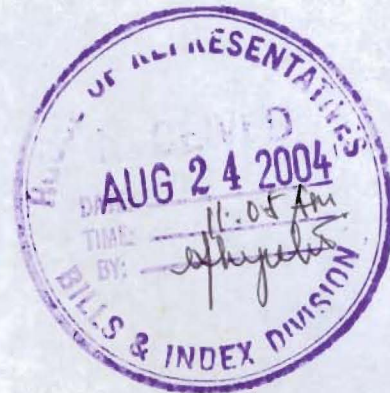


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2572



Introduced by Honorable Raul T. Gonzalez, Jr.

EXPLANATORY NOTE

This bill seeks to provide retirement, death, disability and other benefits to public prosecutors and the legal staff of the Department of Justice.

The national prosecution service and the legal staff of the Department of Justice are granted retirement benefits under existing laws. But considering the nature of their jobs, such benefits seem to be inadequate necessitating the passage of a better retirement law and grant of other benefits to these government workers commensurate to their functions.

The prosecutors are indispensable partners of the judiciary in the enforcement of criminal justice in the country. They are at the forefront in the investigation and prosecution of criminal cases. And because of the nature of their functions, these public servants are exposed to dangers and threats to their lives as well as the members of their families. In fact, a number of them had been assassinated, the motive of which were found to be related with the performance of their duties. Indeed, the job has become risky and hazardous fraught with constant danger to prosecutors lives.

On the other hand, the legal staffs to the Department of Justice are effective partner of the government. They usually render opinions on the correct interpretations of laws. They service all other government agencies. But these groups of employees are receiving low salaries that many lawyers are reluctant to join the Department of Justice legal staff. Better retirement benefits would be a supplement to their low pay and encourage them to stay in the Department until their retirement.

Approval of this Bill is strongly recommended.

Raul Gonzalez Jr
RAUL T. GONZALEZ, JR.

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AN ACT
PROVIDING RETIREMENT, DEATH, DISABILITY AND OTHER BENEFITS
FOR THE PROSECUTORS AND THE LEGAL STAFF OF THE DEPARTMENT
OF JUSTICE, AND APPROPRIATING FUNDS THEREFOR.

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

SECTION 1. Title - This act shall apply to all members of the National Prosecution Service which include all state prosecutors, provincial and city prosecutors and their assistants, and members of the legal staff or the state counsels of the Department of Justice, regardless of their employment status.

SECTION 2. Retirement benefits. – A) Retirement pension – When a member of the national prosecution service or legal staff of the Department of Justice who has rendered at least ten (10) years of service to the government retires upon reaching the age of sixty five (65) years, or resigns by reason of his incapacity discharge the duties of his office, he shall, during the residue of his natural life, receive a monthly pension equivalent to his aggregate highest monthly salary, including the highest aggregate of transportation, living and representation allowances and such other allowances from the local government units concerned which he has receiving at the time of his retirement or resignation; Provided, that a prosecutor or legal staff covered under this Act, who has reached sixty (60) years of age and has rendered at least fifteen (15) years of service in the government, the last five (5) years of which have been continuously rendered in the prosecution service, shall also be entitled to retire and receive, until his death, the same benefits provided for in this section: Provided further, that no prosecutor or legal staff receiving the benefits provided herein, shall appear as counsel before any court in any civil case wherein, the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an office committed in relation to his office, or shall collect any fee for his appearance in any administrative proceedings wherein an interest adverse to the Government, whether national, provincial, municipal or barangay or to any of its legally constituted officers is maintained.

B) Lump Sum Retirement Benefit. – Upon retirement, a prosecutor or legal staff covered under this Act, shall be automatically entitled to lump sum of five years gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and living allowances and such other monthly allowances from local Government Unit concerned on the day of his retirement: Provided however, that a recipient who retires due to permanent disability contracted during his incumbency in office and before reaching the age of sixty five or sixty, as the case may be, shall be entitled only to a lump sum of (5) years gratuity with no other annuity during the rest of his natural life.

SECTION 3. Gratuity, Death and Disability Benefits. – In case a prosecutors or legal staff dies while in actual service, his legal heirs shall be entitled to a lump sum of five (5) years gratuity computed on the basis of the highest monthly aggregate salary, transportation and other allowances received by him as a prosecutor or legal staff.

The same benefits provided for under this section shall also be extended to any incumbent prosecutor or legal staff who, without having attained the length of service required in section 3 (A) hereof, shall have to retire upon the causes, such as illness or permanent physical disability, to be certified to by the Secretary of Justice, which render him incapacitated to discharge his duties.

SECTION 4. Survivorship Benefits. – When a prosecutor or a legal staff of who has retire under the provisions hereof, dies, the surviving spouse and the unmarried dependent children below twenty one (21) years of age shall be entitled to survivorship benefits, which shall be computed in the manner provided for under the section 17 & 18 of the Presidential Decree Numbered 1146, otherwise known as the Revised Government Service Insurance Act of 1997.

SECTION 5. Longevity Pay. – A longevity pay equivalent to ten percent (10%) of the basic monthly pay shall be paid for each five (5) years of the continuous, efficient and meritorious service rendered with the National Prosecution Service or the legal staff of the Department of Justice.

The term “salary” as used in this Act shall include the longevity pay provided for herein and shall also be included as part of the highest monthly salary in the computation of the benefits provided under this Act.

SECTION 6. Enforcement of Benefits by the Government Service Insurance System. – The Government Service Insurance System shall take charge of the enforcement and implementation of this Act. No prosecutor or legal staff shall be entitled to receive any gratuity or pension herein provided within thirty (30) days from his appointment and qualifications as in such, in case of new appointments and unless he shall have contributed the funds of the GSIS law and its implementing rules and regulations.

SECTION 7. Retirement Gratuity Under Other Laws – A retiring prosecutor or legal staff of the Department of justice who is entitled to the benefits under the other retirement laws shall have the option to choose between the benefits granted under such law and those provided herein, in which case, he shall be entitled only to the benefits granted under the law so chosen: Provided however, that a prosecutor or a legal staff retired under any prior retirement law and who is thereafter reappointed to the prosecution service or legal staff of the Department of Justice, as he case may be, shall be entitled to the benefits hereof subject to the condition that, in case he has fully refunded by him under this Act.

SECTION 8. Appropriations – The amount necessary for the effective implementation of this Act shall be charge against the appropriations Act. Thereafter, such amount as maybe necessary for its continues implementation shall be included in the annual General Appropriations Act.

SECTION 9. Repealing Claus – All the laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 10. Effectively – This Act shall take effect upon its approval

Approved.