

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Second Regular Session

House Bill No. 5072



Introduced by HON. DOUGLAS RA. CAGAS

EXPLANATORY NOTE

The prosecutors of both the Department of Justice and the Office of the Ombudsman discharge a vital role in our criminal justice system. They share the heavy task of maintaining and upholding the rule of law. In their everyday life, they carry the uncommon burden of prosecuting offenders, as they prove their case through the entire judicial mill.

Such a way of life exacts complete devotion and dedication from our prosecutors. It is a sad commentary, however, that existing legislations all fall short in the appreciation of their work.

Thus, there is an urgent need to address this inequity, if only to stem the tide of demoralization that is slowly creeping within the ranks of our prosecutors. It is difficult for them to become effective partners in the fight for justice, when they themselves are laboring under oppressive conditions. Though it is their bounden duty to preserve the laws, it is a supreme irony that these laws seem oblivious to their own plight and needs.

Consistent with the intent to address the plight of our prosecutors, this proposed bill aims to establish for them a generous retirement benefit package. There is an urgent need to provide a solid and competitive retirement package commensurate to the demands and pressure exacted from them.

Because in the end – it is trite but it is true – justice is about giving one's fair share, and it is high time that we give our prosecutors what is due them.

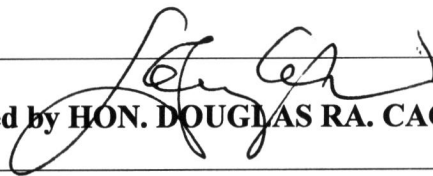
It is for these reasons that the immediate passage of this bill is earnestly requested.


DOUGLAS RA. CAGAS

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**AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM
FOR PROSECUTORS IN THE NATIONAL PROSECUTION SERVICE
OF THE DEPARTMENT OF JUSTICE
AND IN THE OFFICE OF THE OMBUDSMAN,
PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.**

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

SECTION 1. *Short Title.* This Act shall be known as “*Expanded Retirement Law for Prosecutors in the National Prosecution Service and in the Office of the Ombudsman.*”

SECTION 2. *Coverage.* This Act shall apply to prosecutors of both the National Prosecution Service and the Office of the Ombudsman.

SECTION 3. *Retirement Benefits.* When a prosecutor, who has rendered at least twenty (20) years of service either in the National Prosecution Service or in any branch of government, or in both, retires for having attained the age of sixty-five (65) years, or resigns by reason of incapacity to discharge the duties of his office, he shall, during the residue of his natural life, in the manner hereinafter provided, receive a retirement pension based on the highest monthly salary, plus the highest monthly aggregate of transportation, living, and representation allowances, which he was receiving at the time of his retirement or resignation.

When a prosecutor has attained the age of sixty (60) years and has rendered at least twenty (20) years of service in government, the last five (5) years of which must have been continuously rendered in the prosecution service, he shall likewise be entitled to retire and receive during the residue of his natural life the same benefits provided for in this section; Provided, however, That those with less than twenty (20) years service in the government shall be entitled to a pro-rata monthly pension computed as follows:

NO. OF YEARS IN GOVERNMENT		BASIC PAY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, LIVING, AND REPRESENTATION ALLOWANCES
<u>20 YEARS</u>	X	

SECTION 4. *Conditions.* To maintain entitlement to the pension herein provided, no prosecutor, during the time he is receiving said pension, shall appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the Government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case wherein any officer or 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, whether national, provincial, or municipal, or to any of its legally constituted officers.

When a prosecutor covered under this Act shall assume an elective public office, he shall not, upon assumption of office and during his term, receive the monthly pension or any of the allowance due him.

SECTION 5. *Automatic Increase.* All pension benefits of retired prosecutors of both the National Prosecution Service and the Office of the Ombudsman shall be automatically increased whenever there is an increase in the salary of the same position from which he retired.

SECTION 6. *Retroactivity.* The benefits under this Act shall be granted to all those who retired prior to the effectivity of this Act.

SECTION 7. *Applicability.* All benefits heretofore extended under Republic Act No. 910, and all other benefits that may be extended by way of any amendment thereto shall likewise be given to the prosecutors covered by this Act.

SECTION 8. *Appropriation.* 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. Thereafter, such amount as may be necessary to implement this Act shall be included in the Annual General Appropriations Act.

SECTION 9. *Repealing Clause.* All laws, executive orders, presidential decrees, proclamations, issuances, rules, and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 10. *Effectivity.* This Act shall take effect after fifteen (15) days following its full publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.

Approved,