

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



SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 4901

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

EXPLANATORY NOTE

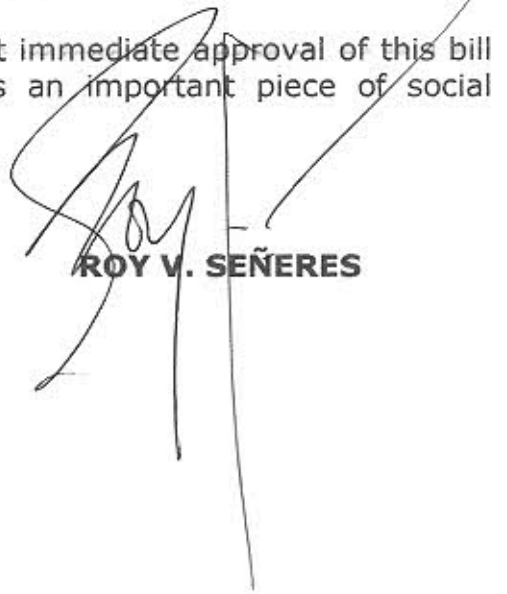
This bill seeks to complement a laudable law requiring all concerned government agencies to ensure the early release of the retirement pay, pensions, gratuities and other benefits of retiring government employees under Republic Act No. 10154. Accordingly, this bill intends to secure, guarantee and safeguard the full enjoyment of earned and undiminished retirement benefits due to retired government employees. As such, acts and/or omissions causing diminution on earned retirement benefits must and should be penalized. Likewise, this bill aims to ensure compliance by all government agencies in the timely payment of the mandatory monthly pensions and other retirement benefits with dispatch and without delay so as to insure, protect, promote, and enhance the well-being of retired government employees up to the end of their natural life.

It is to be emphasized that retirement laws have mandated the payment of pensions monthly or on a month-to-month basis for the benefit of retired government employees as they have to meet and/or settle monthly obligations, such as electric bills, water bills, house rentals, medical consultations, purchases of medicines for their medical treatment, wages of Kasambahay and their SSS premiums, Philhealth membership contributions and Pag-Ibig contributions, food sustenance of the family, and other simple amenities in life. These monthly obligations cannot and could not be postponed and their payments cannot and could not be delayed/avoided.

Unfortunately, if not sadly, retired government employees have encountered and still experiencing delays in the timely payment of their mandatory monthly pensions. Said delays lasted for a month, two months, three months or more than three months. Worst of it all, the mandatory monthly pensions were converted into quarterly pensions but suffered still from delays!

Clearly, then, there is an imperative need to address and to confront squarely the issues of diminution on earned retirement benefits and delay in the timely payment of the mandatory monthly pensions due to retired government employees.

It is, therefore, requested that immediate approval of this bill be given preferential treatment as an important piece of social legislation.



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AN ACT
PRESCRIBING PENALTY ON THE DIMINUTION OF EARNED
RETIREMENT BENEFITS AND DELAY IN THE PAYMENT OF
MANDATORY MONTHLY PENSIONS OF GOVERNMENT
EMPLOYEES AND FOR OTHER PURPOSES

SECTION 1. *Declaration of State Policy.* - It is hereby declared the policy of the State to insure, guarantee, and safeguard the full enjoyment of earned and undiminished retirement benefits by retired government employees, as well as, to ensure compliance in the timely payment of the mandatory monthly pensions and other retirement benefits with dispatch and without delay so as to secure, protect, promote, and enhance the well-being of retired government employees up to the end of their natural life.

SEC. 2. *Coverage.* - This Act shall cover all branches, agencies and/or instrumentalities of the government, including government-owned and/or-controlled corporations (GOCCs), excluding personnel of the Armed Forces of the Philippines.

SEC. 3. *Full Enjoyment of Undiminished and Earned Retirement Benefits.* - The head of the government agency concerned, the President and other responsible officers of the Government Service Insurance System (GSIS), the President and other responsible officers of the Home Development Mutual Fund (Pag-IBIG Fund) and/or the Secretary and other responsible officers of the Department of Budget and Management (DBM) shall insure, guarantee, and safeguard the full enjoyment of undiminished and earned retirement benefits due to retired government employees.

SEC. 4. *Compliance in the Payment of Mandatory Monthly Pensions and other benefits.* - The responsible officers mentioned in

Section 3 hereof shall ensure compliance in the timely payment of the mandatory monthly pensions and other benefits due to retired government employees within the first eight (8) days of every month so as to secure, protect, promote, and enhance their well-being up to the end of their natural life.

SEC. 5. Penal Provisions. – The abovementioned responsible officer(s) and/or employee(s) who shall, by their acts and/or omissions, cause diminution on earned retirement benefits of retired government employees shall undergo an administrative disciplinary action. Such erring responsible officers and/or employees shall, after hearing and due proceedings, be penalized with suspension from the service without pay from one (1) year to two (2) years, at the discretion of the disciplining authority; and dismissal from the service for the second offense, subject to the provisions of existing Civil Service laws and rules and regulations.

On the other hand, the unjustified and/or unreasonable delay in the timely payment of the mandatory monthly pensions and other benefits due to retired government employees within the period prescribed in Section 4 hereof or to comply with any provision of this Act shall be a ground for the filing of administrative disciplinary action against the erring officer(s) and/or employee(s). Such erring officer(s) and/or employee(s) shall, after hearing and due proceedings, be meted the same penalty above-stated by the disciplining authority; Provided, However, that the administrative liability shall not be attributed to officers and/or employee(s) who fail to ensure compliance in the timely payment of the mandatory monthly pensions and other benefits due to retired government employees within the prescribed period stated in Section 4 hereof by reason of *force majeure* and other insuperable causes: Provided, Finally, that in such cases, the eight-8-day period of every month shall be counted from the time such cause(s) cease(s) to exist.

SEC. 6. Retroactivity Clause. – The penal provisions in the preceding Section shall be applicable to the continuing diminution of earned retirement benefits and delay in the timely payment of mandatory monthly pensions and other benefits prior to the effectivity of this Act.

SEC. 7. Implementing Rules and Regulations. – The Civil Service Commission (CSC) shall promulgate and issue the appropriate rules and regulations for the proper implementation of this Act within two (2) months from the effectivity of this Act: Provided, However, That the penalty provisions of this Act shall be executory upon the effectivity of this Act even in the absence of implementing rules and regulations.

SEC. 8. *Separability Clause.* – If any provision, part or portion of this Act shall be held as invalid, the provisions, parts or portions of this Act not otherwise affected thereby shall remain valid and effective.

SEC. 9. *Repealing Clause.* – All laws, executive issuances, orders and rules and regulations contrary to or inconsistent with the provisions of this Act or any part thereof are hereby repealed, amended and/or modified accordingly.

SEC. 10. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or in two (2) newspapers of general circulation in the country whichever comes first.

Approved,