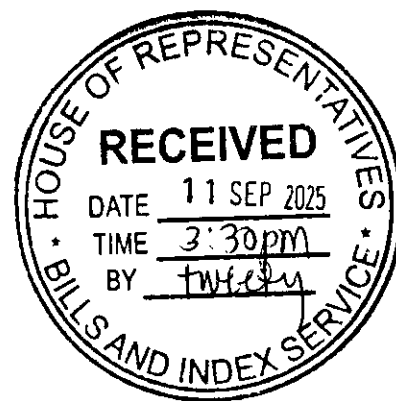


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4542



Introduced by Representative Mark Cholo I. Violago

EXPLANATORY NOTE

Survivorship benefits is the payment of the retirement or pension benefits to the beneficiaries of a deceased individual to ensure that a surviving spouse or dependents receive financial support after the individual's death.

Survivorship benefit is not an extraordinary retirement benefit, and in fact it is one of the most common benefit enjoyed by all government employees under the GSIS law. It is also being enjoyed as part of the retirement benefit under the SSS law. In other words, all employees are enjoying this benefit.

Unfortunately, since the year 2008, the Commissioners and Labor Arbiters of the National Labor Relations Commission (NLRC) have been denied this benefit. In the years prior to 2008, the said NLRC Officials were enjoying survivorship benefits under the GSIS law.

On 27 July 2006, R.A. 9347 became effective granting equality in rank, salaries, retirement, benefits and other privileges to the NLRC Officials with their judiciary counterparts. Consequently, sometime in 2008 to implement their special retirement privileges under R.A. 9347, the NLRC Officials were taken out of GSIS and their retirement benefits were placed under the Department of Budget and Management (DBM). In the process, the NLRC Official's survivorship benefits were not carried-over.

Under the circumstances, there exists an ongoing and continuing distortion of retirement benefits as the NLRC Officials are denied the survivorship benefits while NLRC staff and

employees and other government employees of the same or lower in rank are all enjoying survivorship benefits. There is also an undisputed diminution of benefits for while Section 4 of R.A. 9347 expressly provided that no diminution of benefits should happen in the implementation of the said law, survivorship benefit was inadvertently discontinued and not carried-over when R.A. 9347 was implemented.

In fact, the NLRC is currently maintaining two sets of benefits for its officials, that is, widows of NLRC Officials who retired prior to 2008 are enjoying survivorship pension benefits; while widows of NLRC officials who retired after 2008 are denied survivorship pension benefits.

It is therefore ironic that these NLRC Officials who are tasked by law to enforce and correct, among others, diminution or distortion of benefits for employees find themselves helpless against the very distortion and diminution of the benefits they should enjoy.

It is noted that the judiciary counterparts of the NLRC also lost their survivorship benefits upon the enactment of their special retirement law, R.A. 910. Later on their survivorship benefits was restored through R.A. 9946. In recognition of correcting the survivorship benefits, R.A. 9946 was made applicable to justices and judges who retired prior to the enactment of R.A. 9946 but with prospective application. It is under the same grant as part of the parity in rank, retirement, and benefits that the NLRC Officials seeks for the enforcement of their survivorship benefits to correct the denial of their survivorship benefits.

The NLRC has pursued their survivorship benefits through dialogues and negotiations with the DBM. This culminated in a Declaratory Relief case filed by the DBM before the Regional Trial Court of Manila. Unfortunately, just this February 2025, the RTC ruled against the survivorship claims of the NLRC Officials. While the NLRC is still pursuing the available legal remedies through Motion for Reconsideration and/or appeal, time is of the essence for the ageing survivors. Hence, NLRC seeks to pursue a double barrel approach to remedy the situation.

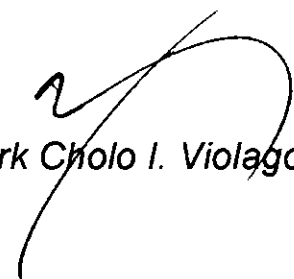
This bill therefore is a curative measure not only to correct the continuing distortion and diminution of benefits but to once and for all restore the mandated parity in ranks, annual salaries, and entitlement to the same allowances, emoluments, retirement and

other benefits and privileges between the NLRC Officials and their Judiciary counterparts.

In turn, this should enjoin more lawyers of exceptional competence and indisputable integrity to join the NLRC and uphold labor justice.

The passage of this bill should only entail minimal appropriations in view of the fact that there are only an existing twenty-nine (29) widows and widowers of NLRC officials, with a prospective application in the computation of the survivorship benefits; and there are only twenty-four incumbent NLRC Commissioners, and 142 incumbent Labor Arbiters at a given time. The appropriations needed should be viewed more on the fact that the government has already made savings when the survivorship pensions was denied since 2008 until the present, and this bill is only seeking to enforce the survivorship pension of existing survivors after the effectivity of this measure.

Time is of the essence for the still living survivors of NLRC Officials, and it is in this view that the immediate passage of the bill is earnestly sought.



Mark Cholo I. Violago

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AN ACT
GRANTING SURVIVORSHIP AND ALL OTHER
ADDITIONAL BENEFITS IN PARITY WITH THEIR
COUNTERPARTS IN THE JUDICIARY, IN FAVOR OF
THE CHAIRPERSON, COMMISSIONER OR LABOR
ARBITER OF THE NATIONAL LABOR RELATIONS
COMMISSION, PROVIDING FUNDS THEREFOR,
AMENDING FOR THE PURPOSE PRESIDENTIAL
DECREE 442, OTHERWISE KNOWN AS THE LABOR
CODE OF THE PHILIPPINES, AND FOR OTHER
PURPOSES

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

1 **SECTION 1. *Short Title.*** – This Act shall be known as the
2 “Survivorship Benefits for NLRC Act of 2025.”

3 **SECTION 2. *Parity in Salaries and Benefits.*** – Article 223,
4 Chapter I, Title II, Book Five, of Presidential Decree No. 442, otherwise
5 known as the Labor Code of the Philippines, as amended, is hereby
6 amended to read as follows:

7 **ART. 223. *Salaries, Benefits, and Emoluments.*** –

8 The Chairman and members of the Commission shall have
9 the same rank, receive an annual salary equivalent to, and
10 be entitled to the same allowances, retirement and benefits
11 as those of the Presiding Justice and Associate Justices of

1 the Court of Appeals, respectively. Labor Arbiters shall
2 have the same rank, receive an annual salary equivalent
3 to and be entitled to the same allowances, retirement and
4 other benefits and privileges as those of the judges of the
5 Regional Trial Courts. **THE CHAIRPERSON, MEMBERS**
6 **OF THE COMMISSION AND THE LABOR ARBITERS**
7 **SHALL LIKEWISE RECEIVE SURVIVORSHIP AND**
8 **OTHER BENEFITS UNDER REPUBLIC ACT NO. 9946,**
9 **ENTITLED "AN ACT GRANTING ADDITIONAL**
10 **RETIREMENT, SURVIVORSHIP, AND OTHER**
11 **BENEFITS TO MEMBERS OF THE JUDICIARY,**
12 **AMENDING FOR THE PURPOSE REPUBLIC ACT NO.**
13 **910, AS AMENDED, PROVIDING FUNDS THEREFOR**
14 **AND FOR OTHER PURPOSES".**

15 "UPON THE DEATH OF THE CHAIRPERSON,
16 MEMBER OF THE COMMISSION OR LABOR ARBITER,
17 IF SUCH OFFICIAL HAS RETIRED, OR WAS ELIGIBLE
18 TO RETIRE OPTIONALLY AT THE TIME OF DEATH,
19 THE SURVIVING LEGITIMATE SPOUSE SHALL BE
20 ENTITLED TO RECEIVE ALL THE RETIREMENT
21 BENEFITS THAT THE DECEASED SAID OFFICIAL
22 WOULD HAVE RECEIVED HAD HE OR SHE NOT DIED.
23 THE SURVIVING SPOUSE SHALL CONTINUE TO
24 RECEIVE SUCH RETIREMENT BENEFITS UNTIL THE
25 SURVIVING SPOUSE'S DEATH OR REMARRIAGE.

1 IN THE ABSENCE OF A SURVIVING SPOUSE,
2 THE SURVIVORSHIP BENEFIT SHALL TRANSFER TO
3 THE SURVIVING CHILD OR CHILDREN OF THE SAID
4 OFFICIAL, DIVIDED EQUALLY IF MORE THAN ONE (1),
5 UNTIL THEY REACH THE AGE OF TWENTY-ONE (21),
6 OR IN CASE OF CHILDREN WHO HAVE REACHED THE
7 AGE OF MAJORITY BUT ARE UNABLE TO FULLY
8 TAKE CARE OF OR PROTECT THEMSELVES AS
9 DEFINED UNDER REPUBLIC ACT NO. 7610, UNTIL
10 SUCH TIME THAT SUCH INFIRMITY IS REMOVED.

11 IN THE ABSENCE OF A SURVIVING SPOUSE OR
12 CHILDREN, THE SURVIVORSHIP BENEFITS SHALL
13 TRANSFER TO THE SAID OFFICIAL'S SURVIVING
14 PARENT OR PARENTS, DIVIDED EQUALLY IF MORE
15 THAN ONE (1), UNTIL THE REST OF THE PARENT'S
16 NATURAL LIFE.

17 THE ABOVE STATED OFFICIALS SHALL ALSO
18 BE ENTITLED TO ALL OTHER ALLOWANCES,
19 RETIREMENT AND OTHER BENEFITS AND
20 PRIVILEGES GRANTED IN FAVOR OF THEIR
21 JUDICIARY COUNTERPARTS AS MAY HAVE BEEN OR
22 HEREINAFTER GRANTED BY LAW, RULES OR
23 REGULATIONS. In no case, however, shall the provision
24 of this Article result in the diminution of the existing

1 salaries, allowances and benefits of the aforementioned
2 officials.

3 **SECTION 3. Coverage.** – The benefits under this Act shall be
4 granted to all the said NLRC Officials who have retired prior to the
5 effectivity of this Act, *Provided that*, the benefits shall accrue only upon
6 the effectivity of this Act.

7 **SECTION 4. Implementing Rules and Regulations.** – Within
8 ninety (90) days from the effectivity of this Act, the NLRC shall issue
9 the necessary rules and regulations for the effective implementation of
10 this Act.

11 **SECTION 5. Appropriations.** – The amount necessary for the
12 continuing implementation of this Act shall be programmed by the
13 Commission to be included in the General Appropriations Act.

14 **SECTION 6. Separability Clause.** - If any provision of this Act,
15 or any parts thereof, is declared unconstitutional, the same shall not
16 affect the validity and effectivity of the other portions.

17 **SECTION 7. Repealing Clause.** - All laws, executive orders,
18 presidential decrees, proclamations, rules, regulations, issuances and
19 enactments of parts thereof inconsistent with this Act are hereby
20 repealed or modified accordingly.

21 **SECTION 8. Effectivity.** - This Act shall take effect fifteen (15)
22 days from its complete publication in the Official Gazette of in a
23 newspaper of general circulation in the Philippines, whichever comes
24 earlier.

APPROVED.