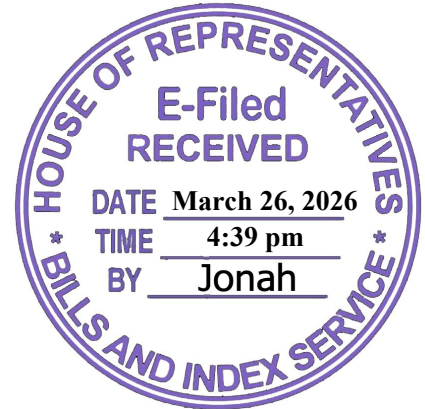


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8800



Introduced by **Representative ERIC G. YAP**

EXPLANATORY NOTE

This bill seeks to institutionalize a uniform and equitable retirement system for judicial officials who have the same rank, salary, and privileges as justices and judges. It addresses a long-standing policy gap that excludes similarly situated judicial officials from the retirement system accorded to members of the judiciary, despite the comparable nature of their functions and responsibilities.

While Republic Act (RA) No. 910 originally provided a framework for judicial retirement, subsequent amendments under RA No. 9946 narrowed the scope of these benefits to encompass only members of the bench. As a result, high-ranking judiciary officials, including Clerks of Court and court administrators conferred with judicial rank, were excluded from these benefits. At the same time, RA No. 8291, otherwise known as "*The Government Service Insurance System (GSIS) Act of 1997*", removed them from regular GSIS coverage due to their judicial classification, only for them to find themselves excluded from the pension system. This leaves dedicated public servants with limited benefits that do not reflect the length and value of their public service.

This proposed measure reinforces judicial independence by ensuring that senior judiciary officials remain financially secure upon retirement. It also enhances existing benefits by extending educational support to the children of qualified retirees.

This vital piece of legislation affirms the State's recognition played by these officials in the administration of justice and promotes a more equitable and sustainable judiciary.

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


HON. ERIC G. YAP

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8800

Introduced by **Representative ERIC G. YAP**

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

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-rate monthly pension computed as follows:

“x x x

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

SEC. 5. *Separability Clause.* – If any provision of this Act is held invalid or unconstitutional, the other provisions not so declared shall remain in force and effect.

SEC. 6. *Repealing Clause.* – All laws, decrees, orders and rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

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

Approved,