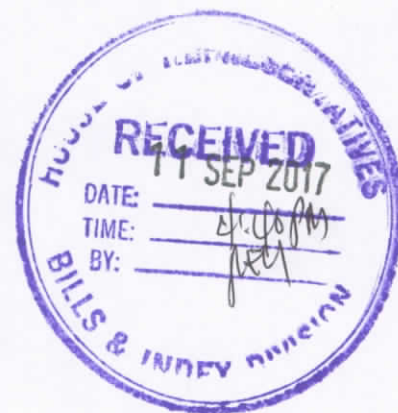


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

H.B. No. **6383**



Introduced by Representative ANN K. HOFER

EXPLANATORY NOTE

Section 1, Article XI of the 1987 Constitution provides that public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives. Although these precepts are laudable, the pervasiveness of graft and corruption remains a reality in Philippine society.

The Office of the Ombudsman is tasked to investigate on its own or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Though zealous, the men and women of the Office of the Ombudsman, themselves government officials and employees, are not spared from challenges brought about by numerous harassment suits filed against them by disgruntled litigants. Moreover, their personal safety and the safety of their family are at constant risk due to the high-profile cases they are handling.

Furthermore, despite the enormity of their task of battling graft and corruption, the salary of Ombudsman employees, particularly its investigators and prosecutors, is still not comparable to that of their counterparts in other government agencies and in other anti-graft and corruption bodies in the Asia-Pacific Region.

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 investigators and prosecutors in the Office of the Ombudsman remains unnoticed.

Currently, the turn-over of Ombudsman investigators and prosecutors is quite high. Those lawyers who have been trained by the Office of the Ombudsman eventually leave to find employment in other government agencies or in the private sector which provide better compensation and retirement benefits.

To entice only the best and the brightest to join the Office of the Ombudsman, and to ensure that prosecutors of the Office of the Ombudsman are encouraged to stay serving the public by going after corrupt officials of the government, a competitive retirement system at least at par with the prosecutors on the Department of Justice should be provided. In such a way, there would be a continuous service of competent and dedicated graftbusters to strengthen the Office of the Ombudsman *as an institution* in its fight against graft and corruption.

The immediate passage of this Bill is earnestly requested.



ANN K. HOFER

Second District of Zamboanga Sibugay

1 Republic of the Philippines
2 **HOUSE OF REPRESENTATIVES**
3 Quezon City

4
5
6 **SEVENTEENTH CONGRESS**
7 *Second Regular Session*

8 **6383**

9 H.B. No. _____
10

11
12
13 Introduced by Hon. **ANN K. HOFER**
14

15
16 **AN ACT TO STRENGTHEN THE OFFICE OF THE**
17 **OMBUDSMAN BY ESTABLISHING A RETIREMENT**
18 **BENEFIT SYSTEM, AUGMENTING EMPLOYEE BENEFITS,**
19 **APPROPRIATING FUNDS THEREFOR,**
20 **AND FOR OTHER PURPOSES.**
21
22

23
24 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
25 *assembled:*
26

27 **SECTION 1. Title.** - This Act shall be known as the "Retirement Law of the Office
28 of the Ombudsman".
29

30 **SECTION 2. Coverage.** - This Act shall apply to all Ombudsman officials and
31 employees performing legal and/or technical functions from Salary Grade 26 to 29, not
32 otherwise covered under existing benefits and retirement laws. They shall enjoy the same
33 retirement and other benefits as those of judges of the Regional Trial Courts, Municipal
34 Trial Courts in Cities, Municipal Trial Courts and Municipal Circuit Trial Court with the
35 same salary grades.
36

37 Any increase after the approval of this Act in the salaries, allowances or retirement
38 benefits or any upgrading of the grades or levels thereof any or all of the Judges referred
39 to herein to whom said emoluments are assimilated shall apply to the corresponding
40 Ombudsman official or employee.
41

42 **SECTION 3. Retirement benefits.** - When an Ombudsman official or employee
43 covered by this Act has rendered at least fifteen (15) years of service either in the Office
44 of the Ombudsman or in any branch of government, or in both, retires for having attained
45 the age of sixty-five (65) years or resigns be reason of incapacity to discharge the duties of
46 his/her office, 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 resignation.

When an Ombudsman official or employee covered by this Act has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in government, the last five (5) years of which must have been continuously rendered in the Office of the Ombudsman, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life the same benefits provided for in this section: *Provided, however*, that those with less than fifteen (15) years of service in the government shall be entitled to a pro-rata pension computed as follows:

$$\frac{\text{No. of years in Government}}{15 \text{ Years}} \times \text{Basic Pay Plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowances}$$

SECTION 4. *Conditions.* - To maintain entitlement to the pension herein, no Ombudsman official or employee, during the time he/she is receiving said 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/his office, 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 an Ombudsman official or employee covered under 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 or any of the allowance due to him/her.

SECTION 5. *Automatic Increase.* - All pension benefits of retired officials or employees of the Office of the Ombudsman shall be automatically increased whenever there is an increase in the salary and allowance in the same position from which he retired.

SECTION 6. *Survivorship Benefits.* - Upon death of an Ombudsman official or employee who had retired or was in the service at the time of death, and who is entitled to retirement benefits under this law or other laws, the surviving legitimate spouse and dependent children of said Ombudsman official or employee shall be entitled to receive on a monthly basis all the retirement benefits that the deceased was receiving or entitled to receive at the time of death under the provisions of the applicable retirement laws then in force. A "dependent" means a legitimate, illegitimate or legally-adopted child who is chiefly dependent with the said deceased Ombudsman official or employee if such dependent in not more than twenty-one (21) years of age, unmarried and not gainfully employed, or if such dependent, regardless of age, is incapable of self-support because of mental or physical defect. The said surviving legitimate spouse shall continue to receive such retirement benefits during his/her lifetime or until he/she remarries: *Provided*, That if

1 the surviving spouse is receiving benefits under existing retirement laws, he/she shall only
2 be entitled to the difference between the amount provided for in this Act and the benefits
3 he/she is receiving.
4

5 **SECTION 7. *Hazard Allowances.*** Ombudsman officials and employees
6 performing prosecution, investigation, corruption prevention and other technical functions,
7 and who, by reason of their assigned tasks and responsibilities, are exposed to hardships,
8 security risks and other hazards, as determined by the Ombudsman, are entitled to receive
9 an additional monthly Hazard Allowance (HA) which shall not exceed Fifty Per Cent
10 (50%) of the basic monthly salary of the official or employee concerned.
11

12 **SECTION 8. *Retroactivity.*** The benefits mentioned in Sections 3 and 6 hereof
13 shall be granted to those who retire one (1) year prior to the effectivity of this Act.
14

15 **SECTION 9. *Appropriation.*** There is hereby appropriated initially the sum of Two
16 Hundred Million Pesos (P200,000,000.00) from the funds of the National Treasury not
17 otherwise appropriated. Thereafter, such amount as may be necessary to implement this
18 Act shall be included in the Annual General Appropriations Act.
19

20 **SECTION 10. *Repealing Clause.*** All acts, laws, decrees, executive orders, letters
21 of instructions and regulations or any part thereof which are inconsistent with any provision
22 of this Act are hereby repealed and or modified accordingly.
23

24 **SECTION 11. *Separability Clause.*** If for any reason, any selection or provision
25 of this Act is declared to be unconstitutional or invalid, the other sections or provisions of
26 this Act which are not affected shall continue in full force and effect.
27

28 **SECTION 12. *Effectivity.*** This Act shall take effect after fifteen (15) days
29 following its publication in at least two (2) newspapers of general circulation or in the
30 Official Gazette.
31
32
33
34
35
36
37
38
39
40
41
42