

HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
FIRST REGULAR SESSION

HOUSE BILL NO. 4076



Introduced by CIBAC Party List Representative
Sherwin N. Tugna

**AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM FOR PROSECUTORS
IN THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

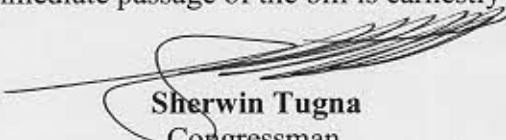
In 2010, a law was enacted granting retirement benefits to prosecutors in the national prosecution service of the Department of Justice. Sadly, the plight of the prosecutors in the Office of the Ombudsman remains unnoticed.

The Office of the Ombudsman is the constitutional body created to investigate and prosecute public officials and employees. Most often than not, the subject of complaints are officials occupying high and powerful positions in the government. Prosecution of these officials tends to be more difficult since the latter have influence that can affect gathering of evidence. Thus, the investigation and prosecution of complaints by the Office of the Ombudsman entail greater risks and more difficulty.

The Office of the Ombudsman needs prosecutors who are more resilient, skilled, courageous and knowledgeable on how to investigate cases properly and prosecute those officials who appear to have violated laws. Currently, the turn-over of lawyers employed in the Office of the Ombudsman is quite high. Most of the lawyers are young and inexperienced who need a lot of training. Those who have been trained eventually leave to find employment in other government agencies or private sector which provide better compensation and retirement benefits.

To ensure that prosecutors of the Office of the Ombudsman are encouraged to spend their professional career serving the public by going after corrupt officials of the government, a retirement system that will at least be at par with the prosecutors in the Department of Justice shall be provided. In such a way, the investigators and prosecutors of the Office of the Ombudsman and their families are guaranteed a comfortable life after retiring from service.

In view of the foregoing, immediate passage of the bill is earnestly sought.


Sherwin Tugna
Congressman

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

SECTION 1. **Title.** – This Act shall be known as the “Expanded Retirement Law of the Office of the Ombudsman”.

SECTION 2. **Coverage.** – This Act shall apply to prosecutors of the Office of the Ombudsman.

SECTION 3. **Retirement Benefits.** – When a prosecutor, who has rendered at least fifteen (15) years of service in the Office of the Ombudsman, retires for having attained the age of sixty-five (65) years or resigns by reason of incapacity to discharge the duties of his/her office by reason of work-related illness, injury, or other causes, he/she shall, during the residue of his/her 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/she was receiving at the time of his/her retirement or incapacity to discharge the duties of his/her office by reason of work-related illness, injury, or other causes.

SECTION 3. **Conditions.** - To maintain entitlement to the pension herein provided, no prosecutor in the Office of the Ombudsman, during the time he/she is receiving the pension, shall appear as counsel before any judicial or quasi-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/her office, or collect any fee for his/her 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/she shall not, upon assumption of office and during his/her term, retrieve the monthly pension or any of the allowance due to him/her.

SECTION 4. **Retroactivity.** – The benefits under this Act shall be granted to all those who retired prior to the effectivity of this Act.

SECTION 5. ***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 6. ***Separability Clause.*** - If any provision of this Act is declared invalid, the other provisions not affected thereby shall remain valid.

SECTION 7. ***Repealing Clause.*** - All laws, proclamations, executive orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed, modified or amended accordingly: *Provided*, That no person shall be deemed to be vested with any property or other right by virtue of the enactment or operation of this Act.

Section 8. ***Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,

A handwritten signature in black ink, consisting of a series of loops and strokes, located at the bottom left of the page.