

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3332



Introduced by
Hon. FERDINAND MARTIN G. ROMUALDEZ

AN ACT
GRANTING ADDITIONAL COMPENSATION IN THE FORM OF SPECIAL
ALLOWANCES FOR MEMBERS OF THE CONSTITUTIONAL COMMISSIONS
AND THE OMBUDSMAN, AND FOR OTHER PURPOSES

This 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 all justices and judges in the judiciary. It, in effect, extends to the Chairmen and Commissioners of the three (3) independent Constitutional Commissions and the Ombudsman the same benefits enjoyed by the judiciary.

Enactment of this bill would be in consonance with the fiscal autonomy and independence attribute enjoyed by 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 Constitutional commissions and the Ombudsman were at par with and in the same category as that of the justices of the Supreme Court. This 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 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 the administration of fiscal controls of the government (COA) – and, hence, are designed as specialized agencies of government.

The 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 (4th) 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.

This bill 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 Constitutional Commissions and the Ombudsman with utmost responsibility, integrity, loyalty and efficiency.

Hence, the approval of this bill is earnestly sought.



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

Section 1. *Declaration of Policy.* It is hereby declared a policy of the State of adopt measures calculated to ensure and safeguard the independence of the Commission on Audit, the 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.

Sec. 2. *Special Allowances as Additional Compensation.* Any provision of law to the contrary notwithstanding, the Chairmen and Commissioners of the Commission on Audit, the Commission on Elections, the Civil Service Commission, and the Ombudsman are hereby authorized to receive additional compensation in the form of special allowances in an amount equivalent to one hundred percent (100%) of the basic monthly salary as specified for their respective salary grades under Republic Act No. 6758, as amended, otherwise known as 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 to 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 Sec. 3 hereof.

The amounts corresponding to the special allowances herein authorized shall henceforth be incorporated in and form an integral part of the basic salaries of the Members of the Constitutional Commissions and the Ombudsman.

Sec. 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 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 year the necessary outlay for the said Special Allowances as the funding source for the continued implementation of this Act.

Sec. 4. *Inclusion in the Computation of Retirement Benefits.* In order to upgrade the retirement benefits presently enjoyed by retired 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.

Sec. 5. *Issuance of Implementing Guidelines.* The Chairmen 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.

Sec. 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.

Sec. 7. *Separability Clause.* If any provision of this Act is declared invalid or unconstitutional, the provisions not affected thereby shall continue to be in full and effect.

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

Approved.