

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3995



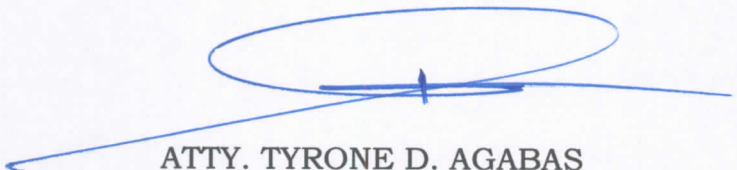
Introduced by Representative **TYRONE D AGABAS**

EXPLANATORY NOTE

This bill which seeks to provide financial support/benefits to the surviving spouse and children of slain justices and judges of the judiciary has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. There is however a need to file the same to secure the benefits of the judges or justices' survivor spouses and children.

There is need to amend Section 2 of Republic Act 910 for the inclusion of surviving spouse and children in the provision of financial support and other benefits. Judicial notice must be accorded to the fact that at least two judges are being killed annually in previous years. This accounts to the diminishing number of good lawyers whose interest in joining the judiciary has faded away over the years. The threat to the life and limb of judiciary officials cannot be discounted as in fact it is increasing. While no amount of money can replace the lives of judiciary officials who are killed in the line of duty, or while in service, it is but just right to provide a benefit mechanism to secure the surviving spouse or children of slain judges and justices. This will largely compensate the long years of sacrifices of judges and justices in the judiciary. In the same vein, it will encourage the entry of legal practitioners in the judiciary knowing full well that they are adequately protected by the government they serve.

Accordingly, the approval of this bill is earnestly urged.


ATTY. TYRONE D. AGABAS
Representative
6th District, Pangasinan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3995

Introduced by Representative **TYRONE D. AGABAS**

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;

3 "SEC. 2. In case a Justice of the Supreme Court or Court of
4 Appeals, the Sandiganbayan or of the Court of Tax Appeals,
5 or a Judge of the regional trial court, metropolitan trial
6 court, municipal trial court in cities, municipal trial court,
7 municipal circuit trial court, shari'a district court, sharia'a
8 circuit court, or any other court hereafter established, dies
9 while in actual service, regardless of his/her age and length
10 of service as required in Section 1 hereof, his/her heirs shall
11 receive a lump sum of 5 (five) years' gratuity computed on

the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance received by him/her as such Justice or Judge: *Provided*, however, that where the deceased Justice or Judge has rendered at least fifteen (15) years SERVICE either in the Judiciary or in any other branch of Government, or both, his/her heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed on the same basis as indicated in this provision: *provided* , further, that the lump sum of ten (10) years gratuity shall be received by the heirs of the Justice or the Judge who was killed because of his/her work as such: *provided*, that the Justice or Judge has served in Government for at least five (5) years regardless of age at the time of death. WHEN A JUSTICE OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, OR WHEN SUCH JUSTICE OR JUDGE IS KILLED INTENTIONALLY WHILE IN SERVICE, REGARDLESS OF AGE AT THE TIME OF DEATH OR THE NUMBER OF YEARS SERVED IN GOVERNMENT OR THE JUDICIARY, THE SURVIVING SPOUSE AND THE SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE SHALL ALSO BE ENTITLED TO RECEIVE DURING THE RESIDUE OF THEIR NATURAL LIVES ALSO IN THE MANNER HEREINAFTER PROVIDED, THE SALARY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, REPRESENTATION AND OTHER ALLOWANCES SUCH AS PERA AND ADDITIONAL COMPENSATION ALLOWANCE WHICH ARE RECEIVED BY AN ASSOCIATE JUSTICE OF THE SUPREME COURT. When a Justice or Judge is killed intentionally while

43 in service, the presumption is that the death is work-
44 related.”

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

47 “SEC. 3. Upon retirement, a Justice of the Supreme Court or
48 the Court Of Appeals, the Sandiganbayan or of the Court of
49 Tax Appeals, or a Judge of the regional trial court,
50 metropolitan trial court, municipal trial court in cities,
51 municipal trial court, municipal circuit trial court, shari’a
52 district court, sharia’a circuit court or any other court
53 hereafter established shall be automatically entitled to a
54 lump sum of five (5) years’ gratuity computed on the basis of
55 the highest monthly aggregate of transportation,
56 representation and other allowances such as personal
57 economic relief allowance (PERA) and additional
58 compensation allowance he/she was receiving on the date of
59 his/her retirement and thereafter upon survival after the
60 expiration of five (5) years, to further annuity payable
61 monthly during the residue of his/her natural life pursuant
62 to Section 1 hereof: *Provided, however,* that if the reason for
63 the retirement be any permanent disability contracted
64 during his/her incumbency in office and prior to the date
65 retirement, he/she shall receive a gratuity equivalent to ten
66 (10) years’ salary and the allowances aforementioned:
67 *Provided, further,* That if he/she survives after ten (10) years
68 or seven (7) years, as the case may be, he/she shall continue
69 to receive a monthly annuity as computed under this act
70 during the residue of his/her natural life pursuant to
71 Section 1 hereof: *Provided, [finally] FURTHER,* That those

72 who have retired with the attendance of any partial
73 permanent disability five (5) years prior to the effectivity of
74 this act shall be entitled to the same benefits provided herein
75 [.] *PROVIDED, FINALLY*, THAT IF THE RETIRED JUSTICE
76 OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE
77 OF OFFICIAL DUTY, THE SURVIVING SPOUSE AND
78 CHILDREN OF THE SLAIN JUDGE OR JUSTICE SHALL
79 RECEIVE ALL THE BENEFITS PROVIDED IN THIS SECTION
80 WHEN APPLICABLE, PLUS A GRATUITY EQUIVALENT TO
81 TEN (10) YEARS SALARY, LUMP SUM, TO BE COMPUTED
82 BASED ON ALL THE SALARIES AND OTHER BENEFITS OF
83 AN ASSOCIATE JUSTICE OF THE SUPREME COURT.

84 “Upon the death of a Justice or Judge of any court in
85 the Judiciary, if such Justice or Judge has retired, or was
86 eligible to retire optionally at the time of death, the surviving
87 legitimate spouse shall be entitled to receive all the
88 retirement benefits that the deceased Justice or Judge would
89 have received had the Justice or Judge not died. The
90 surviving spouse shall continue to receive such retirement
91 benefits until the surviving spouse’s death or remarriage.
92 UPON THE DEATH OF THE SURVIVING SPOUSE, THE
93 BENEFITS SUCH SPOUSE WAS RECEIVING UNDER THIS
94 SECTION SHALL BE TRANSFERRED TO THE SURVIVING
95 CHILDREN OF THE SLAIN JUDGE OR JUSTICE.”

96 SEC. 3. Section 3-A of the same act, as amended, is hereby further
97 amended to read as follows:

98 “SEC.3-A. All pension benefits of retired members of the
99 judiciary OR THEIR SURVIVING SPOUSES AND CHILDREN
100 shall be automatically increased whenever there is an

101 increase in the salary of the same position from which
102 he/she retired. IF THE SURVIVING SPOUSE AND
103 CHILDREN OF A SLAIN JUSTICE OR JUDGE HAVE NOT
104 RECEIVED THE FULL LUMP SUM DUE THEM WITHIN ONE
105 (1) YEAR FROM THE DEATH OF THE JUSTICE OR JUDGE,
106 ANY LUMP SUM STILL TO BE GRANTED TO THE
107 SURVIVING SPOUSE OR SURVIVING CHILDREN OF THE
108 SLAIN JUSTICE OR JUDGE SHALL BE COMPUTED BASED
109 ON THE DIFFERENCE BETWEEN THE AMOUNTS ALREADY
110 RECEIVED AND THE TEN (10)-YEAR LUMP SUM BASED ON
111 CURRENT RATES OF SALARIES, BENEFITS, ALLOWANCES
112 AND OTHER GRANTS GIVEN TO AN ASSOCIATE JUSTICE
113 OF THE SUPREME COURT.”

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

116 “SEC. 3-B. The benefits under this act shall be granted to all
117 those who have retired OR WERE KILLED BY REASON OF
118 THE PERFORMANE OF OFFICIAL DUTY prior to the
119 effectivity of this Act: *Provided*, that the benefits shall be
120 applicable only to members of the Judiciary OR THEIR
121 SURVIVING SPOUSES AND CHILDREN: *Provided, further*,
122 That the benefits to be granted shall be prospective.”

123 SEC. 5. The amount of necessary for the implementation of this
124 Act shall be charged against the available appropriations of the
125 Judiciary under the current General Appropriations Act.

126 Thereafter, such sums as may be necessary for its continued
127 implementation lshall be included in the Annual General
128 Appropriations Act.

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

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

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

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

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

Approved,