

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
First Regular Session



HOUSE BILL NO. 761

Introduced by Representative Harlin Cast. Abayon

EXPLANATORY NOTE

This measure seeks to further amend Republic Act Numbered Nine Hundred and Ten with the end in view of upgrading the retirement, disability and survivorship benefits of the prosecutors, state counsels, special prosecutors and graft investigators, and public attorneys, and place them on an equal footing with the members of the Judiciary.

Similar to the Justice of the Supreme Court and the Court of Appeals, above-named public servants are undoubtedly considered as pillars of the justice system. With the upgrading of their retirement benefits, members of the Judiciary can work with the assurance of financial security upon retirement, a fitting reward for their dedication and commitment to their chosen field of endeavor. This measure will lead to a more efficient and effective administration of justice in the country. Hence, it is incumbent upon the State to provide them with the proposed benefits.

In view of the foregoing, the approval of this measure is earnestly requested.


HARLIN CAST. ABAYON

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

13th CONGRESS
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HOUSE BILL NO. 761

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AN ACT

FURTHER AMENDING REPUBLIC ACT NUMBERED NINE HUNDREDS AND TEN, AS AMENDED, BY MAKING ITS PROVISIONS APPLICABLE TO PROSECUTORS OF THE NATIONAL PROSECUTION SERVICE, STATE COUNSELS OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, AND PUBLIC ATTORNEYS OF THE PUBLIC ATTORNEY'S OFFICE, APPROPRIATING FUNDS THEREFORE AND FOR OTHER PURPOSES

Be it enacted the Senate and House of Representative of the Philippines in Congress assembled;

SECTION 1. Section one, two, three, four and five of Republic Act Numbered Nine Hundred and Ten, as amended, entitled 'An Act to provided for the Retirement of Justices of the Supreme Court and 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 are hereby amended to read as follows.

SEC.1. When a Justice of the Supreme Court or of the Court of Appeals or of the SANDIGANBAYAN, a judge of [court of first instance and industrial relations] THE REGIONAL TRIAL COURT, [Agrarian Relations] Tax Appeals, [Juvenile and Domestic Relations, or a city or municipal judge] METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, MUNICIPAL TRIAL COURT, SHARIAH COURT, FAMILY COURT OR ANY OTHER OURT HEREINAFTER ESTABLISHED, A PPROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE

COUNSEL OF THE DEPARTMENT OF JUSTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OFFICE OF THE OMBUDSMAN, AND A PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE, who has rendered at least twenty (20) years service in the Judiciary, THE DEPARTMENT OF JUSTICE or in any other Branch of the Government, [or in both] (a) retires for having attained the age of [sixty (60)] SEVENTY (70) years IN THE CASE OF A MEMBER OF THE JUDICIARY OR SIXTY-FIVE (65) YEARS IN THE NCASE OF LAWYER OF THE OFFICE OF THE SPEACIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, STATE COUNSEL OR PUBLIC ATTORNEY, SPECIAL PROSECUTOR AND SPECIAL GRAFT INVESTIGATOR; or (b) resins by reason of his incapacity to discharge the duties of his office, he shall receive during the residue of his natural life, in the manner hereinafter provided, the MONTHLY salary which he was receiving at the time of his retirement or resignation. And when a justice of the Supreme Court or of the court of Appeals, or OF THE SANDIGANBAYAN, [a judge of the Court of First Instance] REGIONAL TRIAL COURT, [Industrial Relations Agrarian relations] METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, OR ANY OTHER COURT, SHARIAH COURT, FAMILY COURT, OR ANY OTHER COURT HEREINAFTER ESTABLISHED A PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JSUTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, or a PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE has attained the age of sixty (60) years and has rendered at least twenty (20) years of service in the Government, the last five (5) years of which shall have been continuously rendered in the judiciary OR IN ANY OF THE RESPECTIVE AFOREMENTIONED GOVERNMENT OFFICE/AGENCY AS THE CASE MAY BE, he shall likewise be entitled to retire and receive, during the residue of his natural life, also in the manner hereinafter provided, the salary he was receiving ., it is a condition of the position provided for herein that no retiring justice or judge of a court of record, [or] city or municipal judge PROSECUTOR STATE COUNSEL LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OMBUDSMAN OR PUBLIC

ATTORNEY during the time that he was receiving said pension shall appear as counsel before any court in any civil case wherein the Government is accused of any offense committed in relation to his office, or collect any fee for his appearance in any administrative proceeding to maintain an interest adverse 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 OR THE NATIONAL PROSECUTION SERVICE, THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, THE OFFICE OF THE OMBUDSMAN OR THE PUBLIC ATTORNEY'S OFFICE entitled to the benefits of this act shall assume an elective office, he shall not, upon assumption of office and during his term, receive the monthly pension due him.

SEC.2. In case a justice of the Supreme Court or Court of Appeals or of SANDIGANBAYAN or a judge of the [court of first instance, Circuit criminal Court Agrarian relations] REGIONAL TRIAL COURT, Tax Appeals [juvenile and Domestic Relations, city or municipal METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, OR ANY OTHER COURT, SHARIAH COURT, FAMILY COURT, OR ANY OTHER COURT HEREINAFTER ESTABLISHED A PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, or a PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE dies while in actual service his heirs shall receive a lump sum EQUIVALENT TO [of] five (5) years [gratuity] SALARY BASED UPON THE SALARY THAT HE WAS RECEIVING computed on the basis of his highest monthly salary plus the highest monthly aggregate of transportation, living and representative allowances received by him as such justice or judge PROSECUTOR, STATE COUNSEL LAWYER OF THE SPECIAL PROSECUTOR AND/OR THE OFFICE OF THE OMBUDSMAN OR PUBLIC ATTORNEY. If by reason of his length of service in the Government he was already entailed to the benefits of this act. The same benefits provided for in this section shall be extended to any incumbent justice of the Supreme court or of the Court of Appeals or SANDIGANBAYAN or a judge of the

[court of first instance, circuit criminal court, agrarian relations] REGIONAL TRIAL COURT, tax Appeals [Juvenile and Domestic relations or city or municipal court] METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT MUNICIPAL TRIAL COURT, SHARIAH COURT FAMILY COURT or any other court hereinafter established, A PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, or a PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE 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 (65) or SEVENTY (70) years AS THE CASE MAY BE, or upon other causes, such as illness or permanent physical disability, to be certified to 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] REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, MUNICIPAL TRIAL COURT, SHARIAH COURT, FAMILY COURT or any other court hereinafter established, A PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, or a PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE IN THE CASE OF AN INCUMBENT PUBLIC ATTORNEY, [and other similar courts of record, or a city or municipal judge] which render him incapacitated to continue in his position.

SEC.3. Upon retirement, a justice of the Supreme Court or of the Court of Appeals or the SANDIGANBAYAN or a judge of the [Court of first instance, circuit criminal court, agrarian relations] REGIONAL TRIAL COURT, tax Appeals, [Juvenile and Domestic relations city or municipal court] COURT, METROPOLITAN TRIAL COURT, MUNICIPAL CIRCUIT TRIAL COURT, MUNICIPAL TRIAL COURT, SHARIAH COURT, FAMILY COURT or any other court hereinafter established, A PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, A STATE

COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, A LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OF THE OFFICE OF THE OMBUDSMAN, or a PUBLIC ATTORNEY OF THE PUBLIC ATTORNEY'S OFFICE shall be automatically entailed to a lump sum payment of five years 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; provided, however, that if the reason for retirement be any permanent disability contracted during his incumbency in office and prior to the date of retirement, he shall receive only a gratuity equivalent to ten (10) years salary and allowances aforementioned with no further annuity payable monthly during the rest of the retiree's natural life.

SEC.4. A retiring justice, judge of a court of record [city or municipal judge] PROSECUTOR STATE COUNSEL LAWYER OF THE OFFICE OF THE SPECIAL PROSECUTOR AND/OR OFFICE OF THE OMBUDSMAN OR PUBLIC ATTORNEY who is entitled to the benefits of any prior retirement gratuity Act shall have the option to choose between the benefits in such Act and those herein provided for, and in such case, he shall be entitled only the benefits so chosen. Provided, however, that a justice, judge of a court of record, [or a city or municipal judge]. A PROSECUTOR, A STATE COUNSEL, A LAWYER OF THE SPECIAL PROSECUTOR AND/OR THE OFFICE OF THE OMBUDSMAN OR A PUBLIC ATTORNEY, retired under any prior retirement Act and who is thereafter appointed to the Supreme Court, or to the Court of Appeals or SANDIGAN BAYAN, or to ANY OF THE LOWER COURTS, [the Court of First Instance, Industrial Relations] THE NATIONAL PROSECUTION SERVICE, OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, OFFICE OF THE SPECIAL PROSECUTOR AND/OR OFFICE OF THE OMBUDSMAN, OR TO THE PUBLIC ATTORNEY'S OFFICE, as the case may be, shall be entitled to the benefits of this Act, on condition that, in case he has [already] NOT FULLY refunded to the Government the gratuity previously received by him, there shall be deducted from the amount payable to him under this Act such monthly installments as are required in Section six of Republic Act No. 4051, as amended, until the gratuity already received by him shall have been refunded in full."

“SEC. 5. The [Government Service Insurance System] SUPREME COURT, THE DEPARTMENT OF JUSTICE, THE OFFICE OF THE OMBUDSMAN AND THE PUBLIC ATTORNEY’S OFFICE shall take charge of the enforcement and operation of this Act [and no justice of the Supreme Court, of the Court of Appeals, or judge of the Court of First Instance, Industrial Relations, Agrarian Relations, Tax appeals Juvenile and Domestic Relations, or city or municipal judge] HOWEVER, NO PROSECUTOR OF THE NATIONAL PROSECUTION SERVICE, STATE COUNSEL OF THE OFFICE OF THE CHIEF STATE COUNSEL OF THE DEPARTMENT OF JUSTICE, LAWYER OF THE SPECIAL PROSECUTOR AND/OR THE OFFICE OF THE OMBUDSMAN OR PUBLIC ATTORNEY IN THE PUBLIC ATTORNEY’S OFFICE shall be entitled to receive any gratuity or pension herein provided for unless from the month following the approval of this Act, in case of an actual incumbent, or from the month following his appointment and qualification as such, in case of future appointment, he shall have contributed to the RETIREMENT funds [of the System] by paying a monthly premium CONTRIBUTION [in accordance with the following rates, which fund shall also be made available for the payment of the benefits of the Act:

<u>Officials</u>	<u>Rate per Month</u>
Municipal Judges	P 40.00
All others	100.00

EQUIVALENT TO THE NINE PERCENT (9%) OF HIS BASIC MONTHLY SALARY AND THE AGGREGATE OF HIS TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES, WITH EMPLOYER COUNTER PART OF TWELVE PERCENT (12%) OF THE SAME AGGREGATE AMOUNT. THE RETIREMENT FUND SHALL BE HELD IN TRUST BY THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) WHICH FUND SHALL BE MADE AVAILABLE FOR THE PAYMENT OF THE BENEFITS OF THIS ACT. IN CASE OF DEFICIENCY IN THE FUND, THE DEFICIENCY SHALL BE PAID OUT OF THE APPROPRIATION OF THE

SUPREME COURT OR THE DEPARTMENT OF JUSTICE OR THE OFFICE OF THE OMBUDSMAN, OR THE PUBLIC ATTORNEY'S OFFICE, AS THE CASE MAY BE."

SEC. 2. Such sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SEC. 3. All laws, decrees, orders, rules, regulations, ordinances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in two national newspapers of general circulation.

Approved,