



Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

17th Congress
Second Regular Session

House Bill No. **5897**



Introduced by **REP. RODOLFO C. FARIÑAS**

EXPLANATORY NOTE

This Bill seeks to amend the survivorship benefits in various retirement laws for the Members of the Judiciary by granting survivorship benefits to the dependent children of solo parent retirees, and the surviving parents, or nominated person/s of the deceased retiree who died without issue. This is to ensure that the deceased retiree's qualified beneficiaries are provided with comparative financial resources after bereavement of the pensioner.

This proposed measure is in recognition of the variety of family composition that has been undergoing fundamental changes in the present society. Families may now consist of persons cohabiting without marriage with or without children, solo parents as defined under Republic Act No. 8972 and their children, persons who may not be related by blood but are bonded by "fictive kinship" or ties of love, obligation, familiarity and responsibility. There has also been an increase in the number of households headed by single persons. These changes should be accompanied by appropriate legislation in order to further the state policy of protecting and strengthening the family as the basic autonomous social institution, to embody the core value of equality as stated in the Constitution,

and to end discrimination of the law against single or unmarried retirees who are qualified to retire under the law but are excluded from extending survivorship pension to their parents, other kin, or other persons whom they consider as family.

The enactment of this measure would be in consonance with the constitutional mandate to review to upgrade the pensions and other benefits due to retirees (Section 8, Art. XVI).

Retirement benefits serve as incentives to qualified civil servants. The Supreme Court often states that retirement benefits "serve a public purpose and a primary objective in establishing them is to induce competent persons to enter and remain in public employment and render faithful and efficient service while so employed."

In view of the foregoing, the expedient approval of this Bill is earnestly sought.



RODOLFO C. FARIÑAS



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AN ACT GRANTING SURVIVORSHIP BENEFITS TO THE
DEPENDENT CHILDREN OF A DECEASED RETIRED MEMBER OF
THE JUDICIARY, WHO IS A SOLO PARENT AS DEFINED UNDER
R.A. 8972, AND THE SURVIVING PARENTS, OR NOMINATED
PERSONS OF THE DECEASED RETIREE, AMENDING REPUBLIC NO.
910 AS AMENDED BY REPUBLIC ACT NO. 9946, AND FOR OTHER
PURPOSES

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

SECTION 1. Section 1 of the Republic Act No. 910 as amended by Republic
No. 9946, is hereby further amended to read as follows:

"SECTION 1. When a Justice of the Supreme Court, the Court of
Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a
Judge of the regional trial court, metropolitan trial court, municipal
trial court, municipal circuit trial court, shari'a district court, shari'a

circuit court, or any other court hereafter established who has rendered at least fifteen (15) years of service in the Judiciary or in any other branch of the Government, or in both, (a) retires for having attained the age of seventy years, or (b) resigns by reason of his/her incapacity to discharge the duties of his/her office as certified by the Supreme Court, he/she shall receive during the residue of his/her natural life, in the manner hereinafter provided, the salary which plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was receiving at the time of his/her retirement, or resignation, and non-wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college: Provided, That such grant will cover only one (1) bachelor's degree.

When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in the Government, the last three (3) of which shall have been continuously rendered in the Judiciary, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life also in the manner hereinafter provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was then receiving and the non-wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college: Provided, however, That any Justice or Judge with less than fifteen (15) years of service in the Government or Judiciary, who shall retire due to reasons hereinabove provided, shall be entitled to a pro-rata monthly pension computed as follows:

$$\frac{\text{Number of years in the Government or Judiciary}}{15 \text{ years}} \times \text{Basic pay plus the highest monthly aggregate transportation, representation and other allowances (PERA and additional compensation allowance)}$$

"It is a condition of the pension provided for herein that no retiring Justice or Judge of the aforementioned courts or his/her **BENEFICIARIES UNDER SECTION 3 HEREOF** receiving the benefits of this Act during the time that he/she is receiving said pension shall appear as counsel before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an incumbent or former 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 to the Government, national, provincial or municipal, or to any of its legally constituted officers. It is also a condition of the pension provided for herein that when a member of the Judiciary or his/her **BENEFICIARIES UNDER SECTION 3 HEREOF** entitled to the benefits of this Act shall assume an elective public office, he/she shall not, upon assumption of office and during his/her term, receive the monthly pension due to him/her."

SECTION 2. Section 2 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 2. In case a Justice of the Supreme Court or Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established, dies while in actual service, regardless of his/her age and length of service as required in Section 1 hereof, his/her **BENEFICIARY OR BENEFICIARIES LISTED UNDER SECTION 3**

HEREOF shall receive a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance received by him/her as such Justice or Judge: Provided, however, That where the deceased Justice or Judge has rendered at least fifteen (15) years either in the Judiciary or in any other branch of Government, or both, his/her **BENEFICIARY OR BENEFICIARIES LISTED UNDER SECTION 3** HEREOF shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same basis as indicated in this provision: Provided, further, That the lump sum of ten (10) years gratuity shall be received by the **BENEFICIARY OR BENEFICIARIES LISTED UNDER SECTION 3** HEREOF of the Justice or the Judge who was killed because of his/her work as such: Provided, That the Justice or Judge has served in Government for at least five (5) years regardless of age at the time of death. When a Justice or Judge is killed intentionally while in service, the presumption is that the death is work-related."

SECTION 3. Section 3 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established shall be automatically entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance he/she was receiving on the date of his/her retirement and thereafter upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant

to Section 1 hereof: Provided, however, That if the reason for the retirement be any permanent disability contracted during his/her incumbency in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to ten (10) years' salary and the allowances aforementioned: Provided, further, That should the retirement under Section 1(a) hereof be with the attendance of any partial permanent disability contracted during his/her incumbency and prior to the date of retirement, he/she shall receive an additional gratuity equivalent to two (2) years lump sum that he/she is entitled to under this Act: Provided, furthermore, That if he/she survives after ten (10) years or seven (7) years, as the case may be, he/she shall continue to receive a monthly annuity as computed under this Act during the residue of his/her natural life pursuant to Section 1 hereof: Provided, finally, That those who have retired with the attendance of any partial permanent disability five (5) years prior to the effectivity of this Act shall be entitled to the same benefits provided herein.

"Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

IN CASE THE DECEASED JUSTICE OR JUDGE OF ANY COURT IN THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS RETIRED, OR WAS ELIGIBLE TO RETIRE OPTIONALLY AT THE TIME OF DEATH, WAS SINGLE, THE RETIREMENT BENEFITS SHALL BE PAID AS FOLLOWS:

- a. WHEN THE DECEASED JUSTICE OR JUDGE WAS A SOLO PARENT AS DEFINED UNDER REPUBLIC ACT 8972 SURVIVED BY DEPENDENT CHILDREN, INCLUDING CHILDREN WHO HAVE REACHED THE AGE OF MAJORITY BUT INCAPACITATED AND INCAPABLE OF SELF-SUPPORT DUE TO MENTAL, PHYSICAL OR LEARNING DISABILITY, THE CHILDREN SHALL BE ENTITLED TO RECEIVE, ON A MONTHLY BASIS, ALL THE RETIREMENT BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WAS RECEIVING AT THE TIME OF HIS/HER DEMISE UNDER THE PROVISIONS OF APPLICABLE RETIREMENT LAWS THEN IN FORCE. THE MINOR DEPENDENT CHILDREN SHALL BE DISQUALIFIED FROM RECEIVING THE BENEFITS ONCE THEY REACH THE AGE OF MAJORITY. ANY SUBSEQUENT DEATH, OR DISQUALIFICATION OF ANY OF THE DEPENDENT CHILDREN SHALL NOT RESULT IN THE ACCRUAL OF THE FORFEITED BENEFITS TO THE OTHER BENEFICIARIES.
- b. WHEN THE JUSTICE OR JUDGE DIED WITHOUT ISSUE, THE SURVIVING PARENTS, IF ANY, OR ANY PERSON OR PERSONS NOMINATED BY THE JUSTICE OR JUDGE PRIOR TO OR ON THE DATE OF HIS/HER RETIREMENT SHALL RECEIVE, ON A MONTHLY BASIS, ALL THE RETIREMENT BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WAS RECEIVING AT THE TIME OF HIS/HER DEMISE UNDER THE PROVISIONS OF APPLICABLE RETIREMENT LAWS THEN IN FORCE; PROVIDED, THAT THE NOMINEES SHALL BE LIMITED TO TWO (2) PERSONS ONLY; PROVIDED, FURTHER, THAT IF THE BENEFICIARIES ARE RECEIVING BENEFITS UNDER EXISTING RETIREMENT LAWS, THEY SHALL ONLY BE ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT AND THE BENEFITS THEY ARE RECEIVING. ANY SUBSEQUENT DEATH, OR DISQUALIFICATION OF ANY OF THE FOREGOING BENEFICIARIES SHALL NOT RESULT IN

**THE ACCRUAL OF THE FORFEITED BENEFITS TO THE
OTHER BENEFICIARIES."**

SECTION 4. Funds for the initial implementation of this Act shall be taken out of the current year's savings of the Judiciary. Thereafter, the amounts needed for the continued implementation hereof shall be included in the General Appropriations Act.

SECTION 5. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. The Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspaper of national circulation.

Approved,