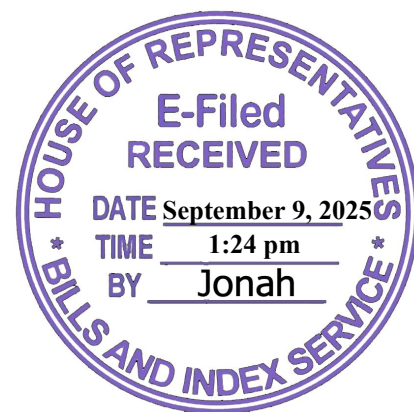


REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4460



Introduced by **HONORABLE RAMON JOLO B. REVILLA III,**
HONORABLE LANI MERCADO-REVILLA, and
HONORABLE BRYAN B. REVILLA

AN ACT
STANDARDIZING THE RETIREMENT BENEFITS OF JUSTICES,
JUDGES, AND JUDICIARY OFFICIALS WITH JUDICIAL RANK,
SALARY AND PRIVILEGES, AND APPROPRIATING FUNDS
THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO.
910, AS AMENDED

EXPLANATORY NOTE

The Judiciary fulfills a vital role in the bureaucracy, and recognizing the substantial equality in the roles of judiciary officials is necessary in upholding equal protection even among them.

This measure proposes to further amend the Republic Act No. 910, to include judiciary officials conferred with the same rank as justices and judges in the grant of retirement benefits. At present, Section 3-B of the said law limits its benefits to the Justices and Judges only. The Supreme Court has issued resolutions granting the court administrator and deputy, clerks of court, and other officers with the rank of a justice or a judge by the Supreme Court. Republic Act No. 8291 or The Government Service Insurance System Act of 1997, also excludes the judiciary officials with judicial rank, salary and privileges out of its

coverage, except for life insurance, and refund to their personal contribution to the GSIS fund.

The lack in legislation that expressly upholds the number of similar resolutions issued by the Supreme Court allowing Judiciary officials with judicial rank, salary and privileges to retire under Republic Act No. 910, as amended, without limitation or qualification, has led to a fragmented application of the law.

This measure thus proposes to qualify the judiciary officials with judicial rank, salary and privileges, including those who have compulsory retired prior to the enactment of this measure, to all retirement benefits being received by their counterpart judges and justices under Republic Act 910, as amended by Republic Act No. 9946. Moreover, the current provision that excludes retirees covered by the law from receiving benefits upon assuming elective office will be expressly repealed under this measure.

This measure has already been approved by the House of Representatives in both the 18th and 19th Congresses.

In view of standardizing retirement law for its judicial officials with judicial rank, salary, and privileges, the immediate passage of this measure is earnestly sought.



RAMON JOLO B. REVILLA III



LANI MERCADO-REVILLA



BRYAN B. REVILLA

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4460

Introduced by **HONORABLE RAMON JOLO B. REVILLA III,**
HONORABLE LANI MERCADO-REVILLA, and
HONORABLE BRYAN B. REVILLA

AN ACT
STANDARDIZING THE RETIREMENT BENEFITS OF JUSTICES,
JUDGES, AND JUDICIARY OFFICIALS 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 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, SALARY AND PRIVILEGES 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, SALARY AND PRIVILEGES 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

Number of years in the	Basic pay plus the highest monthly aggregate
<u>Government or Judiciary</u> x	transportation, representation and other

It is a condition of the pension provided for herein that no retiring Justice or Judge of the aforementioned courts, **OR JUDICIARY OFFICIAL [CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE]**, 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 [g]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. In case a Justice of the Supreme Court or Court of Appeals, 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, SALARY AND PRIVILEGES AS A JUSTICE OR 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 hereby 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, SALARY AND PRIVILEGES AS JUSTICE OR JUDGE** 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 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 **[m]Members of the Judiciary AND JUDICIARY OFFICIALS CONFERRED WITH JUDICIAL RANK, SALARY AND PRIVILEGES** shall be automatically increased whenever there is an increase in the salary **AND ALLOWANCES FOR** 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 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) 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. *Appropriation.* – 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. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, the remainder of this Act or any provisions not affected hereby shall remain in full force and effect.

Sec 8. *Repealing Clause.* - All laws, executive orders, rules, and regulations inconsistent with or contrary to this Act, are hereby repealed or amended accordingly.

Sec. 9. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,