



HOUSE OF REPRESENTATIVES

H. No. 8101

BY REPRESENTATIVES FARIÑAS, UMALI, NOGRALES (K.A.),
VELOSO, DE VERA, CUEVA, HERRERA-DY, SY-ALVARADO,
BELMONTE (R.), TAMBUNTING, ZAMORA (M.C.), LEACHON,
DEL MAR, LOBREGAT, NUÑEZ-MALANYAON, VILLAFUERTE,
ANTONINO, SAMBAR, CAMINERO, OAMINAL AND
PRIMICIAS-AGABAS, PER COMMITTEE REPORT NO. 821

AN ACT GRANTING SURVIVORSHIP BENEFITS TO THE
DEPENDENT CHILDREN OF A DECEASED RETIRED
MEMBER OF THE JUDICIARY WHO IS A SOLO PARENT,
OR TO THE SURVIVING PARENTS OR NOMINATED
PERSONS OF SUCH DECEASED RETIREE, 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:*

1 SECTION 1. Section 1 of Republic Act No. 910, as amended, is
2 hereby further amended to read as follows:

3 "SECTION 1. When a Justice of the Supreme Court,
4 the Court of Appeals, the Sandiganbayan, or of the
5 Court of Tax Appeals, or a Judge of the regional trial
6 court, metropolitan trial court, municipal trial court,
7 municipal circuit trial court, shari'a district court,
8 shari'a circuit court, or any other court hereafter

1 established who has rendered at least fifteen (15) years
2 service in the Judiciary or in any other branch of the
3 Government, or in both, (a) retires for having attained
4 the age of seventy years, or (b) resigns by reason of
5 his/her incapacity to discharge the duties of his/her
6 office as certified by the Supreme Court, he/she shall
7 receive during the residue of his/her natural life, in the
8 manner hereinafter provided, the salary which plus
9 the highest monthly aggregate of transportation,
10 representation and other allowances such as personal
11 economic relief allowance (PERA) and additional
12 compensation allowance which he/she was receiving at
13 the time of his/her retirement, or resignation, and
14 non-wage benefit in the form of education scholarship to
15 one (1) child of all Justices and Judges to free tuition fee
16 in a state university or college: *Provided*, That such
17 grant will cover only one (1) bachelor's degree. When a
18 Justice of the Supreme Court, the Court of Appeals, the
19 Sandiganbayan or of the Court of Tax Appeals, or a
20 Judge of the regional trial court, metropolitan trial
21 court, municipal trial court, municipal circuit trial
22 court, shari'a district court, shari'a circuit court, or any
23 other court hereafter established has attained the age of
24 sixty (60) years and has rendered at least fifteen (15)
25 years service in the Government, the last three (3) of
26 which shall have been continuously rendered in the
27 Judiciary, he/she shall likewise be entitled to retire and

1 receive during the residue of his/her natural life also in
 2 the manner hereinafter provided, the salary plus the
 3 highest monthly aggregate of transportation,
 4 representation and other allowances such as personal
 5 economic relief allowance (PERA) and additional
 6 compensation allowance which he/she was then
 7 receiving and the non-wage benefit in the form of
 8 education scholarship to one (1) child of all Justices and
 9 Judges to free tuition fee in a state university or college:
 10 *Provided, however,* That any Justice or Judge with less
 11 than fifteen (15) years service in the Government or
 12 Judiciary, who shall retire due to reasons hereinabove
 13 provided, shall be entitled to a pro-rata monthly pension
 14 computed as follows:

15	Number of years in the		Basic pay plus the
16	Government or Judiciary		highest monthly
17	_____	x	aggregate transportation,
18	15 years		representation and
19			other allowances (PERA
20			and additional
21			compensation allowance)

22 "It is a condition of the pension provided for herein
 23 that no retiring Justice or Judge of the aforementioned
 24 courts or his/her [surviving spouse] BENEFICIARIES
 25 UNDER SECTION 3 HEREOF receiving the benefits of this
 26 Act during the time that he/she is receiving said
 27 pension shall appear as counsel before any court in any

1 civil case wherein the Government or any subdivision or
2 instrumentality thereof is the adverse party, or in any
3 criminal case wherein an incumbent or former officer or
4 employee of the Government is accused of an offense
5 committed in relation to his/her office, or collect any fee
6 for his/her appearance in any administrative
7 proceedings to maintain an interest to the Government,
8 national, provincial or municipal, or to any of its legally
9 constituted officers. It is also a condition of the pension
10 provided for herein that when a member of the
11 Judiciary or his/her [surviving spouse] **BENEFICIARIES**
12 **UNDER SECTION 3 HEREOF** entitled to the benefits of
13 this Act shall assume an elective public office, he/she
14 shall not, upon assumption of office and during his/her
15 term, receive the monthly pension due to him/her.”

16 SEC. 2. Section 2 of the same Act, as amended, is hereby
17 further amended to read as follows:

18 “SEC. 2. In case a Justice of the Supreme Court or
19 Court of Appeals, the Sandiganbayan or of the Court of
20 Tax Appeals, or a Judge of the regional trial court,
21 metropolitan trial court, municipal trial court in cities,
22 municipal trial court, municipal circuit trial court,
23 shari’a district court, shari’a circuit court, or any other
24 court hereafter established, dies while in actual service,
25 regardless of his/her age and length of service as
26 required in Section 1 hereof, his/her [heirs]
27 **BENEFICIARY OR BENEFICIARIES LISTED IN SECTION 3**

1 HEREOF shall receive a lump sum of five (5) years'
2 gratuity computed on the basis of the highest monthly
3 salary plus the highest monthly aggregate of
4 transportation, representation and other allowances
5 such as personal economic relief allowance (PERA) and
6 additional compensation allowance received by him/her
7 as such Justice or Judge: *Provided, however,* That
8 where the deceased Justice or Judge has rendered at
9 least fifteen (15) years SERVICE either in the Judiciary
10 or in any other branch of Government, or both, his/her
11 [heirs] BENEFICIARY OR BENEFICIARIES LISTED IN
12 SECTION 3 HEREOF shall instead be entitled to a lump
13 sum of ten (10) years gratuity computed on the same
14 basis as indicated in this provision: *Provided, further,*
15 That the lump sum of ten (10) years gratuity shall be
16 received by the [heirs] BENEFICIARY OR BENEFICIARIES
17 LISTED IN SECTION 3 HEREOF of the Justice or the
18 Judge who was killed because of his/her work as such:
19 *Provided,* That the Justice or Judge has served in
20 Government for at least five (5) years regardless of age
21 at the time of death. When a Justice or Judge is killed
22 intentionally while in service, the presumption is that
23 the death is work-related."

24 SEC. 3. Section 3 of the same Act, as amended, is hereby
25 further amended to read as follows:

26 "SEC. 3. Upon retirement, a Justice of the Supreme
27 Court or of the Court of Appeals, the Sandiganbayan or

1 of the Court of Tax Appeals, or a Judge of the regional
2 trial court, metropolitan trial court, municipal trial
3 court in cities, municipal trial court, municipal circuit
4 trial court, shari'a district court, shari'a circuit court, or
5 any other court hereafter established shall be
6 automatically entitled to a lump sum of five (5) years'
7 gratuity computed on the basis of the highest monthly
8 salary plus the highest monthly aggregate of
9 transportation, representation and other allowances
10 such as personal economic relief allowance (PERA) and
11 additional compensation allowance he/she was receiving
12 on the date of his/her retirement and thereafter upon
13 survival after the expiration of five (5) years, to further
14 annuity payable monthly during the residue of his/her
15 natural life pursuant to Section 1 hereof: *Provided,*
16 *however,* That if the reason for the retirement be any
17 permanent disability contracted during his/her
18 incumbency in office and prior to the date of retirement,
19 he/she shall receive a gratuity equivalent to ten (10)
20 years' salary and the allowances aforementioned:
21 *Provided, further,* That should the retirement under
22 Section 1(a) hereof be with the attendance of any partial
23 permanent disability contracted during his/her
24 incumbency and prior to the date of retirement, he/she
25 shall receive an additional gratuity equivalent to two (2)
26 years lump sum that he/she is entitled to under this
27 Act: *Provided, furthermore,* That if he/she survives

1 after ten (10) years or seven (7) years, as the case may
2 be, he/she shall continue to receive a monthly annuity
3 as computed under this Act during the residue of
4 his/her natural life pursuant to Section 1 hereof:
5 *Provided, finally,* That those who have retired with the
6 attendance of any partial permanent disability five (5)
7 years prior to the effectivity of this Act shall be entitled
8 to the same benefits provided herein.

9 "Upon the death of a Justice or Judge of any court
10 in the Judiciary, if such Justice or Judge has retired, or
11 was eligible to retire optionally at the time of death, the
12 surviving legitimate spouse shall be entitled to receive
13 all the retirement benefits that the deceased Justice or
14 Judge would have received had the Justice or Judge not
15 died. The surviving spouse shall continue to receive
16 such retirement benefits until the surviving spouse's
17 death or remarriage."

18 "IN CASE THE DECEASED JUSTICE OR JUDGE WAS
19 UNMARRIED AND HAD RETIRED OR WAS ELIGIBLE TO
20 RETIRE OPTIONALLY AT THE TIME OF DEATH, THE
21 RETIREMENT BENEFITS SHALL BE PAID AS FOLLOWS:

22 "(A) WHEN THE DECEASED JUSTICE OR JUDGE
23 WAS A SOLO PARENT AS DEFINED IN REPUBLIC ACT
24 NO. 8972, OTHERWISE KNOWN AS THE "SOLO PARENTS'
25 WELFARE ACT OF 2000", THE SURVIVING DEPENDENT
26 CHILDREN OR OTHER CHILDREN UNDER THE CARE OF
27 THE DECEASED JUSTICE OR JUDGE, INCLUDING
28 CHILDREN WHO HAVE REACHED THE AGE OF MAJORITY

1 BUT ARE UNABLE TO FULLY TAKE CARE OF THEMSELVES
2 OR PROTECT THEMSELVES FROM ABUSE, NEGLECT,
3 CRUELTY, EXPLOITATION, OR DISCRIMINATION BECAUSE
4 OF A PHYSICAL OR MENTAL DISABILITY OR CONDITION
5 AS DEFINED UNDER REPUBLIC ACT NO. 7610,
6 OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF
7 CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND
8 DISCRIMINATION ACT", SHALL BE ENTITLED TO
9 RECEIVE, ON A MONTHLY BASIS, ALL THE RETIREMENT
10 BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WAS
11 RECEIVING AT THE TIME OF DEATH UNDER THE
12 PROVISIONS OF APPLICABLE RETIREMENT LAWS THEN
13 IN FORCE. THE MINOR DEPENDENT CHILDREN SHALL
14 BE DISQUALIFIED FROM RECEIVING THE BENEFITS ONCE
15 THEY REACH THE AGE OF MAJORITY. ANY SUBSEQUENT
16 DEATH OR DISQUALIFICATION OF ANY OF THE
17 DEPENDENT CHILDREN SHALL NOT RESULT IN THE
18 ACCRUAL OF THE FORFEITED BENEFITS TO OTHER
19 BENEFICIARIES.

20 "(B) WHEN THE JUSTICE OR JUDGE DIED WITHOUT
21 ISSUE, THE SURVIVING PARENTS, IF ANY, OR UNLESS
22 OTHERWISE DISQUALIFIED BY LAW, ANY PERSON OR
23 PERSONS NOMINATED BY THE JUSTICE OR JUDGE
24 PRIOR TO OR ON THE DATE OF RETIREMENT, SHALL
25 RECEIVE ON A MONTHLY BASIS ALL THE RETIREMENT
26 BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WAS
27 RECEIVING AT THE TIME OF DEATH UNDER THE
28 PROVISIONS OF APPLICABLE RETIREMENT LAWS THEN
29 IN FORCE: *PROVIDED*, THAT THE NOMINEES SHALL BE
30 LIMITED TO TWO (2) PERSONS ONLY: *PROVIDED*,

1 *FURTHER, THAT IF THE BENEFICIARIES ARE RECEIVING*
2 *BENEFITS UNDER EXISTING RETIREMENT LAWS, THEY*
3 *SHALL ONLY BE ENTITLED TO THE DIFFERENCE*
4 *BETWEEN THE AMOUNT TO BE RECEIVED PURSUANT*
5 *TO THIS ACT AND THE RETIREMENT BENEFITS*
6 *BEING RECEIVED. ANY SUBSEQUENT DEATH OR*
7 *DISQUALIFICATION OF ANY OF THE FOREGOING*
8 *BENEFICIARIES SHALL NOT RESULT IN THE ACCRUAL OF*
9 *THE FORFEITED BENEFITS TO OTHER BENEFICIARIES."*

10 SEC. 4. The amount necessary for the implementation of this
11 Act shall be charged against the available appropriations of the
12 Judiciary under the current General Appropriations Act.
13 Thereafter, such sums as may be necessary for its continued
14 implementation shall be included in the annual General
15 Appropriations Act.

16 SEC. 5. Within sixty (60) days from the approval of this Act,
17 the Secretary of Budget and Management, in consultation with the
18 Supreme Court, shall promulgate the necessary rules and
19 regulations for the effective implementation of this Act.

20 SEC. 6. If any provision or part of this Act is declared invalid
21 or unconstitutional, the remaining parts or provisions not affected
22 shall remain in full force and effect.

23 SEC. 7. All laws, rules, regulations, orders, circulars and
24 other issuances or parts thereof which are inconsistent with the
25 provisions of this Act are hereby repealed, amended or modified
26 accordingly.

1 SEC. 8. This Act shall take effect fifteen (15) days after its
2 publication in the *Official Gazette* or in a newspaper of general
3 circulation.

Approved,

O