

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 7494



Introduced by Representative RAMON V.A. "RAV" ROCAMORA

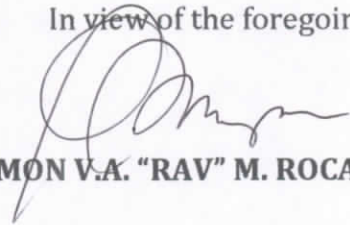
EXPLANATORY NOTE

In the administration of justice, the most familiar people we encounter are the lawyers for the prosecution and the defense and the judge. However, equally important in the smooth operation of our justice system are the Clerks of Court.

The Clerks of Court, who are also lawyers, are essentially the managers of the court since they are the ones responsible for the receipt of filed cases, the collection of legal fees, the raffling of cases, the sending of court processes, the receipt and safekeeping of evidence, and the like. Aside from case management, they are also accountable for the court supplies and equipment. For Family Courts, the Clerk of Court is also the Chairperson of the Diversion Committee for cases involving Children in Conflict with the Law.

Given the amount of work done by the Clerks of Court, it is only fair that they receive the same retirement benefits provided for the other government lawyers, namely the Public Prosecutor and the Public Attorney. Thus, this bill seeks to grant the retirement and survivorship benefits being enjoyed by the other government lawyers to the Branch Clerks of Court of the Regional Trial Courts and the Clerks and Assistant Clerks of Court of the Office of the Clerk of Court of the Regional Trial Courts.

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



RAMON V.A. "RAV" M. ROCAMORA

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1 **AN ACT GRANTING RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO THE**
2 **BRANCH CLERKS OF COURT OF THE REGIONAL TRIAL COURTS AND THE CLERKS**
3 **AND ASSISTANT CLERKS OF COURT OF THE OFFICE OF THE CLERK OF COURT OF**
4 **THE REGIONAL TRIAL COURTS, PROVIDING FUNDS THEREFOR, AND FOR OTHER**
5 **PURPOSES**

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

7 **Section 1. Persons Covered.** – The persons covered by this Act are the following:

- 8 a) Branch Clerks of Court of the Regional Trial Court (RTC) and Clerks and
9 Assistant Clerks of Court in the Office of the Clerk of Court of the RTC who
10 have reached the compulsory retirement age of sixty-five (65) years;
- 11 b) Branch Clerks of Court of the RTC and Clerks and Assistant Clerks of Court
12 in the Office of the Clerk of Court of the RTC who have reached the optional
13 retirement age of sixty (60) years; and,
- 14 c) Branch Clerks of Court of the RTC and Clerks and Assistant Clerks of Court
15 in the Office of the Clerk of Court of the RTC who have resigned due to
16 partial or permanent disability.

17 In all instances, the person must be a lawyer who has rendered a total of at least fifteen
18 (15) years of service in the RTC or in any branch of government, or both, with the last five
19 (5) years of service being continuously rendered in the RTC.

20 **Section 2. Retirement Benefits.** – The persons in Section 1 of this Act may opt for either
21 of the following:

- 22 a) During the residue of his/her natural life, receive a retirement pension
23 based on the highest monthly salary plus the highest monthly aggregate of
24 Representation and Transportation Allowance (RATA) and Personal
25 Economic Relief Allowance (PERA), including all additional compensation

allowances given by the Supreme Court and other non-wage benefits which he or she was receiving at the time of his/her retirement; or

- b) Be entitled to a lump sum of five (5) years' gratuity computed based on the highest monthly salary plus the highest monthly aggregate of RATA and PERA, including all additional compensation allowances given by the Supreme Court and other non-wage benefits which he or she was receiving at the time 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 2 (a) hereof.

Section 3. Exceptions. – Branch Clerks of Court of the RTC and Clerks and Assistant Clerks of Court in the Office of the Clerk of Court of the RTC with less than fifteen (15) years of service in the government but who have still served the last five (5) years continuously in the RTC shall be entitled to a pro-rata monthly pension computed as follows:

	Basic pay plus the highest monthly aggregate of RATA and PERA, including all additional compensation allowances given by the Supreme Court and other non-wage benefits which he or she was receiving at the time of his/her retirement.
$\frac{\text{Number of years in government}}{15}$	

Section 4. Survivorship Benefits. - Upon the death of a person covered in Section 1 hereof, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased would have received had he/she not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

Section 5. Disqualifications. – Any person covered in Section 1 hereof shall no longer be entitled to the benefits in Section 2 hereof if during the time he/she is receiving the said benefits, he/she:

- a) appears as counsel before any judicial or quasi-judicial agency in any civil case wherein the government or any agency, subdivision, or instrumentality thereof is an adverse party;
- b) appears as counsel 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
- c) collects any fee for his/her appearance in any administrative proceedings to maintain an interest adverse to the government or to any of its officers.

Section 6. Automatic Increase. – The benefits mentioned in Section 2 hereof shall be automatically increased whenever there is an increase in the salary and allowance of the same position from which he/she retired, even if the said position in the future may be differently named.

1 **Section 7. Retroactivity.** - The beneficiaries of this Act shall cover all those qualified
2 under Section 1 hereof who retired prior to the effectivity of this Act.

3 **Section 8. Appropriation.** - Such sum as may be necessary for the continued
4 implementation of this Act shall be included in the annual budget of the Supreme Court.

5 **Section 9. Separability Clause.** - If any provision of this Act is declared unconstitutional
6 or invalid, other parts or provisions hereof not affected thereby shall continue to be in
7 full force and effect.

8 **Section 10. Repealing Clause.** - All laws, decrees, executive orders, rules, and
9 regulations or parts thereof that are contrary to or inconsistent with this Act are hereby
10 repealed, amended, or modified accordingly.

11 **Section 11. Effectivity.** - This Act shall take effect fifteen (15) days after its publication
12 in the Official Gazette or in any two newspapers of general circulation.

13 Approved,