

[REPUBLIC ACT No. 5095]

AN ACT PROVIDING FOR RETIREMENT BENEFITS  
OF MUNICIPAL AND CITY JUDGES, FURTHER  
AMENDING FOR THE PURPOSE CERTAIN SEC-  
TIONS OF REPUBLIC ACT NUMBERED NINE  
HUNDRED AND TEN, AS AMENDED.

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

SECTION 1. Sections one, two, three, four and five of Republic Act Numbered Nine hundred and ten, as amended, are hereby further amended to read as follows:

“SECTION 1. When a justice of the Supreme Court or of the Court of Appeals, a judge of Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge who has rendered at least twenty 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 incapacity to discharge the duties of his office, he shall receive during the residue of his natural life, in the manner hereinafter provided, the salary which he was receiving at the time of his retirement or resignation. And when a justice of the Supreme Court or of the Court of Appeals, a judge of Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge has attained the age of sixty years and has rendered at least twenty years service in the Government, the last five of which shall have been continuously rendered in the judiciary, he shall likewise be entitled to

retire and receive during the residue of his natural life, also in the manner hereinafter provided, the salary which he was then receiving. It is a condition of the pension provided for herein that no retiring justice or judge of a court of record or city or municipal judge during the time that he 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 officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings to maintain an interest adverse 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 entitled to the benefits of this Act shall assume an elective public office, he shall not, upon assumption of office and during his term, receive the monthly pension due him.

"SEC. 2. In case a justice of the Supreme Court or Court of Appeals or a judge of the Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, city or municipal court dies while in actual service, his heirs shall receive a lump sum equivalent to five years' salary based upon the salary that said justice or judge was receiving at the time of his demise, if by reason of his length of service in the Government he was already entitled to the benefits of this Act. The same benefits provided for in this section shall be extended to any incumbent justice of the Supreme Court or of the Court of Appeals, or a judge of the Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or city or municipal court, as the case may be, who, without having attained the length of service required in Section one hereof, shall have to retire upon reaching the age of seventy years, or upon other causes, such as illness or permanent physical disability, to be certified to by the tribunal to which the

justice concerned belongs, or by the Secretary of Justice in the case of an incumbent judge of the Court of First Instance, and other similar courts of record, or a city or municipal judge, which render him incapacitated to continue in his position.

"SEC 3. Upon retirement, a justice of the Supreme Court or of the Court of Appeals, or a judge of the court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, a city or municipal judge shall be automatically entitled to a lump-sum payment of five years' salary based upon the highest annual salary that said justice or judge has received and thereafter, upon survival after the expiration of this period of five years, to a further annuity payable monthly during the residue of his natural life, equivalent to the amount of the monthly salary he was receiving on the date of his retirement: *Provided, however,* That if the reason for the retirement be with the attendance of any permanent disability contracted during his incumbency in office and prior to the date of retirement, he shall receive only a gratuity equivalent to ten years' salary with no further annuity payable monthly during the rest of the retiree's natural life.

"SEC. 4. A retiring justice, judge of a court of record, or a city or municipal judge who is entitled to the benefits of any prior retirement gratuity Act shall have the option to choose between the benefits in such Act and those herein provided for, and in such case he shall be entitled only to the benefits so chosen: *Provided, however,* That a justice, judge of a court of record, or a city or municipal judge retired under any prior retirement Act and who is thereafter appointed to the Supreme Court, or to the Court of Appeals, or to the Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, or Juvenile and Domestic Relations, as the case may be, shall be entitled to the benefits of this Act on condition that, in case he has not fully refunded to the Government the gratuity previously received by him, there shall be deducted from the amount

payable to him under this Act such monthly installments as are required in Section six of Act Numbered Four thousand and fifty-one, as amended, until the gratuity already received by him shall have been refunded in full.

"SEC. 5. The Government Service Insurance System shall take charge of the enforcement and operation of this Act, and no justice of the Supreme Court, of the Court of Appeals, or judge of the Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or city or municipal judge shall be entitled to receive any gratuity or pension herein provided for unless from the month following the approval of this Act, in case of an actual incumbent, or from the month following his appointment and qualification as such, in case of a future appointment, he shall have contributed to the funds of the System by paying a monthly premium in accordance with the following rates, which fund shall also be made available for the payment of the benefits of this Act:

<i>Officials</i>	<i>Rate per month</i>
Municipal judges .....	P40.00
All others .....	100.00"

SEC. 2. Such sum as may be necessary to carry out the purposes of this amendatory Act is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 3. All Acts or part of Acts inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 4. This Act shall take effect upon its approval.

Enacted without Executive approval, June 17, 1967.