joint Resolution shall be
18 forfeited; otherwise, the benefit shall be paid in full as soon as the official or employee is
19 cleared of all charges.

20
21 **SEC. 7. Treatment of Severance Incentive.** - The severance incentive provided under
22 this Joint Resolution shall be tax exempt and treated as separate and distinct from the
23 retirement and separation laws, and other gratuities and benefits under existing laws, rules and
24 regulations.

25
26 **SEC. 8. Implementation.** - To effectively carry out the provisions of this Joint
27 Resolution, the Secretary of the Senate, the Secretary General of the House of
28 Representatives, the Secretary of the Commission on Appointments, the Secretary of the
29 Senate Electoral Tribunal and the Secretary of the House of Representatives Electoral
30 Tribunal, in coordination with their respective administrative and financial departments, shall
31 provide the implementing rules and regulations of this Joint Resolution. In the implementation
32 of this Joint Resolution, the following shall be given priority:

- 33
- 34 (a) Those who reached the age of sixty (60); and
- 35
- 36 (b) Those, who had rendered twenty (20) years of legislative service.
- 37

38 **SEC. 9. Funding.** - The amount necessary to implement this Joint Resolution shall be
39 charged against the respective appropriations of the Senate, the House of Representatives, the
40 Commission on Appointments, the Senate Electoral Tribunal and the House of
41 Representatives Electoral Tribunal, as authorized under the current General Appropriations Act
42 (GAA). Any deficiency shall be charged against the Miscellaneous Personnel Benefits Fund
43 and the Pension and Gratuity Fund of the current GAA.

44
45 Thereafter, such amounts as may be necessary for the continued implementation of
46 this Joint Resolution shall be included in the annual GAA.

47
48 **SEC. 10. Separability Clause** - Any portion or provision of this Joint Resolution that
49 may be declared unconstitutional shall not have the effect, of nullifying other portions or
50 provisions thereof as long -as such remaining portions can still subsist and be given effect in
51 their entirety.

1 **SEC. 11. *Repealing Clause.*** - All laws, presidential decrees, executive orders, rules
2 and regulations and other issuances or parts thereof inconsistent herewith are hereby repealed
3 or modified accordingly.

4
5 **SEC. 12. *Effectivity.*** - This Act shall take effect after fifteen **(15)** days following its
6 publication in two (2) national newspapers of general circulation.

7
8 Approved,