

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



SIXTEENTH CONGRESS
First Regular Session

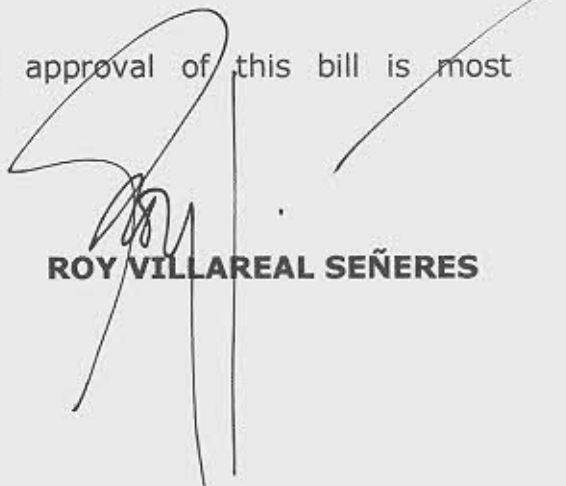
HOUSE BILL NO. 3239

Introduced by
OFW Family Party-List Representative ROY V. SEÑERES

EXPLANATORY NOTE

This bill seeks to rationalize the change of status of a member of the Government Service Insurance System (GSIS) from active service to special in order to safeguard, protect, secure, and guarantee the retirement benefits due to the said member under Republic Act No. 8291, otherwise known as the Government Service Insurance System Act of 1997. The passage into law of this measure will eliminate any attempt to reduce, diminish, and/or lessen, if not to destroy, the retirement benefits due to the special member under the law. So much so, it will uphold and give full meaning to the oft-repeated declarations and pronouncements of the Supreme Court in a long-line of decisions and resolutions that retirement laws must and should always be construed in favor of the retiree/beneficiary.

In view of the foregoing, approval of this bill is most respectfully requested.


ROY VILLAREAL SEÑERES

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

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3239

Introduced by
OFW Family Party-List Representative ROY V. SEÑERES

AN ACT
RATIONALIZING THE CHANGE OF STATUS OF A MEMBER OF
THE GOVERNMENT SERVICE INSURANCE SYSTEM FROM
ACTIVE TO SPECIAL, AMENDING FOR THE PURPOSE
SECTIONS 2 AND 55 OF REPUBLIC ACT NO. 8291,
OTHERWISE KNOWN AS THE GOVERNMENT SERVICE
INSURANCE SYSTEM ACT OF 1997, AND FOR OTHER
PURPOSES

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

SECTION 1. Section 2 of Republic Act No. 8291, otherwise known as the "Government Service Insurance System Act of 1997", is hereby amended to read as follows:

"SEC. 2. *Definition of Terms.* – Unless the context otherwise indicates, the following terms shall mean:

- (a) Xxx;
- (b) Xxx;
- (c) Xxx;
- (d) Xxx;
- (e) Xxx;
- (f) xxx;

- (g) xxx;
- (h) xxx;
- (i) xxx;
- (j) xxx;
- (k) xxx;
- (l) xxx;
- (m) xxx;
- (n) xxx;
- (o) xxx;
- (p) xxx;
- (q) xxx;
- (r) Xxx;
- (s) xxx;
- (t) xxx;
- (u) xxx[.];
- (V) SPECIAL MEMBER – AN ACTIVE MEMBER APPOINTED TO A NEW POSITION WITH BENEFITS UNDER A SPECIAL RETIREMENT LAW;
- (W) SPECIAL RETIREMENT LAW – THE JUDICIARY RETIREMENT LAW, OTHERWISE KNOWN AS REPUBLIC ACT NO. 910, AS AMENDED, AND WITH ADDITIONAL BENEFITS UNDER REPUBLIC ACT NO. 9946.”

SEC. 2. Section 55 of Republic Act No. 8291, otherwise known as the Government Service Insurance System Act of 1997, is hereby amended to read as follows:

“SEC. 55. *Exclusiveness of Benefits.* – Whenever other laws provide similar benefits for the same contingencies covered by this Act, the member who qualifies to the benefits shall have the option to

choose which benefits will be paid to him. However, if the benefits provided by the law chosen are less than the benefits provided under this Act, the GSIS shall pay only the difference.

ON THE OTHER HAND, WHENEVER THERE IS A CHANGE OF STATUS OF A MEMBER OF GSIS FROM ACTIVE TO SPECIAL, GSIS SHALL DETERMINE WHATEVER BENEFITS THE SAID SPECIAL MEMBER HAS QUALIFIED TO, BY VIRTUE OF HIS/HER CONTRIBUTION, WITHIN ONE (1) MONTH FROM NOTICE OF SUCH CHANGE OF STATUS: PROVIDED, THAT GSIS SHALL IMMEDIATELY PAY THE BENEFITS DUE TO THE SPECIAL MEMBER WITHOUT DELAY: PROVIDED, FURTHER, THAT THE BENEFITS DUE TO THE SPECIAL MEMBER SHALL BE CONSIDERED SEPARATE AND DISTINCT FROM THE BENEFITS AUTHORIZED BY SPECIAL RETIREMENT LAW: PROVIDED, FINALLY, THAT THE BENEFITS MENTIONED HEREIN SHALL BE ENJOYED BY THOSE SPECIAL MEMBERS WHO HAVE RETIRED ALREADY."

SEC. 3. Implementing Rules and Regulations. - The GSIS shall adopt and promulgate the necessary rules and regulations not later than thirty (30) days from the effectivity of this Act.

SEC. 4. Retroactivity Clause. - The benefits mentioned in Section 2 hereof pertaining to a change of status of a member of GSIS from active to special shall be granted to all those special members who have retired prior to the effectivity of this Act.

SEC. 5. Repealing Clause. - All laws, decrees, executive orders, circulars, and rules and regulations inconsistent herewith, are hereby deemed repealed or modified accordingly.

SEC. 6. Separability Clause. - If any provision of this Act is held invalid or declared unconstitutional, the other provisions which are not affected thereby shall remain valid and subsisting.

SEC. 7. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation, whichever comes first.

Approved,