

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Philippines

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. **8297**

Introduced by: **HON. "KUYA" JOSE ANTONIO R. SY-ALVARADO**



EXPLANATORY NOTE

The Clerk Court has the power to supervise administrative matters all over the court personnel. Their function and role to the judiciary is important in order to promote proper administration of justice. The Clerk of Court acts as a custodian of court funds and revenues. They are primarily liable for the funds that are collected by the court. In the absence of the judge, the Clerk may perform all the duties of the Judge in receiving applications, petitions, inventories, reports, and the issuance of all orders and notices that follows as a matter of course under the given rules. They may also receive the accounts of executors, administrators, guardians, trustees, and receivers and all evidences relating to them, or to the settlement of the estates of deceased persons, or to guardianships, trusteeships, receiverships, and for with transmit such reports, accounts, and evidence to the judge, together with the findings in relation to the same, if the judge shall direct him to make findings and include the same in his report.

The purpose of the bill is to provide the same retirement benefits in favor of Clerks or Court and assistant level in the Regional Trial Court which is at par with other Government lawyers.

In the view thereof, the early passage of this proposed measure is highly recommended.

"KUYA" JOSE ANTONIO R. SY-ALVARADO

Representative
First District Bulacan

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AN ACT
GRANTING RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS 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, PROVIDING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

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

Section 1. Persons Covered. - The persons covered by this Act are the following:

a) Branch Clerks of Court of the Regional Trial Court (RTC) and Clerks and Assistant Clerks of Court in the Office of the Clerk of Court of the RTC who have reached the compulsory retirement age of sixty-five (65) years;

b) 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 who have reached the optional retirement age of sixty (60) years; and,

c) 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 who have resigned due to partial or permanent disability,

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

Section 2. Retirement Benefits. - The persons in Section 1 of this Act may opt for either of the following:

a) During the residue of his/her natural life, receive a retirement pension based on the highest monthly salary plus the highest monthly aggregate of Representation and Transportation Allowance (RATA) and Personal 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 Number of years in Government Supreme Court and other non-wage benefits which he or she was receiving at the time his/her retirement.

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.

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

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

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

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

Approved,

