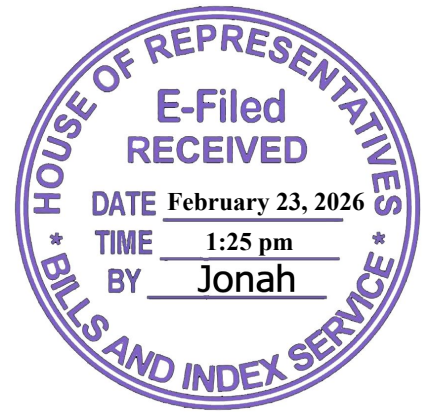


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 7935



Introduced by:

HON. CHRISTOPHERSON "COCO" M. YAP

EXPLANATORY NOTE

Persons with disability (PWDs) who dedicate their careers to government service often face challenges in performing their work due to physical, mental, or sensory limitations. While they continue to serve the public, their disability may reduce their capacity to work effectively or safely, making it harder to sustain employment despite years of dedicated service. Yet, current retirement options do not fully address their unique needs for early and secure retirement.

This bill provides a clear and fair **early optional retirement option for qualified PWD government employees**, allowing those who meet age, service, and certification requirements to retire and receive their GSIS benefits without waiting for the normal retirement age. The measure ensures eligibility is carefully assessed, benefits are properly computed, and safeguards are in place against misuse, while aligning with existing GSIS rules and actuarial standards.

By offering PWDs a dignified and secure pathway to retirement, this measure promotes social justice, recognizes their contributions to public service, and affirms the State's commitment to the rights, welfare, and well-being of persons with disability.

In view of the foregoing, **ug sa ngalan sa SERBISYONG TINUORAY**, the undersigned respectfully requests the immediate passage of this measure.


CHRISTOPHERSON "COCO" M. YAP
Representative, Second District of Southern Leyte

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AN ACT
PROVIDING FOR AN EARLY OPTIONAL RETIREMENT MODE FOR QUALIFIED PERSONS WITH DISABILITY IN GOVERNMENT SERVICE, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8291, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. — This Act shall be known as the “*Persons with Disability Early Optional Retirement Act.*”

SECTION 2. Declaration of Policy. — It is the policy of the State to recognize and promote the rights of persons with disability (PWDs) as integral members of Philippine society, and to ensure that they enjoy equal opportunity in public employment and a meaningful, productive, and satisfying life during and after government service.

In furtherance of social justice and protection of the right to security in old age and disability, the State shall provide a clear, fair, and administrable early optional retirement mode for qualified PWD government employees, consistent with the Government Service Insurance System (GSIS) framework.

SECTION 3. Definition of Terms. — As used in this Act:

- (a) **Person with Disability (PWD)** refers to an employee who has a long-term physical, mental, intellectual, or sensory impairment which, in interaction with

various barriers, **substantially limits** one or more major life activities or functional capacities relevant to work, as certified in accordance with the standards and procedures under this Act and its implementing rules.

(b) **Disability for purposes of early optional retirement** refers to a medically determinable impairment that results in a **substantial limitation of functional capacity** such that the employee experiences sustained difficulty in performing the essential functions of the employee's customary work, or work of similar nature for which the employee is trained, considering reasonable accommodation where applicable.

(c) **Qualified service** means government service creditable under the GSIS law and rules.

SECTION 4. Coverage. — This Act shall apply to all appointive officials and employees in the government service who are GSIS members, including those in the National Government, local government units, and government-owned or controlled corporations with original charters.

Uniformed personnel of the Armed Forces of the Philippines and the Philippine National Police covered by separate retirement systems are excluded.

SECTION 5. Early Optional Retirement for Qualified PWD Government Employees. — A PWD government employee covered by this Act may opt to retire and receive GSIS retirement benefits under **R.A. No. 8291, under an early optional retirement mode**, if the employee meets all the following:

- (a) Has rendered at least fifteen (15) years of qualified service;
- (b) Is at least fifty-five (55) years of age at the time of retirement;
- (c) Is a certified PWD under Section 6 of this Act; and
- (d) Is not receiving a monthly pension benefit from permanent total disability under the GSIS law at the time of retirement, consistent with the statutory limitation under R.A. No. 8291.

SECTION 6. Certification and Evaluation; Safeguards. —

- (a) **Certification.** The GSIS shall determine eligibility under this Act based on medical evaluation and functional assessment, with due regard to actual work limitations and loss of earning capacity, consistent with jurisprudence that

disability is determined by capacity to work and earn rather than diagnosis alone.

- (b) **Anti-fraud safeguards.** The IRR shall provide standards for documentary requirements, periodic validation where appropriate, and penalties for falsification or fraudulent claims.
- (c) **Due process.** Denial of eligibility shall be in writing stating reasons, and shall be appealable through existing GSIS processes and judicial remedies consistent with law.

SECTION 7. Benefit Computation; Funding; Non-impairment. —

- (a) **Benefit level.** A retiree under this Act shall receive retirement benefits computed under the applicable benefit formula of R.A. No. 8291 and GSIS rules for retirement, subject to the same actuarial and funding standards.
- (b) **No double recovery.** A retiree who is already receiving a monthly pension from permanent total disability shall not be eligible under this Act, consistent with R.A. No. 8291.
- (c) **Liberal construction.** This Act shall be liberally construed in favor of the retiree-beneficiary, consistent with the policy on retirement and social legislation, without expanding benefits beyond what the statute provides.

SECTION 8. Implementing Rules and Regulations. — Within ninety (90) days from effectivity, the GSIS, in consultation with the Civil Service Commission, the National Council on Disability Affairs, and stakeholders, shall promulgate the implementing rules and regulations to carry out this Act.

SECTION 9. Separability Clause. — If any provision of this Act is declared unconstitutional or invalid, the remainder not affected thereby shall remain in full force and effect.

SECTION 10. Repealing Clause. — All laws, decrees, orders, issuances or portions thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 11. Effectivity. — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspapers of general circulation.

Approved,