



HOUSE OF REPRESENTATIVES

H. No. 8121

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BY REPRESENTATIVES ABU, UMALI, NOGRALES (K.A.), VELOSO, OAMINAL, REVILLA, FARIÑAS, BONDOC, GONZAGA, DE VERA, FERRER (J.), MERCADO, LOBREGAT, NOEL, MARCOLETA, NOGRALES (J.J.), ROCAMORA, CHIPECO, BELMONTE (J.C.), ARENAS, DALOG, DALIPE, VELASCO-CATERA, ESCUDERO, VELASCO, BATOCABE, GARIN (S.), YU, MACEDA, VILLARICA, ZAMORA (M.C.), LEACHON, DEL MAR, NUÑEZ-MALANYAON, VILLAFUERTE, ANTONINO, SAMBAR, CAMINERO, PRIMICIAS-AGABAS AND TAMBUNTING, PER COMMITTEE REPORT NO. 826

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AN ACT PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND CHILDREN OF SLAIN JUSTICES AND JUDGES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, ENTITLED "AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY-SIX", AND APPROPRIATING FUNDS THEREFOR

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

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

1           "SEC. 2. In case a Justice of the Supreme Court or  
2           Court of Appeals, the Sandiganbayan or of the Court of  
3           Tax Appeals, or a Judge of the regional trial court,  
4           metropolitan trial court, municipal trial court in cities,  
5           municipal trial court, municipal circuit trial court,  
6           shari'a district court, shari'a circuit court, or any other  
7           court hereafter established, dies while in actual service,  
8           regardless of his/her age and length of service as  
9           required in Section 1 hereof, his/her heirs shall receive a  
10          lump sum of five (5) years' gratuity computed on the  
11          basis of the highest monthly salary plus the highest  
12          monthly aggregate of transportation, representation  
13          and other allowances such as personal economic relief  
14          allowance (PERA) and additional compensation  
15          allowance received by him/her as such Justice or Judge:  
16          *Provided, however,* That where the deceased Justice or  
17          Judge has rendered at least fifteen (15) years SERVICE  
18          either in the Judiciary or in any other branch of  
19          Government, or both, his/her heirs shall instead be  
20          entitled to a lump sum of ten (10) years gratuity  
21          computed on the same basis as indicated in this  
22          provision: *Provided, further,* That the lump sum of ten  
23          (10) years gratuity shall be received by the heirs of the  
24          Justice or the Judge who was killed because of his/her  
25          work as such: *Provided,* That the Justice or Judge has  
26          served in Government for at least five (5) years  
27          regardless of age at the time of death. **WHEN A JUSTICE**

1           OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE  
2           OF OFFICIAL DUTY, OR WHEN SUCH JUSTICE OR JUDGE  
3           IS KILLED INTENTIONALLY WHILE IN SERVICE,  
4           REGARDLESS OF AGE AT THE TIME OF DEATH OR THE  
5           NUMBER OF YEARS SERVED IN GOVERNMENT OR THE  
6           JUDICIARY, THE SURVIVING SPOUSE AND THE  
7           SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE  
8           SHALL ALSO BE ENTITLED TO RECEIVE DURING THE  
9           RESIDUE OF THEIR NATURAL LIVES ALSO IN THE  
10          MANNER HEREINAFTER PROVIDED, THE SALARY PLUS  
11          THE HIGHEST MONTHLY AGGREGATE OF  
12          TRANSPORTATION, REPRESENTATION AND OTHER  
13          ALLOWANCES SUCH AS PERA AND ADDITIONAL  
14          COMPENSATION ALLOWANCE WHICH ARE RECEIVED BY  
15          AN ASSOCIATE JUSTICE OF THE SUPREME COURT.  
16          When a Justice or Judge is killed intentionally while in  
17          service, the presumption is that the death is work-  
18          related.”

19          SEC. 2. Section 3 of the same Act, as amended, is hereby  
20 further amended to read as follows:

21                 “SEC. 3. Upon retirement, a Justice of the Supreme  
22                 Court or of the Court of Appeals, the Sandiganbayan or  
23                 of the Court of Tax Appeals, or a Judge of the regional  
24                 trial court, metropolitan trial court, municipal trial  
25                 court in cities, municipal trial court, municipal circuit  
26                 trial court, shari’a district court, shari’a circuit court, or  
27                 any other court hereafter established shall be  
28                 automatically entitled to a lump sum of five (5) years’

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

1 (5) years prior to the effectivity of this Act shall be  
2 entitled to the same benefits provided herein[.];  
3 *PROVIDED, FINALLY, THAT IF THE RETIRED JUSTICE OR*  
4 *JUDGE IS KILLED BY REASON OF THE PERFORMANCE OF*  
5 *OFFICIAL DUTY, THE SURVIVING SPOUSE AND CHILDREN*  
6 *OF THE SLAIN JUSTICE OR JUDGE SHALL RECEIVE ALL*  
7 *THE BENEFITS PROVIDED IN THIS SECTION WHEN*  
8 *APPLICABLE, PLUS A GRATUITY EQUIVALENT TO TEN*  
9 *(10) YEARS SALARY, LUMP SUM, TO BE COMPUTED*  
10 *BASED ON ALL THE SALARIES AND OTHER BENEFITS OF*  
11 *AN ASSOCIATE JUSTICE OF THE SUPREME COURT.*

12 "Upon the death of a Justice or Judge of any court  
13 in the Judiciary, if such Justice or Judge has retired, or  
14 was eligible to retire optionally at the time of death, the  
15 surviving legitimate spouse shall be entitled to receive  
16 all the retirement benefits that the deceased Justice or  
17 Judge would have received had the Justice or Judge not  
18 died. The surviving spouse shall continue to receive  
19 such retirement benefits until the surviving spouse's  
20 death or remarriage. UPON THE DEATH OF THE  
21 SURVIVING SPOUSE, THE BENEFITS SUCH SPOUSE WAS  
22 RECEIVING UNDER THIS SECTION SHALL BE  
23 TRANSFERRED TO THE SURVIVING CHILDREN OF THE  
24 SLAIN JUSTICE OR JUDGE."

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

27 "SEC. 3-A. All pension benefits of retired members  
28 of the Judiciary OR THEIR SURVIVING SPOUSES AND

1 CHILDREN shall be automatically increased whenever  
2 there is an increase in the salary of the same position  
3 from which he/she retired. IF THE SURVIVING SPOUSE  
4 AND CHILDREN OF A SLAIN JUSTICE OR JUDGE HAVE  
5 NOT RECEIVED THE FULL LUMP SUM DUE THEM WITHIN  
6 ONE (1) YEAR FROM THE DEATH OF THE JUSTICE OR  
7 JUDGE, ANY LUMP SUM STILL TO BE GRANTED TO THE  
8 SURVIVING SPOUSE OR SURVIVING CHILDREN OF THE  
9 SLAIN JUSTICE OR JUDGE SHALL BE COMPUTED BASED  
10 ON THE DIFFERENCE BETWEEN THE AMOUNTS ALREADY  
11 RECEIVED AND THE TEN (10)-YEAR LUMP SUM BASED ON  
12 CURRENT RATES OF SALARIES, BENEFITS, ALLOWANCES  
13 AND OTHER GRANTS GIVEN TO AN ASSOCIATE JUSTICE  
14 OF THE SUPREME COURT.”

15 SEC. 4. Section 3-B of the same Act, as amended, is hereby  
16 further amended to read as follows:

17 “SEC. 3-B. The benefits under this Act shall be  
18 granted to all those who have retired OR WERE KILLED  
19 BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY  
20 prior to the effectivity of this Act: *Provided*, That the  
21 benefits shall be applicable only to members of the  
22 Judiciary OR THEIR SURVIVING SPOUSES AND  
23 CHILDREN: *Provided, further*, That the benefits to be  
24 granted shall be prospective.”

25 SEC. 5. The amount necessary for the implementation of this  
26 Act shall be charged against the available appropriations of the  
27 Judiciary under the current General Appropriations Act.  
28 Thereafter, such sums as may be necessary for its continued

1 implementation shall be included in the annual General  
2 Appropriations Act.

3 SEC. 6. Within sixty (60) days from the approval of this Act,  
4 the Secretary of Budget and Management, in consultation with the  
5 Supreme Court, shall promulgate the necessary rules and  
6 regulations for the effective implementation of this Act.

7 SEC. 7. In case of doubt, the interpretation of any of the  
8 provisions of this Act, including its implementing rules and  
9 regulations, shall be construed liberally in favor of the surviving  
10 spouse and children of the slain Justice or Judge.

11 SEC. 8. If any provision or part of this Act is declared invalid  
12 or unconstitutional, the remaining parts or provisions not affected  
13 shall remain in full force and effect.

14 SEC. 9. All laws, rules, regulations, orders, circulars and  
15 other issuances or parts thereof which are inconsistent with the  
16 provisions of this Act are hereby repealed, amended or modified  
17 accordingly.

18 SEC. 10. This Act shall take effect fifteen (15) days after its  
19 publication in the *Official Gazette* or in a newspaper of general  
20 circulation.

Approved,

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