



## HOUSE OF REPRESENTATIVES

H. No. 6820

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BY REPRESENTATIVES NOGRALES, CASTRO, GONZALEZ, DATUMANONG, DEFENSOR (A.), RODRIGUEZ, YAP, SINGSON (R.), DOMOGAN, TEODORO, DEFENSOR (M.), CUA (J.), LAGMAN, REYES (C.), AGYAO, VILLAROSA, CODILLA, JOSON, BALINDONG, CHATTO, AGGABAO, ARNAIZ, ORTEGA (V.), ROMUALDO, SOLIS AND GUNIGUNDO, PER COMMITTEE REPORT NO. 2386

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AN ACT GRANTING ADDITIONAL RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

*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 hereby  
2 further amended to read as follows:

3                   “SECTION 1. When a [j]Justice of the Supreme Court,  
4           [or of] the Court of Appeals, THE SANDIGANBAYAN OR OF THE  
5           COURT OF TAX APPEALS, OR a [j]Judge of THE [Court of First  
6           Instance, Industrial Relations, Agrarian Relations, Tax Appeals,

1 Juvenile and Domestic Relations, or a city or municipal judge]  
2 REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT,  
3 MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL  
4 COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A  
5 DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER  
6 COURT HEREAFTER ESTABLISHED who has rendered at least  
7 [twenty] FIFTEEN (15) years service in the [j]Judiciary or in any  
8 other branch of the Government, or in both, (a) retires for having  
9 attained the age of seventy (70) years, or (b) resigns by reason of  
10 his/HER incapacity to discharge the duties of his/HER office AS  
11 CERTIFIED BY THE SUPREME COURT, he/SHE shall receive  
12 during the residue of his/HER natural life, in the manner  
13 hereinafter provided, the salary PLUS THE HIGHEST MONTHLY  
14 AGGREGATE OF TRANSPORTATION, REPRESENTATION AND  
15 OTHER ALLOWANCES SUCH AS PERSONAL ECONOMIC RELIEF  
16 ALLOWANCE (PERA) AND ADDITIONAL COMPENSATION  
17 ALLOWANCE which he/SHE was receiving at the time of his/HER  
18 retirement or resignation[.], AND NON-WAGE BENEFIT IN THE  
19 FORM OF EDUCATION SCHOLARSHIP TO ONE (1) LEGITIMATE  
20 CHILD OF ALL JUSTICES AND JUDGES TO FREE TUITION FEE IN  
21 A STATE UNIVERSITY OR COLLEGE: *PROVIDED*, THAT SUCH  
22 GRANT WILL COVER ONLY ONE (1) BACHELOR'S DEGREE:  
23 *PROVIDED, HOWEVER*, THAT ANY JUSTICE OR JUDGE WITH  
24 LESS THAN FIFTEEN (15) YEARS SERVICE IN THE GOVERNMENT  
25 OR JUDICIARY, WHO SHALL RETIRE DUE TO REASONS  
26 HEREINABOVE PROVIDED, SHALL BE ENTITLED TO A PRO-RATA  
27 MONTHLY PENSION COMPUTED AS FOLLOWS:

	NO. OF YEARS IN THE		BASIC PAY PLUS THE HIGHEST
1			
2	<u>GOVERNMENT OR JUDICIARY</u>		MONTHLY AGGREGATE OF
3	15 YEARS	X	TRANSPORTATION, LIVING AND
4			REPRESENTATION ALLOWANCES

5           “[And] [w]When a [j]Justice of the Supreme Court or of  
6 the Court of Appeals, THE SANDIGANBAYAN OR OF THE COURT  
7 OF TAX APPEALS, OR a [j]Judge of THE [Court of First  
8 Instance, Industrial Relations, Agrarian Relations, Tax Appeals,  
9 Juvenile and Domestic Relations, or a city or municipal judge]  
10 REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT,  
11 MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL  
12 COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A  
13 DISTRICT COURT, SHARI'A CIRCUIT COURT, OR ANY OTHER  
14 COURT HEREAFTER ESTABLISHED, has attained the age of sixty  
15 (60) years and has rendered at least [twenty] FIFTEEN (15) years  
16 service in the Government, the last five (5) of which shall have  
17 been continuously rendered in the [j]Judiciary, he/SHE shall  
18 likewise be entitled to retire and receive during the residue of  
19 his/HER natural life, also in the manner hereinafter provided, the  
20 salary PLUS THE HIGHEST MONTHLY AGGREGATE OF  
21 TRANSPORTATION, REPRESENTATION AND OTHER  
22 ALLOWANCES SUCH AS PERSONAL ECONOMIC RELIEF  
23 ALLOWANCE (PERA) AND ADDITIONAL COMPENSATION  
24 ALLOWANCE which he/SHE was then receiving AND THE NON-  
25 WAGE BENEFIT IN THE FORM OF EDUCATION SCHOLARSHIP TO  
26 ONE (1) LEGITIMATE CHILD OF ALL JUSTICES AND JUDGES TO  
27 FREE TUITION FEE IN A STATE UNIVERSITY OR COLLEGE. It is  
28 a condition of the pension provided for herein that no retiring

1            [j]Justice or [j]Judge of [a court of record or city or municipal  
2            judge] **THE AFOREMENTIONED COURTS** during the time that  
3            he/SHE is receiving said pension shall appear as counsel before  
4            any court in any civil case wherein the Government or any  
5            subdivision or instrumentality thereof is the adverse party, or in  
6            any criminal case wherein an **INCUMBENT OR FORMER** officer or  
7            employee of the Government is accused of an offense committed  
8            in relation to his/HER office, or collect any fee for his/HER  
9            appearance in any administrative proceedings to maintain an  
10           interest adverse to the Government, national, provincial or  
11           municipal, or to any of its legally constituted officers. It is also a  
12           condition of the pension provided for herein that when a member  
13           of the [j]Judiciary entitled to the benefits of this Act shall  
14           assume an elective public office, he/SHE shall not, upon  
15           assumption of office and during his/HER term, receive the  
16           monthly pension **OR ANY OF THE ALLOWANCES** due him/HER.”

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

19           “SEC. 2. In case a [j]Justice of the Supreme Court or  
20           Court of Appeals, **THE SANDIGANBAYAN OR OF THE COURT OF**  
21           **TAX APPEALS**, or a [j]Judge of the [Court of First Instance,  
22           Circuit Criminal Court, Agrarian Relations, Tax Appeals,  
23           Juvenile and Domestic Relations, city or municipal court,]  
24           **REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT,**  
25           **MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL**  
26           **COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A**  
27           **DISTRICT COURT, SHARI'A CIRCUIT COURT**, or any other court

1 hereafter established, dies while in actual service, REGARDLESS  
2 OF HIS/HER AGE AND LENGTH OF SERVICE AS REQUIRED IN  
3 SECTION 1 HEREOF, his/HER heirs shall receive a lump sum of  
4 five (5) years' gratuity computed on the basis of the highest  
5 monthly salary plus the highest monthly aggregate of  
6 transportation, [living and] representation AND OTHER  
7 allowances SUCH AS PERSONAL ECONOMIC RELIEF  
8 ALLOWANCE AND ADDITIONAL COMPENSATION ALLOWANCE  
9 received by him as such Justice or Judges, [if by reason of his  
10 length of service in the Government he was already entitled to  
11 the benefits of this Act.]; *PROVIDED, HOWEVER, THAT WHERE*  
12 *THE DECEASED JUSTICE OR JUDGE HAS RENDERED AT LEAST*  
13 *FIFTEEN (15) YEARS EITHER IN THE JUDICIARY OR IN ANY*  
14 *OTHER BRANCH OF GOVERNMENT, OR BOTH, HIS/HER HEIRS*  
15 *SHALL INSTEAD BE ENTITLED TO A LUMP SUM OF TEN (10)*  
16 *YEARS GRATUITY COMPUTED ON THE SAME BASIS AS*  
17 *INDICATED IN THIS PROVISION: PROVIDED, FURTHER, THAT*  
18 *THE LUMP SUM OF TEN (10) YEARS GRATUITY SHALL BE*  
19 *RECEIVED BY THE HEIRS OF THE JUSTICE OR THE JUDGE WHO*  
20 *WAS KILLED BECAUSE OF HIS/HER WORK AS SUCH: PROVIDED,*  
21 *THAT THE JUSTICE OR JUDGE HAS SERVED IN GOVERNMENT*  
22 *FOR AT LEAST FIVE (5) YEARS REGARDLESS OF AGE AT THE*  
23 *TIME OF DEATH. WHEN A JUSTICE OR JUDGE IS KILLED*  
24 *INTENTIONALLY WHILE IN SERVICE, THE PRESUMPTION IS*  
25 *THAT THE DEATH IS WORK-RELATED."*

26 [The same benefits provided for in this section shall  
27 be extended to any incumbent justice of the Supreme Court  
28 or the Court of Appeals, or a judge of the Court of First

1 Instance, Circuit Criminal Court, Agrarian Relations, Tax  
2 Appeals, Juvenile and Domestic Relations, or city or  
3 municipal court, or any other court hereafter established, as  
4 the case may be, who, without having attained the length of  
5 service required in Section one hereof shall have to retire  
6 upon reaching the age of sixty five years, or upon other  
7 causes, such illness or permanent physical disability, to be  
8 certified to by the tribunal to which the justice concerned  
9 belongs, or by the Supreme Court in the case of an  
10 incumbent judge of the Court of First Instance, and other  
11 similar courts of record, or a city or municipal judge, which  
12 render him incapacitated to continue in his position.]

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

15 "SEC. 3. Upon retirement, a [j]Justice of the  
16 Supreme Court or of the Court of Appeals, **THE**  
17 **SANDIGANBAYAN OR OF THE COURT OF TAX APPEALS,**  
18 [of] **OR** a [j]Judge of the [Court of First Instance, Circuit  
19 Criminal Court, Agrarian Relations, Tax Appeals, Juvenile  
20 and Domestic Relations, city or municipal court,]  
21 **REGIONAL TRIAL COURT, METROPOLITAN TRIAL COURT,**  
22 **MUNICIPAL TRIAL COURT IN CITIES, MUNICIPAL TRIAL**  
23 **COURT, MUNICIPAL CIRCUIT TRIAL COURT, SHARI'A**  
24 **DISTRICT COURT, SHARI'A CIRCUIT COURT,** or any other  
25 court hereafter established shall be automatically entitled to a  
26 lump sum of five (5) years' gratuity computed on the basis of  
27 **THE** highest monthly salary plus the highest monthly

1 aggregate of transportation, [living and] representation AND  
2 OTHER allowances SUCH AS PERSONAL ECONOMIC RELIEF  
3 ALLOWANCE AND ADDITIONAL COMPENSATION  
4 ALLOWANCE he/SHE was receiving on the date of his/HER  
5 retirement[;] AND THEREAFTER UPON SURVIVAL AFTER  
6 THE EXPIRATION OF FIVE (5) YEARS, TO FURTHER ANNUITY  
7 PAYABLE MONTHLY DURING THE RESIDUE OF HIS/HER  
8 NATURAL LIFE PURSUANT TO SECTION 1 HEREOF:  
9 *Provided, however,* That if the reason for the retirement be  
10 any permanent disability contracted during his/HER  
11 incumbency in office and prior to the date of retirement,  
12 he/SHE shall receive [only] a gratuity equivalent to ten (10)  
13 years' salary and THE allowances aforementioned: [with no  
14 further annuity payable monthly during the rest of the  
15 retiree's natural life.] *PROVIDED, FURTHER, THAT SHOULD*  
16 *THE RETIREMENT UNDER SECTION 1(A) HEREOF BE WITH*  
17 *THE ATTENDANCE OF ANY PARTIAL PERMANENT*  
18 *DISABILITY CONTRACTED DURING HIS/HER INCUMBENCY*  
19 *AND PRIOR TO THE DATE OF RETIREMENT, HE/SHE SHALL*  
20 *RECEIVE AN ADDITIONAL GRATUITY EQUIVALENT TO TWO*  
21 *(2) YEARS LUMP SUM THAT HE/SHE IS ENTITLED TO UNDER*  
22 *THIS ACT: PROVIDED, FURTHERMORE, THAT IF HE/SHE*  
23 *SURVIVES AFTER TEN (10) YEARS OR SEVEN (7) YEARS, AS*  
24 *THE CASE MAY BE, HE/SHE SHALL CONTINUE TO RECEIVE A*  
25 *MONTHLY ANNUITY AS COMPUTED UNDER THIS ACT*  
26 *DURING THE RESIDUE OF HIS/HER NATURAL LIFE*  
27 *PURSUANT TO SECTION 1 HEREOF: PROVIDED, FINALLY,*  
28 *THAT THOSE WHO HAVE RETIRED WITH THE ATTENDANCE*

1 OF ANY PARTIAL PERMANENT DISABILITY FIVE (5) YEARS  
2 PRIOR TO THE EFFECTIVITY OF THIS ACT SHALL BE  
3 ENTITLED TO THE SAME BENEFITS PROVIDED HEREIN.

4 "UPON THE DEATH OF A JUSTICE OR JUDGE OF ANY  
5 COURT IN THE JUDICIARY, IF SUCH JUSTICE OR JUDGE HAS  
6 RETIRED, OR WAS ELIGIBLE TO RETIRE OPTIONALLY AT  
7 THE TIME OF DEATH, THE SURVIVING LEGITIMATE SPOUSE  
8 SHALL BE ENTITLED TO RECEIVE ALL THE RETIREMENT  
9 BENEFITS THAT THE DECEASED JUSTICE OR JUDGE WOULD  
10 HAVE RECEIVED HAD THE JUSTICE OR JUDGE NOT DIED.  
11 THE SURVIVING SPOUSE SHALL CONTINUE TO RECEIVE  
12 SUCH RETIREMENT BENEFITS UNTIL THE SURVIVING  
13 SPOUSE'S DEATH OR REMARRIAGE."

14 SEC. 4. Two (2) new sections are hereby inserted in Republic Act No.  
15 910, as amended, to read as Section 3-A and Section 3-B.

16 "SEC. 3-A. ALL PENSION BENEFITS OF RETIRED  
17 MEMBERS OF THE JUDICIARY SHALL BE AUTOMATICALLY  
18 INCREASED WHENEVER THERE IS AN INCREASE IN THE  
19 SALARY OF THE SAME POSITION FROM WHICH HE/SHE  
20 RETIRED."

21 "SEC. 3-B. THE BENEFITS UNDER THIS ACT SHALL  
22 BE GRANTED TO ALL THOSE WHO HAVE RETIRED PRIOR TO  
23 THE EFFECTIVITY OF THIS ACT: *PROVIDED*, THAT THE  
24 BENEFITS SHALL BE APPLICABLE ONLY TO MEMBERS OF  
25 THE JUDICIARY: *PROVIDED, FURTHER*, THAT THE  
26 BENEFITS TO BE GRANTED SHALL BE PROSPECTIVE."



1           SEC. 5. The amount necessary for the initial implementation of this Act  
2 shall be charged against the current year's savings of the Judiciary. Thereafter,  
3 such sums as may be necessary for the continued implementation of this Act  
4 shall be included in the annual General Appropriations Act.

5           SEC. 6. All laws, decrees, orders, rules or regulations or parts thereof  
6 inconsistent with the provisions of this Act are hereby repealed or modified  
7 accordingly.

8           SEC. 7. This Act shall take effect fifteen (15) days following the  
9 completion of its publication in the *Official Gazette* or in any two (2)  
10 newspapers of general circulation.

Approved,

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