

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Diliman, Quezon City

THIRTEENTH CONGRESS
Third Regular Session

House Bill No. 6009

Explanatory Note

This bill intends to introduce amendments to some provisions of R.A. 9227 to the effect that special allowances given to justices, judges, and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals and Judges of Regional Trial Court shall also be extended to all other judges of courts lower than the two aforementioned Justices and Judges who have since retired or may hereafter retire in the Judiciary.

R.A. 9227 grants additional compensation in the form of special allowances for justices and judges in the Judiciary and all other officials with the equivalent rank of Justices of the Court of Appeals and Judges of the Regional trial Court.

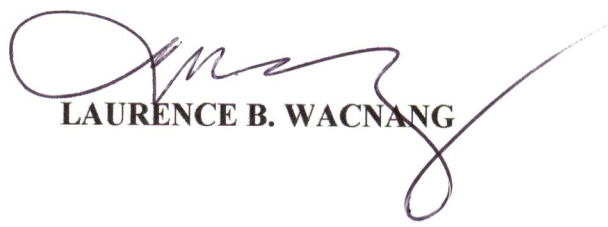
Noting that the law seemed not to have included increases in gratuities for retired Justices of the Supreme Court, retired Justice Abraham Sarmiento, in a letter dated November 3, 2003, sought a decision of the Supreme Court for the upgrading of benefits as granted by R.A. 9227 to apply also to incumbent Supreme Court Justices. As reported by the Philippine Star, December 13, 2004, page 6, the Supreme Court, in an en banc resolution dated December 1, 2003, ruled that the laws were clear that said retired Supreme Court Justices should get the same pension as the salary of the incumbent and that a retiree who received a five-year lump sum payment is likewise entitled to automatic adjustments after retirement.

True enough, the provisions of R.A. No. 9227 and Implementing Guidelines cover all Justices and Judges and all other positions in the Judiciary with equivalent rank of Justices of the Court of Appeals and Judges of the Regional Trial Courts to include in the coverage of the law the retired Justices of the Supreme Court, even if the latter are not within the equivalent rank of the Justices of the Court of Appeals and Judges of the Regional Trial Courts.

Such provision of the law and such above-cited Resolution of the Supreme Court appear clearly to be discriminatory against Judges of Courts of lower rank other than that of Justices of the Court of Appeals and Judges of the Regional Trial Courts. **Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** who have since retired and may hereafter retire in the Judiciary have been excluded. The provisions of R.A. 9227 need to be amended if only to include such judges of courts of lower rank than that of Justices of the Court of Appeals and Judges of the Regional Trial Courts.

Considering all the foregoing, approval of this bill is urgently requested.


MAURICIO G. DOMOGAN


LAURENCE B. WACNANG



Republic of the Philippines
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Introduced by
HON. MAURICIO G. DOMOGAN and HON. LAURENCE B. WACNANG

AN ACT
TO AMMEND SECTION 2, PAR. 1, SECTION 3, PARS. 2 AND 3, SECTION 5, AND SECTION 6 OF REPUBLIC ACT NO. 9227 OTHERWISE KNOWN AS “AN ACT GRANTING ADDITIONAL COMPENSATION IN THE FORM OF SPECIAL ALLOWANCES FOR JUSTICES, JUDGES AND ALL OTHER POSITIONS IN THE JUDICIARY WITH THE EQUIVALENT RANK OF JUSTICES OF THE COURT OF APPEALS AND JUDGES OF THE REGIONAL TRIAL COURT, AND FOR OTHER PURPOSES.”

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

Section 1. Title. – This Act shall be known as the “Additional Compensation Act for Lower Courts of 2006”.

Section 2. Grant of Special Allowances. – Sec. 2 of Republic Act No. 9227 is hereby amended to read “All Justices, Judges and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals, Judges of the Regional Trial Courts, **Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** as authorized under existing laws shall be granted Special allowances equivalent to one hundred percent (100%) of the basic month salary specified for their respective salary grades under Republic Act No. 6758, as amended, otherwise known as the Salary Standardization Law, to be implemented for a period of four (4) years.”

Section 3. Funding Source. – Sec. 3 par. 3 of the same Act is hereby amended to read “In the event that the said amounts are insufficient to cover the grant of allowances of last year implementation of this Act, the National Government shall subsidize the special allowance granted for **Justices of the Court of Appeals, Judges of the Regional Trial Courts, Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** authorized under existing laws in an amount not exceeding one hundred and sixty five million pesos (Php. 165,000,000.00) per annum.

Sec. 3 par. 4 is likewise amended to read “If the collection from any increase in current fees and any new fees imposed after the effectivity of this Act exceed the amount needed to fund the special allowances granted to Justices, Judges and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals, Judges of the Regional Trial Courts, **Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** as authorized under existing laws, the surplus may be used by the Chief Justice of the Supreme Court to grant additional allowances exclusively to other court personnel not covered by the benefits granted under this Act.

Section 4. Inclusion in the Computation of Retirement Benefits. – Sec. 5 of said Act is hereby amended to read “For purposes of retirement, only the allowances actually received and the tranche or tranches of the special allowance already implemented and received pursuant to this Act by the Justices, Judges and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals, Judges of the Regional Trial Courts, **Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** as authorized under existing laws shall, at the date of their retirement, be included in the computation of their respective retirement benefits.

Section 5. Effects of Subsequent Salary Increases. – Sec. 6 of the same Act is hereby amended to read “ Upon implementation of any subsequent increase in the salary rates provided under Republic Act No. 6758, as amended, all special allowances granted under this Act to Justices, Judges and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals, Judges of the Regional Trial Courts, **Judges of the Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Court and Sharia Court** as authorized under existing laws and any additional allowances granted to other personnel of the Judiciary shall be considered as an implementation of the said salary increases as may be provided by law. The Special Allowance equivalent to the increase in the basic salary as may be provided by law shall be converted as part of basic salary: *Provided*, That any excess in amount of special allowance not converted as part of the basic salary shall continue to be granted as such.

Section 6. Issuance of Implementing Guidelines. – The Supreme Court and the Department of Budget and Management shall issue the necessary guidelines for the proper implementation of this Act in respect to funds coming from the National Treasury within ninety (90) days from approval hereof.

Section 7. Repealing Clause. – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 8. Separability Clause. – If any provisions of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full force and effect.

Section 9. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,