

S No 1620

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Republic of the Philippines
Congress of the Philippines
Metro Manila

Fourteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand nine.

[REPUBLIC ACT NO. 9946]

AN ACT GRANTING ADDITIONAL RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Section 1 of Republic Act No. 910, as amended, is hereby 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 who has rendered at least fifteen (15) years 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 to free tuition fee in a state university or college: *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 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 to free tuition fee in a state university or college: *Provided, however*, That any Justice or Judge with less than

fifteen (15) years service in the Government or Judiciary, who shall retire due to reasons heremabove provided, shall be entitled to a pro-rata monthly pension computed as follows:

Number of years in the Government or Judiciary	x	Basic pay plus the highest monthly aggregate transportation, representation and other allowances (PERA and additional compensation allowance)
<hr/> 15 years		

“It is a condition of the pension provided for herein that no retiring Justice or Judge of the aforementioned courts or his/her surviving spouse receiving the benefits of this Act during the time that he/she is receiving 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 2 of the same Republic Act, as amended, 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 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: *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 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 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."

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 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, if such Justice or Judge 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 would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.”

SEC. 4. Two (2) new sections are hereby inserted in Republic Act No. 910, as amended, to read as Section 3-A and Section 3-B.

“SEC. 3-A. All pension benefits of retired members of the Judiciary shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.”

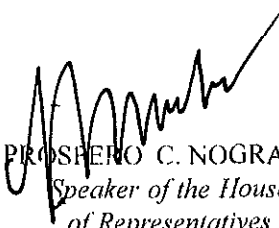
“SEC. 3-B. The benefits under this Act shall be granted to all those who have retired prior to the effectivity of this Act: *Provided*, That the benefits shall be applicable only to members of the Judiciary: *Provided, further*, That the benefits to be granted shall be prospective.”

SEC. 5. 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. 6. All laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 7. This Act shall take effect fifteen (15) days following the completion of its publication in the *Official Gazette* or in any two (2) newspapers of general circulation.

Approved,


PROSPERO C. NOGRALES
*Speaker of the House
of Representatives*


JUAN TONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 1620 and House Bill No. 6820 was finally passed by the Senate and the House of Representatives on November 11, 2009.

Marilyn B. Barua Yap
MARILYN B. BARUA YAP
Secretary General
House of Representatives

Emma Lirio-Reyes
EMMA LIRIO-REYES
Secretary of the Senate

Approved: JAN 13 2010

Gloria M. Arroyo
GLORIA MACAPAGAL-ARROYO
President of the Philippines

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