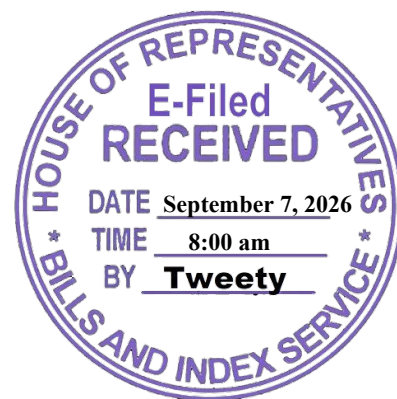


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11134



Introduced by **Representative FERDINAND L. HERNANDEZ**

AN ACT
EXPANDING THE COVERAGE OF QUALIFIED BENEFICIARIES UNDER
REPUBLIC ACT NO. 9946, TO INCLUDE OTHER QUALIFIED DEPENDENTS

EXPLANATORY NOTE

The passage of Republic Act No. 910, as amended by Republic Act No. 9946, otherwise known as “An Act Granting Additional Retirement, Survivorship, and Other Benefits to Members of the Judiciary,” has long been recognized as a significant measure acknowledging the invaluable contributions of judges and justices to the administration of justice. By granting retirement, survivorship, and related benefits, the law not only provides financial security to members of the Judiciary and their families, but also reinforces judicial independence by ensuring that judges and justices are accorded proper protection even after their service. These benefits likewise encourage competent and distinguished members of the Bar to join the Judiciary despite the financial sacrifices and opportunity costs associated with leaving private practice.

However, the present provisions of the law on survivorship benefits require reconsideration and expansion in light of evolving family structures and the realities faced by members of the Judiciary today. At present, the law primarily limits survivorship benefits to the surviving legitimate spouse and heirs or those who are entitled to succeed in the estate of the deceased Judge or Justice under the law on succession. Such limitation fails to account for situations where a judge or justice, although unmarried at the time of death, leaves behind dependents who relied upon them for support and who would otherwise qualify as their lawful heirs.

In modern society, the concept of “heirs” and “dependents” has become more nuanced and should not be confined to a restrictive interpretation. The law must recognize that members of the Judiciary may have other qualified dependents, who remain financially and emotionally dependent upon them regardless of marital status. Extending survivorship benefits to these

dependents promotes fairness and ensures that judges and justices who are differently situated in life are not unjustly excluded from the full protection intended by the law.

Such an expansion is neither novel nor unprecedented. Section 1 of Republic Act No. 11643, otherwise known as “An Act Granting Survivorship Benefits to the Surviving Legitimate Spouse and Dependent Children of a Deceased Retired Member of the National Prosecution Service,” adopts a broader and more inclusive definition of dependents. Under the said law, dependents include legitimate, illegitimate, or legally adopted children who are chiefly dependent upon the deceased member of the National Prosecution Service, provided they are unmarried, not gainfully employed, and not more than twenty-one (21) years of age, or regardless of age if incapable of self-support due to mental or physical incapacity.

Under similar considerations, this Bill seeks to expand the coverage of heirs and dependents entitled to survivorship benefits under Republic Act No. 910, as amended, in order to reflect the present realities faced by members of the Judiciary and their families. By doing so, the proposed measure strengthens the State’s continuing recognition of the sacrifices and service rendered by judges and justices, while ensuring equal and compassionate treatment regardless of their civil status or family circumstances.

In view of the foregoing, , the immediate approval of this measure is earnestly sought.



FERDINAND L. HERNANDEZ

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

TWENTIETH CONGRESS
Second Regular Session

HOUSE BILL NO. 11134

Introduced by **Representative FERDINAND L. HERNANDEZ**

AN ACT
EXPANDING THE COVERAGE OF QUALIFIED BENEFICIARIES UNDER
REPUBLIC ACT NO. 9946, TO INCLUDE OTHER QUALIFIED DEPENDENTS

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

SECTION 1. *Amendment of Section 2.* – Section 2 of Republic Act No. 9946, is hereby 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, dies while in actual service, regardless of his/her age and length of service as required in Section 1 hereof, his/her surviving legitimate spouse and dependents 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: *Provided, however,* That where the deceased Justice or Judge has rendered at least fifteen (15) years either in the Judiciary or in any other branch of Government, or both, his/her surviving legitimate spouse and dependents 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 surviving legitimate spouse and dependents of the Justice or the Judge who was killed because of his/her work as such: *Provided,* That the Justice or Judge has served in Government for at least five (5) years regardless of age at the time of death.

When a Justice or Judge is killed intentionally while in service, the presumption is that the death is work-related.”

SECTION 2. *Amendment of Section 3.* – Section 3 of the same Act, 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 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 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, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse and dependents of the Judge or Justice shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge would have received had the Justice or Judge not died. The surviving spouse and the dependents shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

As used in this Act, the term “dependent” refers to the Judge’s or Justice’s legitimate, legitimated, legally adopted, or illegitimate child who is unmarried, not gainfully employed, and either: (a) below the age of majority; or (b) over the age of majority but incapacitated and incapable of self-support due to a mental or physical disability acquired prior to reaching the age of majority.

The term likewise includes the Judge’s or Justice’s parents who are senior citizens, mentally incapacitated, physically disabled, or suffering from chronic or degenerative illnesses or conditions that substantially impair their capacity for self-support, such as Parkinson’s disease, muscular dystrophy, diabetes, and similar conditions.”

SECTION 3. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, parts of provisions of this Act which are not affected shall continue to be in full force and effect.

SECTION 4. *Repealing Clause.* – All laws, decrees, executive orders, presidential decrees, Implementing Rules and Regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 5. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,