



Republic of the Philippines
HOUSE OF THE REPRESENTATIVES
Quezon City

17th Congress
Second Regular Session

House Bill No. **5898**



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 Constitutional Commissions and the Ombudsman by granting survivorship benefits for 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 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,

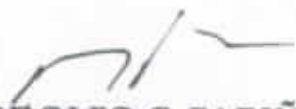
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and to end discrimination of the law against single or unmarried retirees who are qualified to retire under the law but are excluded from extending survivorship pension to their parents, other kin, or other persons whom they consider as family.

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."

Accordingly, the immediate approval of this bill is earnestly sought.



RODOLFO C. FARIÑAS



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House Bill No. **5898**

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**AN ACT GRANTING SURVIVORSHIP BENEFITS TO THE
DEPENDENT CHILDREN OF A DECEASED RETIRED CHAIRMAN
OR COMMISSIONER OF THE COMMISSION ON ELECTIONS,
COMMISSION ON AUDIT, CIVIL SERVICE COMMISSION, AND
THE OMBUDSMAN, WHO IS A SOLO PARENT AS DEFINED UNDER
R.A. 8972 , AND THE SURVIVING PARENTS, OR NOMINATED
PERSONS OF THE DECEASED RETIREE, AMENDING REPUBLIC
ACT NO. 10084, AND FOR OTHER PURPOSES**

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

SECTION 1. Republic Act No. 10084 is hereby amended to include a new Section 1-A to read as follows:

**"SECTION 1-A. IN CASE THE DECEASED RETIRED
CHAIRMAN OR COMMISSIONER OF THE COMMISSION ON
ELECTIONS, THE COMMISSION ON AUDIT, THE CIVIL
SERVICE COMMISSION, AND THE OMBUDSMAN WAS
UNMARRIED, THE SURVIVORSHIP BENEFITS SHALL BE
PAID AS FOLLOWS:**

- a. WHEN THE DECEASED RETIREE 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 PHYSICAL, MENTAL OR LEARNING DISABILITY, THE DEPENDENT CHILDREN SHALL BE ENTITLED TO RECEIVE ON A MONTHLY BASIS ALL THE RETIREMENT BENEFITS THAT THE DECEASED RETIREE 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 HE/SHE REACHES 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 RETIREE DIED WITHOUT ISSUE, THE SURVIVING PARENTS, IF ANY, OR ANY PERSON OR PERSONS NOMINATED BY THE CHAIRMAN OR COMMISSIONER PRIOR TO OR ON THE DATE OF HIS/HER RETIREMENT SHALL RECEIVE ON A MONTHLY BASIS ALL THE RETIREMENT BENEFITS THAT THE DECEASED RETIREE 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, HE/SHE SHALL ONLY BE ENTITLED TO THE DIFFERENCE BETWEEN THE AMOUNT PROVIDED FOR IN THIS ACT AND THE BENEFITS HE/SHE IS 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 2. Republic Act No. 10084 is hereby amended to include a new Section 1-B to read as follows:

"SEC. 1 - B. THE BENEFITS UNDER THIS ACT SHALL BE GRANTED TO A CHAIRMAN OR COMMISSIONER OF THE COMMISSION ON ELECTIONS, THE COMMISSION ON AUDIT, THE CIVIL SERVICE COMMISSION, AND THE OMBUDSMAN, WHO HAS RETIRED PRIOR TO THE EFFECTIVITY OF THIS ACT: PROVIDED, THAT THE BENEFITS TO BE GRANTED SHALL BE PROSPECTIVE."

SECTION 3. Funds for the initial implementation of this Act shall be taken out of the current appropriations for the retirement of the chairman and commissioners of the constitutional commissions as well as the Ombudsman and/or savings of said constitutional commissions and the Ombudsman. Thereafter, the amounts needed for the continued implementation hereof shall be included in the General Appropriations Act.

SECTION 4. The Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) newspaper of national circulation.

Approved,