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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 529



INTRODUCED BY HONORABLE FRED H. CASTRO

EXPLANATORY NOTE

The proposed Bill seeks to amend Republic Act No. 910. The purpose and intent of this Bill is to provide survivorship benefits to the surviving spouse of a retired judge/justice-pensioner. This is based upon the grant of fiscal autonomy to the judiciary as mandated under Section 3, Article VIII of the Constitution and the need for juridical independence.

It should be noted that survivorship benefits have been granted to government retirees or pensioners through Government Service Insurance System (GSIS) and the Philippine Veterans Affairs Office (PVAO). The GSIS retirement program covers all government members irrespective of their employment status, except those who have retirement schemes under special laws, as follows: a) Members of the Judiciary (R.A. No. 910), as amended by R.A. No. 3595); b) Contractual employees who have no employee-employer relationship with their agencies covered under Article 280 of the Labor Code of the Philippines; and, c) Uniformed members of the Armed Forces of the Philippines and the Philippine National Police, including the Bureau of Jail Management and Penology and the Bureau of Fire Protection (PD 578).

Again, Section 22 of R.A. No. 8291 (otherwise known as the GSIS Act of 1997) provides benefits to qualified beneficiaries upon the death of an old-age pensioner or a member receiving monthly income benefit for permanent disability.

R.A. No. 6984 (Standardizing and Upgrading the Benefits for Military Veterans and their Dependents) was enacted pursuant to the constitutionally enshrined policy of the State to ... "provide immediate and adequate care benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans..." (Sec. 7, Article XVI.) Section 11 of R.A. No. 6984 provides for survivorship benefits, as follows:

> "SEC. 11. Entitlement of Surviving Spouse. The surviving spouse of a veterans who died after having received old-age pension shall be paid a pension of Five Hundred Pesos (P500.00) monthly until she remarries or dies, and the surviving spouse of a veteran who died without having received old age pension shall, if she does not remarry, be paid a pension

of Five Hundred Pesos (P500.00) monthly when she reaches the age of sixty-five (65) and until she remarries or dies, unless she is actually receiving a similar pension for the same consideration from other government funds or from the United States government."

Identical retirement benefits were also given to the members of the constitutional Commissions under R.A. No. 1568, entitled, "An Act To Provide Life Pension To The Auditor-General and the Chairman Or Any Member of the Commission On Elections, as amended by Republic Act No. 3595, entitled, "An Act To Amend Republic Act Numbered Fifteen Hundred Sixty-Eight (Re: Grant of Life Pension to the Auditor-General and the Chairman and Members of the Commission on Elections).

And, R.A. No. 910, which is:

"AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS, HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY-SIX"

as amended by R.A. No. 1797 (approved on June 21, 1957) provides for retirement benefits of the Justices of the Supreme Court and Court of Appeals **but without the survivorship benefits**, Section 3-A of the law provides:

"Sec. 3-A. In case of the salary of Justices of the Supreme Court or of the Court of Appeals is increased or decreased, such increased or decreased salary shall, for the purposes of this Act, be deemed to be the salary or the retirement pension which a Justice who as of June twelve, nineteen hundred fifty-four had ceased to be such to accept another position in the Government or who retired was receiving at the time of his cessation in office: Provided, that any benefits that have already accrued prior to such increase or decrease shall not be affected thereby:

Since, as cited above survivorship benefits are being enjoyed by those retirees who are covered by the GSIS, and PVAO, it is therefore urged that this benefit be granted to the judges who retired under R.A. No. 910, hence, approval and immediate passage of this Bill is earnestly sought.

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AN ACT
PROVIDING FOR SURVIVORSHIP BENEFITS TO SURVIVING SPOUSE OF RETIRED JUSTICE-PENSIONER WHO DIES WHILE RECEIVING HIS MONTHLY PENSION, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED NINE HUNDRED TEN, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY SIX."

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

SECTION 1. Section 3 of Republic Act Numbered Nine Hundred Ten, as amended, is further amended by adding a new sub-paragraph to be denominated as Sec. 4(b) to read as follows:

"SECTION 3(b). THE SURVIVING SPOUSE OF A RETIRED JUSTICE, WHO DIED AFTER RECEIVING RETIREMENT PENSION, SHALL BE PAID A MONTHLY PENSION EQUIVALENT TO EIGHTY PERCENT (80%) OF THE AMOUNT RECEIVED BY RETIRED JUSTICE – PENSIONER UNTIL THE SURVIVING SPOUSE REMARRIES OR DIES, AND THE SURVIVING SPOUSE OF A JUSTICE WHO DIED WITHOUT

HAVING RECEIVED RETIREMENT PENSION SHALL, IF SURVIVING SPOUSE DOES NOT REMARRY, ALSO BE PAID THE SAME PENSION MONTHLY WHEN THE SURVIVING SPOUSE REACHES THE AGE OF SIXTY-FIVE (65) AND UNTIL THE SURVIVING SPOUSE REMARRIES OR DIES, UNLESS THE SURVIVING SPOUSE IS ACTUALLY RECEIVING A SIMILAR PENSION FOR THE SAME CONSIDERATION FROM OTHER GOVERNMENT FUNDS."

SEC. 2. This Act shall take effect after fifteen (15) days following its publication either in the Official Gazette or in a newspaper of general circulation in the Philippines.

Approved,