



HOUSE OF REPRESENTATIVES

H. No. 8392

BY REPRESENTATIVES RODRIGUEZ (R.), FERRER (J.M.), CO (E.), QUIMBO, MENDOZA, LIBANAN, ALBANO, DELOS SANTOS, GARIN, GONZALEZ, PALMA, PRIMICIAS-AGABAS, TEVES (J.), ALVAREZ (M.), ALVAREZ (J.), AQUINO, BAUTISTA-LIM, BERNOS, BONGALON, CABREDO, CAJAYON-UY, CARI, CO (A.N.), CUA, CUARESMA, DEL MAR, DUJALI, FUENTEBELLA, LARA, LIMKAICHONG, LOYOLA, NAVA, SALIMBANGON, SINGSON (R.V.), TIANGCO, UMALI, VARGAS-ALFONSO, YAP (ERIC), YU (D.G.), ZAMORA (M.C.), ZUBIRI, ABALOS, ALMARIO, AMANTE, ANG, ATAYDE, BASCUG, BUSTOS, BOSITA, CARDEMA, CHATTO, CHUNGALAO, CO-PILAR, CRUZ (A.), CRUZ (R.), DAGOOC, DIMAPORO (S.A.), DIONISIO, DY (F.M.C.), EUDELA, FORTES, FRESNEDI, GARCIA (D.), GARDIOLA, GO (M.), GOLEZ, GUTIERREZ, HERNANDEZ, KHONGHUN, LAGON (D.), LAGON (S.), LAZATIN, MACEDA, MANGAOANG, MANIQUIZ, MATIBAG, MERCADO, NOGRALES (M.), OUANO-DIZON, PANALIGAN, PANCHO, PLAZA, PLEYTO, REVILLA (R.J.), RODRIGUEZ (E.), SALI, SANTOS, TAN (J.), TULFO (J.), UNABIA, VARGAS, VERGARA, VERZOSA, YAP (C.), BULUT-BEGTANG, DALOG, GASATAYA, GOMEZ, MARAÑON, ROMULO, SALO, TEVES (A.), VILLA, VILLAFUERTE (L.R.), YULO, ZAMORA (Y.M.), ROMUALDO, VILLARICA AND DALIPE, PER COMMITTEE REPORT NO. 622

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

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 No. 9946,
2 is further amended to read as follows:

3
4 "Section 1. When a Justice of the Supreme Court, the Court of Appeals, the
5 Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial
6 court, metropolitan trial court, municipal trial court, municipal circuit trial court,
7 shari'a district court, shari'a circuit court, or any other court hereafter established,
8 **OR A JUDICIARY OFFICIAL CONFERRED WITH THE SAME RANK AS A**
9 **JUSTICE OR A JUDGE OF SAID COURTS,** who has rendered at least fifteen (15)
10 years **OF** service in the Judiciary or in any other branch of the Government, or in

1 both, (a) retires for having attained the age of seventy (70) years, or (b) resigns
 2 by reason of his/her incapacity to discharge the duties of his/her office as certified
 3 by the Supreme Court, he/she shall receive during the residue of his/her natural
 4 life, in the manner hereinafter provided, the salary [which] plus the highest
 5 monthly aggregate of transportation, representation and other allowances such as
 6 personal economic relief allowance (PERA) and additional compensation allowance
 7 which he/she was receiving at the time of his/her retirement, or resignation, and
 8 non-wage benefit in the form of education scholarship to one (1) child of all
 9 Justices, [and] Judges, **AND JUDICIARY OFFICIALS**, to free tuition fee in a
 10 state university or college, **WITHOUT PREJUDICE TO THE AVAILMENT OF**
 11 **RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING LAWS:** *Provided,*
 12 That such grant will cover only one (1) bachelor's degree. When a Justice of the
 13 Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax
 14 Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal
 15 trial court, municipal circuit trial court, shari'a district court, shari'a circuit court,
 16 or any other court hereafter established, **OR A JUDICIARY OFFICIAL**
 17 **CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE OF SAID**
 18 **COURTS**, has attained the age of sixty (60) years and has rendered at least
 19 fifteen (15) years **OF** service in the Government, the last three (3) of which shall
 20 have been continuously rendered in the Judiciary, he/she shall likewise be entitled
 21 to retire and receive during the residue of his/her natural life also in the manner
 22 hereinafter provided, the salary plus the highest monthly aggregate of
 23 transportation, representation and other allowances such as personal economic
 24 relief allowance (PERA) and additional compensation allowance which he/she was
 25 then receiving and the non-wage benefit in the form of education scholarship to
 26 one (1) child of all Justices, [and] Judges, **AND JUDICIARY OFFICIALS**, to free
 27 tuition fee in a state university or college, **WITHOUT PREJUDICE TO THE**
 28 **AVAILMENT OF RIGHTS TO FREE TERTIARY EDUCATION UNDER EXISTING**
 29 **LAWS:** *Provided, however,* That any Justice, [or] Judge, **OR JUDICIARY**
 30 **OFFICIAL** with less than fifteen (15) years **OF** service in the Government or
 31 Judiciary, who shall retire due to reasons hereinabove provided, shall be entitled
 32 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)
15 years			

33 It is a condition of the pension provided for herein that no retiring Justice,
 34 [or] Judge [of the aforementioned courts], **OR JUDICIARY OFFICIAL**, or
 35 his/her surviving spouse receiving the benefits of this Act during the time that
 36 he/she is receiving the said pension shall appear as counsel before any court in
 37 any civil case wherein the [G]government or any subdivision or instrumentality
 38 thereof is the adverse party, or in any criminal case wherein an incumbent or
 39 former officer or employee of the [G]government is accused of an offense
 40 committed in relation to his/her office, or collect any fee for his/her appearance in
 41 any administrative proceedings to maintain an interest to the [G]government,
 42 national, provincial or municipal, or to any of its legally constituted officers. [It is
 43 also a condition of the pension provided for herein that when a member of the
 44 judiciary or his/her surviving spouse entitled to the benefits of this Act shall
 45 assume an elective public office, he/she shall not, upon assumption of office and
 46 during his/her term, receive the monthly pension due to him/her.]”

47
 48 **SEC. 2.** Section 2 of the same Act, as amended by, is further amended to read as
 49 follows:

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

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

27 "SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of
28 Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the
29 regional trial court, metropolitan trial court, municipal trial court in cities,
30 municipal trial court, municipal circuit trial court, shari'a district court, shari'a
31 circuit court, or any other court hereafter established, **OR A JUDICIARY**
32 **OFFICIAL CONFERRED WITH THE SAME RANK AS A JUSTICE OR A JUDGE**,
33 shall be automatically entitled to a lump sum of five (5) years' gratuity computed
34 on the basis of the basis of the highest monthly salary plus the highest monthly
35 aggregate of transportation, representation and other allowances such as personal
36 economic relief allowance (PERA) and additional compensation allowance he/she
37 was receiving on the date of his/her retirement and thereafter upon survival after
38 the expiration of five (5) years, to further annuity payable monthly during the
39 residue of his/her natural life pursuant to Section 1 hereof: *Provided, however,*
40 That if the reason for the retirement be any permanent disability contracted
41 during his/her incumbency in office and prior to the date of retirement, he/she
42 shall receive a gratuity equivalent to ten (10) years' salary and the allowances
43 aforementioned: *Provided, further,* That should the retirement under Section 1(a)
44 hereof be with the attendance of any partial permanent disability contracted
45 during his/her incumbency and prior to the date of retirement, he/she shall
46 receive an additional gratuity equivalent to two (2) years lump sum that he/she is
47 entitled to under this Act: *Provided, furthermore,* That if he/she survives after ten
48 (10) years or seven (7) years, as the case may be, he/she shall continue to
49 receive a monthly annuity as computed under this Act during the residue of
50 his/her natural life pursuant to Section 1 hereof: *Provided, finally,* That those who
51 have retired with the attendance of any partial permanent disability five (5) years
52 prior to the effectivity of this Act shall be entitled to the same benefits provided
53 herein.
54

55 "Upon the death of a Justice or Judge of any court in the Judiciary, **OR A**
56 **JUDICIARY OFFICIAL**, if such Justice, [or] Judge **OR JUDICIARY OFFICIAL**
57 has retired, or was eligible to retire optionally at the time of death, the surviving
58 legitimate spouse shall be entitled to receive all the retirement benefits that the

1 deceased Justice, [or] Judge **OR JUDICIARY OFFICIAL** would have received had
2 [the Justice or Judge] **HE/SHE** not died. The surviving spouse shall continue to
3 receive such retirement benefits until the surviving spouse's death or remarriage."
4

5 **SEC. 4.** Section 3-A of the same Act, as amended, is further amended to read as
6 follows:
7

8 "SEC. 3-A. All pension benefits of retired members of the Judiciary **AND**
9 **JUDICIARY OFFICIALS WITH JUDICIAL RANK, SALARY AND PRIVILEGES**
10 shall be automatically increased whenever there is an increase in the salary **AND**
11 **ALLOWANCES** of the same position from which [he/she] **THEY** retired.
12

13 **SEC. 5.** Section 3-B of the same Act, as amended, is further amended to read as
14 follows:
15

16 "SEC. 3-B. The benefits under this Act shall be granted to all those who have
17 retired prior to the effectivity of this Act, **INCLUDING JUDICIARY OFFICIALS**
18 **WITH JUDICIAL RANK, SALARY AND PRIVILEGES WHO COMPULSORILY**
19 **RETIRED AT THE AGE OF SIXTY-FIVE (65) YEARS IN ACCORDANCE WITH**
20 **LAW AT THE TIME OF THEIR RETIREMENT, AND THOSE WHO AVAILED**
21 **THEMSELVES OF OPTIONAL OR DISABILITY RETIREMENT UNDER THIS**
22 **ACT; Provided, [That the benefits shall be applicable only to members of the**
23 **Judiciary, Provided further] That the benefits to be granted shall be prospective."**
24

25 **SEC. 6.** The amount necessary for the initial implementation of this Act shall be charged
26 against the current year's savings of the Judiciary. Thereafter, such sums as may be necessary
27 for the continued implementation of this Act shall be included in the annual General
28 Appropriations Act.
29

30 **SEC. 7.** If any provision or part of this Act is declared invalid or unconstitutional, the
31 remaining parts or provisions not affected shall remain in full force and effect.
32

33 **SEC. 8.** All laws, rules, regulations, orders, circulars and other issuances or parts
34 thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or
35 modified accordingly.
36

37 **SEC. 9.** This Act shall take effect fifteen (15) days after its publication in the *Official*
38 *Gazette* or in a newspaper of general circulation.

Approved,