

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1694



Introduced by Rep. Ray Florence T. Reyes

EXPLANATORY NOTE

Our constitution holds the Executive, Legislative, and Judiciary branches of the government as equal. Not one above the other. And yet, in 2004, Judge Voltaire Rosales was gunned down just a few meters outside of a court of law.

Threats of killings are rampant, and they don't stop; our Justices and Judges deserve better. They are the keepers of our law – those who vet out the proper punishment for crimes committed against the citizens of our nation. As legislators, we must do our part to be able to afford them the same security that we, members of the Legislative Branch, enjoy. They should be able to practice their profession in safety.

Amnesty International reports that at least 61 lawyers, judges and prosecutors have been killed since 2016. This report was released in March of 2021. That is approximately 12 a year, one a month. How many more of upholders of law and justice must join their ranks before we act?

It is the hope of this representative that this bill allows our Justices and Judges to continue to uphold and dispense proper justice without fear for their families' futures. This allows them to take on dangerous cases knowing that the government offers them and their families ample protection and full support.

In view of the foregoing, the immediate passage of this bill is earnestly sought.


RAY FLORENCE T. REYES
Representative, AnaKalusugan Partylist

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AN ACT

PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND CHILDREN OF SLAIN JUSTICES AND JUDGES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY-SIX", AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. Section 2 of Republic Act No. 910, as amended, is hereby further amended to read as follows:

"SECTION 2. In case a Justice of the Supreme Court or Court of Appeals, the Sandiganbayan or 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 heirs shall receive a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary, a plus the 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 of SERVICE either in the Judiciary or in any other branch of Government, or both, his/her heirs shall instead be entitled to a lump sum of ten (1) 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 heirs 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 BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, OR WHEN SUCH JUSTICE OR JUDGE IS KILLED INTENTIONALLY WHILE IN SERVICE, REGARDLESS OF AGE AT THE TIME OF DEATH OR THE NUMBER OF YEARS**

SERVED IN GOVERNMENT OR THE JUDICIARY, THE SURVIVING SPOUSE AND THE SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE SHALL ALSO BE ENTITLED TO RECEIVE DURING THE RESIDUE OF THEIR NATURAL LIVES ALSO IN THE MANNER HEREINAFTER PROVIDED, THE SALARY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, REPRESENTATION AND OTHER ALLOWANCES SUCH AS PERA AND ADDITIONAL COMPENSATION ALLOWANCE WHICH ARE RECEIVED BY AN ASSOCIATE JUSTICE OF THE SUPREME COURT. When a Justice or Judge is killed intentionally while in service, the presumption is that the death is work-related."

SECTION 2. Section 3 of the same Act, as amended, is hereby further amended to read as follows:

"SECTION 3. Upon retirement, a Justice of the Supreme Court or the Court of Appeals, the Sandiganbayan or 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 his/her incumbency in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to ten (1) 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 the he/she is entitled to under this Act: *Provided, furthermore,* That if he/she survives after ten (1) 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]* **FURTHER,** 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[.]: **PROVIDED, FINALLY, THAT IF THE RETIRED JUSTICE OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, THE SURVIVING SPOUSE AND CHILDREN OF THE SLAIN JUSTICE OR JUDGE SHALL RECEIVE ALL THE BENEFITS PROVIDED IN THIS SECTION WHEN APPLICABLE, PLUS A GRATUITY EQUIVALENT TO TEN (10) YEARS' SALARY, LUMP SUM, TO BE COMPUTED BASED ON ALL THE SALARIES AND THE OTHER BENEFITS OF AN ASSOCIATE JUSTICE OF THE SUPREME COURT.**

"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. **UPON THE DEATH OF THE SURVIVING SPOUSE, THE BENEFITS OF SUCH SPOUSE SHALL BE TRANSFERRED TO THE SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE."**

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

"SECTION 3-A. All pension benefits of retired members of the Judiciary OR THEIR SURVIVING SPOUSES AND CHILDREN shall be automatically increased whenever there is an increase in the salary of the same position from which he/she has retired. IF THE SURVIVING SPOUSE AND CHILDREN OF A SLAIN JUSTICE OR JUDGE HAVE NOT RECEIVED THE FULL LUMP SUM DUE THEM WITHIN ONE (1) YEAR FROM THE DEATH OF THE JUSTICE OR JUDGE, ANY LUMP SUM STILL TO BE GRANTED TO THE SURVIVING SPOUSE OR SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE SHALL BE COMPUTED BASED ON THE DIFFERENCE BETWEEN THE AMOUNTS ALREADY RECEIVED AND THE TEN (10)-YEAR LUMP SUM BASED ON CURRENT RATES OF SALARIES, BENEFITS, ALLOWANCES AND OTHER GRANTS GIVEN TO AN ASSOCIATE JUSTICE OF THE SUPREME COURT."

SECTION 4. Section 3-B of the Same Act, as amended, is hereby further amended to read as follows:

"SECTION 3-B. The benefits under this Act shall be granted to all those who have retired OR WERE KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY prior to the effectivity of this Act: *Provided*, That the benefits shall be applicable only to members of the Judiciary OR THEIR SURVIVING SPOUSES AND CHILDREN: *Provided, further*, That the benefits to be granted shall be prospective."

SECTION 5. The amount necessary for the implementation of this Act shall be charged against the available appropriations of the Judiciary under the current general Appropriations Act. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act

SECTION 6. Repealing Clause. – All laws, presidential decrees, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 7. Effectivity. – This Act shall take effect immediately after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved.