

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
1st Regular Session

House Bill No. 6859



**Introduced by Representatives ERIC G. YAP, PAOLO Z. DUTERTE,
EDVIC G. YAP and JEFFREY SORIANO**

EXPLANATORY NOTE

The 1987 Constitution recognizes the vital role of the judiciary as among the three branches of the government. However, despite such mandate, the judiciary does not have a standardized retirement law for its judicial officials with judicial rank, salary, and privileges, who, on the other hand, have also performed their duties alongside the justices and judges.

While the number of Supreme Court resolutions tells us that its basis and intention in granting the retirement privileges of its judicial officials with judicial rank, salary, and privileges is still Republic Act No. 910¹, the amendment made by Republic Act No. 9946 has limited the former's application to the members of the judiciary only. Worse, the GSIS Act of 1997 has excluded these judiciary officials with judicial rank, salary, and privileges in the GSIS's coverage and thereafter refunded their contribution in the GSIS fund. Thus, while the members of the judiciary continue to retire by the virtue of RA 910, as amended by RA 9946, the judicial officials with judicial rank, salary, and privileges are left with no retirement benefits despite years of dedicated service.

The aforementioned circumstances do not only cause ambiguity of the law but as well as the gross violation of the equal protection clause. It is in this regard that this bill seeks to provide a uniform application of retirement benefits under Republic Act No.

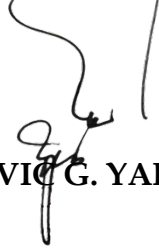
¹ Re: Application for Retirement under Republic Act No. 910, as amended, of Atty. Ma. Luisa L. Laurea, Division Clerk of Court, Second Division, Supreme Court, AM No. 13987 – Ret., August 9, 2011

910 not only to the members of the judiciary but also to the judicial officials with judicial rank, salary, and privileges, in honor of their invaluable service to the country.

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



ERIC G. YAP



EDVIC G. YAP



PAOLO Z. DUTERTE



JEFFREY SORIANO

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**Introduced by Representatives ERIC G. YAP, PAOLO Z. DUTERTE,
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AN ACT
STANDARDIZING THE RETIREMENT BENEFITS OF JUSTICES, JUDGES, AND
JUDICIARY OFFICIALS CONFERRED WITH JUDICIAL RANK, SALARY AND
PRIVILEGES, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR
THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED

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

SECTION 1. Section 1 of Republic Act No. 910, as amended by Republic Act No. 9946, is further amended to read as follows:

“Section 1. When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari’a district court, shari’a circuit court, or any other court hereafter established, **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE OF SAID COURTS**, who has rendered at least fifteen (15) years of service in the Judiciary or in any other branch of the Government, or in both, (a) retires for having attained the age of seventy years, or (b) resigns by reason of his/her incapacity to discharge the duties of his/her office as certified by the Supreme Court, he/she shall receive during the residue of his/her natural life, in the manner hereinafter provided, the salary [which] plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was receiving at the time of his/her retirement, or resignation, and non-wage benefit in the form of education scholarship to one (1) child of all Justices, [and] Judges, **OR JUDICIARY OFFICIALS**, to free tuition fee in a state university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS:** *Provided*, That such grant will cover only one (1) bachelor’s degree. When a Justice of the Sandiganbayan or of the Court

of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established, **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE OF SAID COURTS**, has attained the age of sixty (60) years and has rendered at least fifteen (15) years service in the Government, the last three (3) of which shall have been continuously rendered in the Judiciary, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life also in the manner hereinafter provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was then receiving and the non-wage benefit in the form of education scholarship to one (1) child of all Justices, [and] Judges, **OR JUDICIARY OFFICIALS**, to free tuition fee in a state university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS**: *Provided*, however, That any Justice, [or] Judge, **OR JUDICIARY OFFICIAL** with less than fifteen (15) years service in the Government or Judiciary, who shall retire due to reasons hereinabove provided, shall be entitled to a pro-rata monthly pension computed as follows:

Number of years in the Government or Judiciary		Basic pay plus the highest monthly aggregate transportation, representation and other allowances (PERA and additional compensation allowance)
	X	
15 years		

It is a condition of the pension provided for herein that no retiring Justice, [or] Judge, **OR JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE** of the aforementioned courts or his/her surviving spouse receiving the benefits of this Act during the time that he/she is receiving the said pension shall appear as counsel before any court in any civil case wherein the government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an incumbent or former officer or employee of the government is accused of an offense committed in relation to his/her office, or collect any fee for his/her appearance in any administrative proceedings to maintain an interest to the Government, national, provincial or municipal, or to any of its legally constituted officers. [It is also a condition of the pension provided for herein that when a member of the judiciary or his/her surviving spouse entitled to the benefits of 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 due to him/her.]”

SEC. 2. Section 3-A of the same Act, as amended, is further amended to read as follows:

“SEC. 3-A. All pension benefits of retired members of the Judiciary **AND JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES** shall be automatically increased whenever there is an increase in the salary **AND ALLOWANCES** of the same position from which [he/she] **THEY** retired.

SEC. 3. Section 3-B of the same Act, as amended, is further amended to read as follows:

“SEC. 3-B. The benefits under this Act shall be granted to all those who have retired prior to the effectivity of this Act, **INCLUDING JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES WHO COMPULSORILY RETIRED AT THE AGE OF SIXTY-FIVE (65) YEARS IN ACCORDANCE WITH LAW AT THE TIME OF THEIR RETIREMENT, AND THOSE WHO AVAILED THEMSELVES OF OPTIONAL OR DISABILITY RETIREMENT UNDER THIS ACT;** *Provided*, [That the benefits shall be applicable only to members of the Judiciary, *Provided further*] That the benefits to be granted shall be prospective.”

SEC. 4. The amount necessary for the initial implementation of this Act shall be charged against the current year’s savings of the Judiciary. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 5. If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 6. All laws, rules, regulations, orders, circulars and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 7. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,