



Senate
Office of the Secretary

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

22 JUL 27 P4 :44

SENATE
S.B. No. 907

RECEIVED BY: _____

Introduced by Senator SONNY ANGARA

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

EXPLANATORY NOTE

In 1971, the Supreme Court *en banc* conferred judicial rank, salary and privileges, as provided under Republic Act (R.A.) No. 910 otherwise known as "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", to positions in the Office of the Clerk of Court through Resolutions and has continuously done so in recognition of the judiciary officials' invaluable support system in the administration of justice. However, R.A. No. 8291 or the GSIS Act of 1997 took them out of its coverage thereby resulting in the loss of entitlement to all retirement benefits provided by said law, including survivorship and death benefits. Despite this, the Supreme Court and the third level collegiate courts continued allowing these judiciary officials to retire under R.A. No. 910.

R.A. No. 910 was amended in 2009 by R.A. No. 9946 or "An Act Granting Additional Retirement, Survivorship, and other Benefits to Members of the Judiciary" to provide for more retirement benefits. Unfortunately, the law, as amended, again limits its benefits to the Members of the Judiciary, *i.e.* Judges and Justices. Nonetheless, the Supreme Court, exercising its constitutional mandate of judicial power and administrative supervision of courts and court personnel along with the fiscal autonomy of the Judiciary, issued resolutions stating that the judiciary officials'

retirement law is R.A. No. 910, as amended. However, the Department of Budget and Management (DBM) is of the position that a *resolution* is not the *law* that would merit the release of retirement benefits provided under R.A. No. 910.

This interpretation of the DBM created inequality among the judiciary officials. For instance, a former judge who was eventually appointed as a Court Administrator will have more retirement benefits (as he can retire under R.A. No. 910, as amended) than a Court Administrator who was never a judge or justice. The restrictive application of R.A. No. 910, as amended, likewise caused disparities in entitlement to survivorship benefits, among others.

The absence of a retirement law that expressly upholds the resolutions of the Supreme Court allowing judiciary officials to retire under R.A. No. 910, as amended, resulted in inequalities and fragmented application of said law. Thus, there is an imperative need to correct these inequalities by enacting a common retirement law for all judiciary officials with judicial rank, salary, and privileges that accords due respect and value to Supreme Court Resolutions.

In view of the foregoing, we urge the swift approval of this measure.



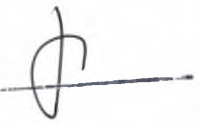
SONNY ANGARA

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THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED

*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 by Republic Act
2 No. 9946, is further amended to read as follows:

3 "Section 1. When a Justice of the Supreme Court, the Court of Appeals, the
4 Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional
5 trial court, metropolitan trial court, municipal trial court, municipal circuit trial
6 court, shari'a district court, shari'a circuit court, or any other court hereafter
7 established, **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME**
8 **RANK AS A JUSTICE OR A JUDGE OF SAID COURTS**, who has rendered
9 at least fifteen (15) years service in the Judiciary or in any other branch of the
10 Government, or in both, (a) retires for having attained the age of seventy
11 years, or (b) resigns by reason of his/her incapacity to discharge the duties of
12 his/her office as certified by the Supreme Court, he/she shall receive during
13 the residue of his/her natural life, in the manner hereinafter provided, the
14 salary [~~which~~] plus the highest monthly aggregate of transportation,
15 representation and other allowances such as personal economic relief
16 allowance (PERA) and additional compensation allowance which he/she was
17 receiving at the time of his/her retirement, or resignation, and non-wage

1 benefit in the form of education scholarship to one (1) child of all Justices,
 2 **[and] Judges, AND JUDICIARY OFFICIALS,** to free tuition fee in a state
 3 university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF**
 4 **RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS:**
 5 *Provided,* That such grant will cover only one (1) bachelor's degree. When a
 6 Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan or of
 7 the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan
 8 trial court, municipal trial court, municipal circuit trial court, shari'a district
 9 court, shari'a circuit court, or any other court hereafter established, **OR A**
 10 **JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A**
 11 **JUSTICE OR A JUDGE OF SAID COURTS,** has attained the age of sixty
 12 (60) years and has rendered at least fifteen (15) years service in the
 13 Government, the last three (3) of which shall have been continuously
 14 rendered in the Judiciary, he/she shall likewise be entitled to retire and
 15 receive during the residue of his/her natural life also in the manner
 16 hereinafter provided, the salary plus the highest monthly aggregate of
 17 transportation, representation, and other allowances such as personal
 18 economic relief allowance (PERA) and additional compensation allowance
 19 which he/she was then receiving and the non-wage benefit in the form of
 20 education scholarship to one (1) child of all Justices, **[and] Judges, AND**
 21 **JUDICIARY OFFICIALS,** to free tuition fee in a state university or college,
 22 **WITHOUT PREJUDICE TO THE AVAILMENT OF RIGHTS TO FREE**
 23 **TERTIARY EDUCATION UNDER EXISTING LAWS:** *Provided,* however,
 24 That any Justice, **[or] Judge, OR JUDICIARY OFFICIAL** with less than
 25 fifteen (15) years service in the Government or Judiciary, who shall retire due
 26 to reasons hereinabove provided, shall be entitled to a pro-rata monthly
 27 pension computed as follows:

28 Number of years in the Government 29 or Judiciary 30 representation _____ 31 (PERA and additional 32 compensation allowance)	15	Basic pay plus the highest monthly aggregate transportation, X and other allowances years
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1 It is a condition of the pension provided for herein that no retiring Justice or
2 Judge of the aforementioned courts, **OR JUDICIARY OFFICIAL**
3 **CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE**, or
4 his/her surviving spouse receiving the benefits of this Act during the time that
5 he/she is receiving the said pension shall appear as counsel before any court
6 in any civil case wherein the government or any subdivision or instrumentality
7 thereof is the adverse party, or in any criminal case wherein an incumbent or
8 former officer or employee of the government is accused of an offense
9 committed in relation to his/her office, or collect any fee for his/her
10 appearance in any administrative proceedings to maintain an interest to the
11 Government, national, provincial or municipal, or to any of its legally
12 constituted officers. It is also a condition of the pension provided for herein
13 that when a member of the judiciary or his/her surviving spouse entitled to
14 the benefits of this Act shall assume an elective public office, he/she shall not,
15 upon assumption of office and during his/her term, receive the monthly
16 pension due to him/her.

17 **SEC. 2.** Section 3-A of the same Act, as amended, is further amended to read
18 as follows:

19 "SEC. 3-A. All pension benefits of retired members of the Judiciary **AND**
20 **JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND**
21 **PRIVILEGES** shall be automatically increased whenever there is an increase
22 in the salary **AND ALLOWANCES** of the same position from which [he/she]
23 **THEY** retired."

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

26 "SEC. 3-B. The benefits under this Act shall be granted to all those who have
27 retired prior to the effectivity of this Act, **INCLUDING JUDICIARY**
28 **OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES WHO**
29 **COMPULSORILY RETIRED AT THE AGE OF SIXTY-FIVE (65) IN**
30 **ACCORDANCE WITH LAW AT THE TIME OF THEIR RETIREMENT, AND**

1 **THOSE WHO AVAILED THEMSELVES OF OPTIONAL OR DISABILITY**
2 **RETIREMENT UNDER THIS ACT; *Provided*, [That the benefits shall be**
3 ~~applicable only to members of the Judiciary, *Provided further*]~~ That the
4 benefits to be granted shall be prospective.”

5 **SEC. 4. *Appropriation.*** – The amount necessary for the initial implementation
6 of this Act shall be charged against the current year’s savings of the Judiciary.
7 Thereafter, such sums as may be necessary for the continued implementation of this
8 Act shall be included in the annual General Appropriations Act.

9 **SEC. 5. *Separability Clause.*** – If any provision or part of this Act is declared
10 invalid or unconstitutional, the remaining parts or provisions not affected shall
11 remain in full force and effect.

12 **SEC. 6. *Repealing Clause.*** – All laws, rules, regulations, orders, circulars and
13 other issuances or parts thereof which are inconsistent with the provisions of this Act
14 are hereby repealed, amended or modified accordingly.

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

Approved,