



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session
House Bill No. **3306**



Introduced by **HON. JOSEFINA B. TALLADO**

AN ACT AMENDING SECTION 73 OF REPUBLIC ACT NO. 6795, OTHERWISE KNOWN AS THE "DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990", AS AMENDED BY SECTION 35 OF REPUBLIC ACT NO. 8551, AND FOR OTHER PURPOSES.

EXPLANATORY NOTE

Section 35 of Republic Act No. 8551 defines "Permanent Physical Disability" as an officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position.

Under Section 35 of RA 8551 such retirees with total permanent physical disability (TPPD) are only entitled to one year salary and a lifetime pension equivalent to eight percent (80%) of their last salary. The amendment also provided that should such PNP retiree die within five (5) year from his retirement, his surviving legal spouse, or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period.

Upon consultation with the survivors and dependents who made a courtesy call with this humble representation, it appears that certain provisions of the law discriminate against their interest contrary to the mandate that retirement laws are social legislations and should be construed in favor of the claimants.

It is important to note that some survivors and dependents of TPPD retirees found themselves under financial strain as they have no means to sustain themselves after the five (5) year guaranteed period under the law. In addition, some retirees found that their retirement benefits are diminished by inflation due to non-applicability of indexation in retirement rates when there are salary increases due to officers in the active service.

It is about time to update the said provision and calibrate it to be more responsive to the needs of the subjects it seeks to provide for.

To be sure, these TPPD retirees incurred the Permanent Physical Disability while in the performance of their duties and the State must see to it that their welfare and those of their heirs or dependents are duly protected.

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



HON. JOSEFINA B. TALLADO
Representative
1st District, Camarines Norte



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"DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT ACT OF 1990", AS AMENDED
BY SECTION 35 OF REPUBLIC ACT NO. 8551, AND FOR OTHER PURPOSES.**

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

1 **SECTION 1.** Declaration of State Policy – It is hereby declared that the State recognizes the
2 contribution of police officers who were permanently and totally disabled as a result of the injuries or
3 sickness contracted in the performance of duty and that these officers deserve recognition from the
4 government.

5
6 **SECTION 2.** Coverage – this Section shall cover police retirees defined under Section 73 of
7 Republic Act No. 6795 as amended by Section 35 of RA 8551 who were separated or retired from police
8 service due to permanent or total disability upon certification by the National Police Commission and by
9 the appropriate medical officers that the extent of the disability or sickness renders such member to be
10 unfit or unable to further perform the duties of his position.

11
12 **SECTION 3.** Upon enactment, Section 73 of RA 6795 as amended by Section 35 of RA 8551, is
13 further amended to read as follows:

14
15 "Sec. 73, Permanent Physical Disability – An officer or non-officer who is
16 permanently and totally disabled as a result of injuries suffered or sickness
17 contracted in the performance of his duty as duly certified by the National Police
18 Commission, upon finding and certification by the appropriate medical officer, that
19 the extent of the disability or sickness renders such member unfit or unable to further
20 perform the duties of his position, shall be entitled to one year's salary and to lifetime
21 pension equivalent to eight percent (80%) of his last salary, **WHICH SHALL BE**
22 **SUBJECT TO ADJUSTMENTS BASED ON THE PREVAILING SCALE OF BASE**
23 **PAY OF POLICE PERSONNEL IN THE ACTIVE SERVICE**, in addition to other
24 benefits as provided under existing laws.

25
26 "Should such member who has been retired under permanent total disability
27 under this section die ~~within five (5) years from his retirement~~, his surviving legal
28 spouse or if there be none, the supervising dependent legitimate children shall be
29 entitled to the pension ~~for the remainder of the (5) years guaranteed period.~~"
30

31 **SECTION 4.** Implementing Rules and Regulations - The National Police Commission pursuant
32 to Section 85 of RA 6795 shall be tasked to formulate the law's implementing rules and regulations in
33 coordination with the Philippine National Police and the Department of the Interior and Local Government.
34 Such rules and regulations shall take effect upon their publication in three (3) newspapers of general
35 circulation.
36

37 **SECTION 5.** The amount necessary to carry out the provisions of this Act is hereby authorized
38 to be appropriated in the General Appropriation Act, are hereby repealed or amended as the case may
39 be.
40

41 **SECTION 6.** All laws, presidential decrees, letters of instructions, executive orders, rules and
42 regulations insofar as they are inconsistent with this act, are hereby repealed or amended as the case
43 may be.
44

45 **SECTION 7.** If any part or portion or provision of this Act shall be held invalid or unconstitutional,
46 no other part, section or provision thereof shall be affected thereby.
47

48 **SECTION 8.** This Act shall take effect fifteen (15) days after its publication in the Official Gazette
49 or in at least two newspapers of general circulation.
50

51 ***Approved.***