

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

16<sup>th</sup> Congress  
First Regular Session

House Bill No. 1495



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Introduced by Honorable Sergio A. F. Apostol

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### EXPLANATORY NOTE

The within proposed bill is inspired by the same motivation that animated the enactment of Republic Act 9227 which granted additional compensation in the form of special allowances to, *infer alia*, Justices of the Supreme Court. It, in effect, extends to the Members of the Senate, Members of the House of Representatives, the Chairman/Commissioners of the three (3) independent Constitutional Commissions (Commission on Audit, Commission on Elections and Civil Service Commission) and the Ombudsman the same benefits enjoyed by the Supreme Court Justices, as far as applicable, under the said RA 9227.

Enactment of this bill would be in consonance with the fiscal autonomy and independence attribute enjoyed by the Senate, House of Representatives, the three (3) Constitutional Commissions and the Ombudsman under the 1987 Constitution which thereby fleshed out more meaningfully and lent more significance.

In regard to RA 9227, it will be recalled that before its enactment, the salary levels and retirement benefits of the Members of the Senate, Members of the House of Representatives, the Members of the Constitutional Commissions and the Ombudsman were at par with and in the same category as that of the Justices of the Supreme Court. The herein proposed bill is, thus, a recognition of its necessity and aims to standardize the compensation structure and retirement benefits amongst Supreme Court Justices, Members of the House of Representatives, Members of the Constitutional Commissions and the Ombudsman.

The three (3) independent Constitutional Commissions as fixtures in the 1987 Constitution are concerned with specialized areas of governance – administration of the electoral process (COMELEC), administration of the civil service (Civil Service Commission), and administration of fiscal controls of the government (COA) – and, hence, are designed as specialized agencies of government.

These three (3) Commissions play the role of countervailing institutions by providing an independent check to the three (3) branches of government (Legislative, Executive, and Judiciary) in respect to their respective areas of concern and competence. In a real sense, given the nature of their responsibilities as well as the unique role that they play in the scheme of things, they virtually constitute the fourth (4<sup>th</sup>) branch of government that is perceived as co-equal and co-important with the other branches, including the Judiciary, particularly the Supreme Court.

The Ombudsman, likewise an independent constitutional body, enjoys the same rank and salary as that of the Chairmen of the Constitutional Commissions and plays a vital role as the constitutional mechanism for enforcement of accountability of all public officers.

The Members of the Senate and the House of Representatives on the other hand, continued its primary role as architect of the national policy infrastructure that advances the country's development in all sectors and defines policy thrusts in public administration, agriculture, education, labor and industry.

The within proposed legislation is designed to provide an additional financial incentive by which to entice and attract capable men and women of proven probity and independence to serve in such highly sensitive offices as the Senate, the House of Representatives, the Constitutional Commissions and the Ombudsman with utmost responsibility, integrity, loyalty and efficiency.

In view hereof, prompt approval of the within proposed bill is respectfully urged.



**SERGIO A. F. APOSTOL**  
Representative  
Second District, Leyte

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AN ACT AUTHORIZING THE RECEIPT OF ADDITIONAL COMPENSATION IN THE  
FORM OF SPECIAL ALLOWANCES BY MEMBERS OF CONGRESS,  
THE CONSTITUTIONAL COMMISSIONS AND THE OMBUDSMAN,  
AND FOR OTHER PURPOSES

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

**SECTION 1.** *Declaration of Policy.* It is hereby declared a policy of the State to adopt measures calculated to guarantee and safeguard the independence of the Senate of the Philippines, House of Representatives, Commission on Audit, Commission on Elections, the Civil Service Commission, and the Ombudsman as well as flesh out and lend more meaning, significance and substance to the fiscal autonomy enjoyed by these constitutional bodies as mandated by the 1987 Constitution, and to ensure an efficient and effective discharge of their powers, functions and responsibilities in their respective areas of concern as specialized agencies of the government.

**SECTION 2.** *Special Allowances as Additional Compensation.* Any provision of law to the contrary notwithstanding, the Chairmen/Commissioners of the Commission on Audit, the Commission on Elections, the Civil Service Commission, the Ombudsman and all members of Senate and House of Representatives are hereby authorized to receive additional compensation in the form of special allowances in an amount equivalent to one hundred percent (100%) of their basic monthly-salary as specified for their respective salary grades under the Salary Standardization Law.

The entitlement to the special allowances as herein authorized shall be implemented uniformly for a period of four (4) years commencing the current calendar year in such sums or amounts equivalent for twenty five percent (25%) of the basic salaries of the positions covered by this Act. Subsequent implementation shall be to the

extent only of such sums and amounts as can be supported by the funding source specified in Section 3 hereof.

**SECTION 3. *Funding Source.*** Funds for the initial implementation of this Act to be set aside and allocated as "Special Allowances" in the books of account of the House of Representatives, the Constitutional Commissions and the Office of the Ombudsman shall be charged to and taken out of the current appropriations and/or available savings therein.

The Department of Budget and Management shall invariably include in the annual General Appropriations Act for the subsequent calendar years the necessary outlay for the said Special Allowances as the funding source for the continued implementation of this Act.

**SECTION 4. *Inclusion in the Computation of Retirement Benefits.*** In order to upgrade the retirement benefits presently enjoyed by retired Members of Congress, the Members of the Constitutional Commissions and the Ombudsman pursuant to applicable retirement laws, the life pension that they are receiving monthly from the government shall be adjusted automatically forthwith so as to include in the computation thereof the amount equivalent to the special allowances herein authorized.

**SECTION 5. *Issuance of Implementing Guidelines.*** The Senate President, the Speaker of the House of Representatives, the Chairman of the Constitutional Commissions and the Ombudsman shall jointly issue the necessary guidelines for the proper implementation of this Act within ninety (90) days from the approval hereof.

**SECTION 6. *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 7. *Separability Clause.*** If any provision of this Act is declared invalid or unconstitutional, the provisions thereof not affected by such declaration shall continue to be in full force and effect.

**SECTION 8. *Effectivity Clause.*** This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

**Approved,**