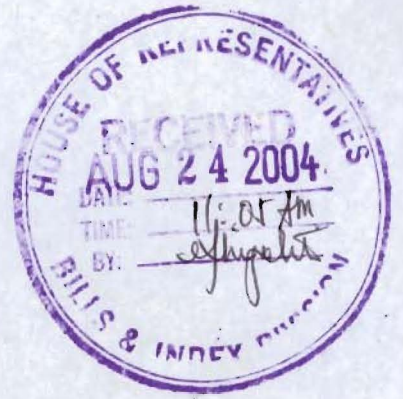


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Thirteenth Congress
First Regular Session

HOUSE BILL NO. 2573



Introduced by Honorable Raul T. Gonzalez, Jr.

EXPLANATORY NOTE

It is of common knowledge that the remuneration accorded to the Justices of the Supreme Court and the Court of Appeals and other members of the Judiciary is indecently low. In response to the call of duty in the administration of justice, most of them have had to forego lucrative opportunities elsewhere; yet, after having made a noble sacrifice and having devoted the best years of their lives to public service, they are not afforded appreciable security after retirement. The existing retirement laws, foremost of which is Republic Act No. 910, as amended, are unresponsive to the rapidly changing economic conditions. The gratuity provided there under is not commensurate with the valuable service rendered by the Justices of the Supreme Court, Court of Appeals and the other members of the Judiciary.

The proposed bill seeks to upgrade these retirement benefits and redefine the retirement condition on the length of service to the government. In the computation of benefits under the existing laws, the basis in all cases is the salary of the Justices plus the highest monthly aggregate of transportation, living and representation allowances which he was receiving at the time of his retirement (compulsory or optional), resignation or death. In case of an increase in the salary for the same position, the pension benefits of retired members of the Judiciary is automatically increased under the bill. Anent the retirement condition, this bill provides the following modifications: (1) in case of retirement after having completed the term of office, or resignation by reason of incapacity to discharged the duties of his office, the number of years of service to the government reduced from twenty years to fifteen (15) years; (2) In case of resignation (or optional retirement) after having attained the age of sixty years, the said retirement condition is reduced at least fifteen (15) years of service in the government, the last five(5) years in which have been continuously rendered in the Judiciary; and those 93) those with less than fifteen (15) years service in the government or judiciary, but otherwise qualified, shall be entitled to a pro rata monthly pension.

The immediate approval of this bill is highly recommended.

RAUL T. GONZALEZ, JR.

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HOUSE BILL NO. _____ **2573**

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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:

SECTION 1. Section 1 of Republic Act No. 910, as amended is hereby to read as follows:

“Section1. When a justice of the Supreme Court of Appeals [,] OR a judge of [Court of First Instance] THE REGIONAL TRAIL COURT, [Industrial Relations], COURT OF TAX APPEALS, [Juvenile and Domestic Relations], METROPOLITAN TRAIL COURT, SHARI’AH DISTRICT COURT, SHARI’AH CIRCUIT COURT OF ANY OTHER COURT HEREAFTER ESTABLISHED who has rendered at least [twenty (20) FIFTEEN (15) years service in the judiciary or in any other branch of the government, or in both (a) retires for having attained the age of seventy years or (b) resigns by reason of his office, he shall receive during the residue of his natural life, in the manner hereinafter provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPRESENTATION ALLOWANCES which he has receiving at the time of his retirement, or resignation, [AND] When a justice of the Supreme Court or the Court of Appeals, a judge of [Court of First Instance], REGIONAL TRIAL COURT, [Industrial Relations], [Agrarian Relations], COURT OF TAX APPEALS, {Juvenile and Domestic Relations], METROPOLITAN TRAIL COURT, MUNICIPAL MTRIAL COURT, MUNICIAPL CIRCUIT TRIAL COURT, SHARI’AH DISTRICT COURT, SHARI’AH CIRCUIT COURT OR ANY OTHER COURT HEREAFTER ESTABLISHED, [or a city or municipal judge] has attained the age of sixty years and has rendered at least FIFTEEN [twenty] years service in the Government, the last five(5) of which shall have been continuously rendered in the judiciary, he shall likewise be entitled to retire and receive during the residue of his natural life also in the manner hereafter provided, the salary PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING AND REPERESENTATION ALLOWANCES WHICH he has then receiving; PROVIDED, THAT THOSE WITH LESS THAN FIFTEEN (15) YEARS SERVICE IN THE GOVERNMENT OR JUDICIARY SHALL BE ENTITLED TO A PRO-RATA MONTHLY PENSION COMPUTED AS FOLLOWS:

NO. OF YEARS IN THE
GOVERNMENT OR JUDICIARY

15 YEARS

X

BASIC PAY PLUS THE HIGHEST
MONTHLY AGGREGATE OF
TRANSPORTATION, LIVING AND
REPRESENTATION ALLOWANCES

It is a condition of the pension provided for herein that no retiring justice or judge of a court of record or city or municipal judge during the time that he is receiving said pension shall appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality hereof is the adverse party, or in any criminal case wherein an officer or an employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings to maintain an interest adverse to the government, national, provincial or municipal, or to any each legally constituted officers, it also a condition of the pension provided for herein that when a member of the judiciary entitled to the benefits of this act shall assume an elective public office, he shall not, upon assumption of office and during his term, receive the monthly pension due him.

SECTION 2. Section 2 of the same Republic Act is hereby amended to read as follows:

“Sec. 2. In case a Justice of the Supreme Court of Court of Appeals or a judge of the [Court of First Instance] REGIONAL TRAIL COURT, [Circuit Criminal court, Agrarian Relations], COURT OF Tax Appeals, [Juvenile and Domestic Relations] METROPOLITAN TRIAL COURT, [city or] [m] MUNICIPAL TRIAL [c] COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI’AH DISTRICT COURT, SHARI’AH CIRCUIT COURT, or any other court hereafter established, dies while in actual service, his heirs shall receive a lump sum of five years’ gratuity computed on the basis on the highest monthly salary plus the highest monthly aggregate of transportation, Living and Representation Allowances received by him as such justice or judge [if by reason of his length of service in the government he was already entitled to the benefits of this Act] IRRESPECTIVE OF HIS LENGTH OF HIS SERVICE IN THE GOVERNMENT. LIKEWISE THE PRIMARY HIRES SHALL BE ENTITLED TO THE BASIC SURVIVORSHIP PENSION WHICH IS GUARANTEED FOR THIRTY MONTHS AND THE DEPENDENT’S PENSION NOT EXCEEDING FIFTY PER CENTUM OF THE BASIC MONTHLY PENSION: PROVIDED THAT THE DECEASED HAD PAID AT LEAST THIRTY SIX MONTHLY CONTRIBUTIONS WITHIN THE FIVE YEAR PERIOD IMMEDIATELY PRECEDING HIS DEATH: PROVIDED, FURTHER THAT AT THE END OF THIRTY MONTH GUARANTEED PERIOD, THE SURVIVORSHIP PENSION SHALL BE PAID AS FOLLOWS:

(A) WHEN THE DEPENDENT SPOUSE IS THE ONLY SURVIVOR, HE/SHE SHALL RECEIVE THE BASIC SURVIVORSHIP PENSION FOR LIFE OR UNTIL HE/SHE REMARRIES;

(B) WHEN ONLY DEPENDENT CHILDREN ARE THE SURVIVORS, THEY SHALL BE ENTITLED TO THE SURVIVORSHIP PENSION FOR AS LONG AS THEY QUALIFIED;

© WHEN THE SURVIVORS ARE THE DEPENDENT SPOUSE AND THE DEPENDENT CHILDREN, THEY SHALL BE ENTITLED TO THE SURVIVORSHIP PENSION SO LONG AS THEY ARE DEPENDENT CHILDREN AND, THEREAFTER, THE SURVIVING SPOUSE SHALL RECEIVE THE BASIC SURVIVORSHIP PENSION FOR LIFE OR UNTIL HE/ SHE REMARRIES.

[The same benefits provided for in this section shall be extended to any incumbent justice of the Supreme Court or the Court of Appeals, or a judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relation, or city or municipal court, or any other court hereafter established, as the case ,maybe who, without having attained the length of service required in Section 1 hereof, shall have to retire upon reaching the age of sixty five years, or upon other causes, such as illness or permanent physical disability, to be certified 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, and other similar courts of record, or a city or municipal judge, which render him incapacitated to continue in his position].

SECTION 3. Section 3 of the same Act is hereby amended to read as follows:

“Sec. 3 Upon retirement, a justice of the Supreme Court or of the Court of Appeals of a judge of the [Court of First Instance] REGIONAL TRIAL COURT, [CIRCUIT CRIMINAL COURT, AGRARIAN RELATIONS], COURT OF Tax Appeals, [Juvenile and Domestic relations] METROPOLITAN TRIAL COURT, MUNICIAPL TRIAL COURT, [city or [m] MUNICIPAL CIRCUIT TRIAL [c] COURT, SHARI’AH DISTRICT COURT, SHARI’AH CIRCUIT COURT, or any other court hereafter established, shall automatically entitled to a lump sum ayment of five years SALARY [gratuity] computed on the basis of the highest monthly salary plus highest monthly aggregate of transportation, living and representation allowances he was receiving on the date of his retirement [.]AND THEREAFTER UPON SURVIVAL AFTER THE EXPIRATION OF FIVE YEARS, TO FURTHER ANNUITY PAYABLE MONTHLY DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION 1 HEREOF; Provided, however, that if the reason for the retirement by any permanent disability contracted during his incumbency in office and prior to the date of his retirement, he shall receive [only] a gratuity equivalent to ten years salary and the allowances aforementioned [with no further annuity payable monthly during the rest of the retiree’s natural life.] PROVIDED, FURTHER, THAT SHOULD THE RETIREMENT BE WITH THE ATTENDANCE OF ANY PARTIAL PERMANENT DISABILITY CONTRACTED DURING HIS INCUMBENCY AND PRIOR TO THE DATE OF RETIREMENT, HE SHALL RECEIVE AN ADDITIONAL GRATUITY EQUIVALENT TO (2) YEARS LUMP SUM THAT HE IS ENTITLED UNDER THIS ACT; PROVIDED, FURTHER, THAT IF THE JUSTICE SURVIVES AFTER TEN (10) YEARS OR SEVEN (7) YEARS, AS THE CASE MAY BE, HE SHALL CONTINUE TO RECEIVE A MONTHLY ANNUITY AS COMPUTED UNDER THE ACT DURING THE RESIDUE OF HIS NATURAL LIFE PURSUANT TO SECTION HEREOF; PROVIDED FINALLY, THAT THOSE WHO HAVE RETIRED WITH THE ATTENDANCE OF ANY PARTIALPERMANENT DISABILITY FIVE YEARS PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL ENTITLED TO SAME BENEFITS PROVIDED HEREIN.

SEC. 3-A. ALL PENSION BENEFITS OR RETIRED MEMBERS OF THE JUDICIARY SHALL BE AUTOMATICALLY INCREASED WHENEVER THERE IS AN INCREASED IN THE SALARY OF THE SAME POSITION FROM WHICH HE RETIRED.

SEC. 3-B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED TO THOSE WHO HAVE RETIRED FIVE YEARS PRIOR TO THE EFFECTIVITY OF THIS ACT.

SECTYION 4. Such amount necessary to carry out the provisions of this Act is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SECTION 5. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. This Act shall take effect fifteen (15) days following the completion of its publication in t6he official gazette or in any two (2) newspaper of general circulation.

Approved.