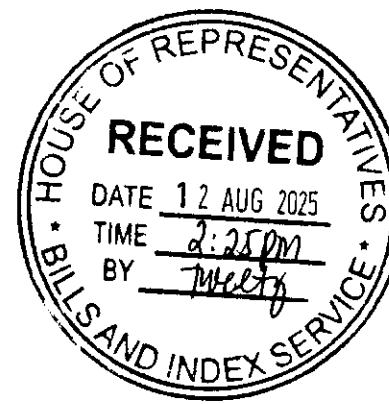


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3573



Introduced by REP. YSABEL MARIA J. ZAMORA

EXPLANATORY NOTE

This bill entitles judiciary officials with judicial rank, salary and privileges to all the retirement benefits being received by Justices and Judges under Republic Act (R.A.) No. 910, as amended by R.A. No. 9946.

In addition, this bill provides that judiciary officials with judicial rank, salary and privileges who had compulsorily retired at the age of sixty-five (65), or who had availed optional or disability retirement, are entitled to receive the benefits under R.A. No. 910, as amended, provided that the benefits to be granted shall be prospective in nature.

The objective of this proposed measure is to provide equitable treatment between judiciary officials conferred with judicial rank in the Judiciary vis-à-vis the members of the Judiciary. Granting said judiciary officials similar retirement benefits is a just and appropriate recognition of their vital contributions to the judicial system.

This bill also deletes the provision which excludes covered beneficiaries from receiving the benefits under R.A. No. 910, as amended, upon assuming elective office. This amendment will remove a deterrent to continued public service on the part of Justices, Judges and judiciary officials with judicial rank, salary and privileges.

The House of Representatives in the 19th Congress approved a similar measure on Third and Final Reading.

In view of the foregoing, it is hoped that this bill will be immediately approved by the House of Representatives in the 20th Congress.


REP. YSABEL MARIA J. ZAMORA
Lone District, City of San Juan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 3573

Introduced by REP. YSABEL MARIA J. ZAMORA

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 (70) 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, **AND 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 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**, has attained the age of sixty (60)

years and has rendered at least fifteen (15) years OF 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, **AND 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 OF 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 15 years	x	Basic pay plus the highest monthly aggregate transportation, representation and other allowances (PERA and additional compensation allowance)
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It is a condition of the pension provided for herein that no retiring Justice, [or] Judge [of the aforementioned courts], **OR JUDICIARY OFFICIAL**, 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 [G]overnment 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 [G]overnment 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 [G]overnment, 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 2 of the same Act, as amended by, is further amended to read as follows:

“SEC. 2. In case a Justice of the Supreme Court or 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 in cities, 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**, 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 plus the highest 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 **OR JUDICIARY OFFICIAL:** *Provided, however,*

That where the deceased Justice, [or] Judge **OR JUDICIARY OFFICIAL** 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 (10) 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 **OR JUDICIARY OFFICIAL** who was killed because of his/her work as such: *Provided,* That the Justice, [or] Judge **OR JUDICIARY OFFICIAL** has served in Government for at least five (5) years regardless of age at the time of death. When a Justice, [or] Judge **OR JUDICIARY OFFICIAL** is killed intentionally while in service, the presumption is that the death is work-related."

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

"SEC. 3. Upon retirement, a Justice of the Supreme Court or of 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 in cities, 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**, shall be automatically entitled to a lump sum of five (5) years' gratuity computed on the basis of 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 the residue of his/her natural life pursuant to Section 1 hereof: *Provided, however,* That if the reason for the retirement be any permanent disability contracted during his/her incumbency in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to ten (10) 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 that he/she is entitled to under this Act: *Provided, furthermore,* That if he/she survives after ten (10) 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,* 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.

"Upon the death of a Justice or Judge of any court in the Judiciary, **OR A JUDICIARY OFFICIAL**, if such Justice, [or] Judge **OR JUDICIARY OFFICIAL** 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 **OR JUDICIARY OFFICIAL** would have received had [the Justice or Judge] **HE/SHE** not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage."

SEC. 4. 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. 5. 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. 6. 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. 7. 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. 8. 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. 9. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,