

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session
2088

HOUSE BILL NO. _____



Introduced by **Representative RANEO E. ABU**
Second District, Batangas

AN ACT
PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND CHILDREN OF
SLAIN JUDGES, JUSTICES AND OTHER JUDICIARY OFFICIALS, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Throughout the years, the country has experienced judiciary officials being murdered, assassinated, and brutally killed by criminals in the hopes of obstructing the ends of justice.

The Amnesty International reported that from 1999 to 2012, some 22 judges have been murdered or assassinated in the Philippines and this translates to two judges being killed annually. As stipulated in Section 2 of the Republic Act 9946, as amended, states that "when a justice or judge is killed intentionally while in service, the presumption is that the death is work-related."

The risk alongside the job of these judiciary officials should be counterbalanced by providing them with a grant that will encourage them to fully perform their duties and responsibilities. Hence, this bill seeks to support the judiciary by granting benefits to their surviving heirs in case they are killed while dispensing justice.

Upon its approval, this bill will embolden our judges and justices, especially the young idealistic judges and justices, to dispense justice without fear knowing that the government has their back and will support them, and their family, as they uphold the rule of law.

In view of the foregoing, approval of this bill is earnestly sought.

RANEO E. ABU

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

ARTICLE I

TITLE AND POLICY

Section 1. Short Title. — This Act shall be known as the "***Support for the Surviving Spouse and Children of Slain Judiciary Officials Act*** "

Section 2. Declaration of State Policy and Principles. — It is hereby declared to be the policy of the State to promote judicial reform by supporting all judges and justices, especially the young idealistic Judges and Justices, decide their cases objectively and fairly despite any risks of injury or death to themselves and their family by guaranteeing support for their spouse and children in the event that they are assassinated while dispensing Justice. The State, by this act, hopes and encourages Judges and Justices to be ready and willing to dispense justice though the heavens may fall knowing that if they are killed, their surviving spouse and children shall be cared for by the State.

ARTICLE II
BENEFITS TO BE GRANTED TO THE SURVIVING SPOUSE AND HEIRS OF A
SLAIN JUDGE OR JUSTICE

Section 3. Section 1 of Republic Act No. 910, as amended by Republic Act No. 9946, as amended, is hereby further amended to read as follows.

Section 1. Section 1 of Republic Act No. 910, as amended, is hereby further amended to read as follows:

"SECTION 1, When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan, or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established who has rendered at least fifteen (15) 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/her incapacity to discharge the duties of his/her office as certified by the Supreme Court, he/she shall receive during the residue of his/her natural life, in the manner hereinafter *Provided*, the salary which plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was receiving at the time of his/her retirement, or resignation, and non wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college: *Provided*, That such grant will cover only one (1) bachelor's degree. When a Justice of the Supreme Court, the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court. or any other court hereafter established has attained the age of sixty (60) years and has rendered at least fifteen (15) years' service in the Government, the last three (3) of which shall have been continuously rendered in the Judiciary, he/she shall likewise be entitled to retire and receive during the residue of his/her natural life also in the

manner hereinafter Provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which he/she was then receiving and the non - wage benefit in the form of education scholarship to one (1) child of all Justices and Judges to free tuition fee in a state university or college: Provided, however, That any Justice or Judge with less the fifteen (15) years' service in the Government or Judiciary, who shall retire due to reasons hereinabove Provided, shall be entitled to a pro - rata monthly pension computed as follows:

Number of years in		Basic pay plus the highest monthly
The Government or		aggregate transportation, representation
Judiciary	x	and other allowances (PERA and
<hr/>		additional compensation allowance)
15 years		

When a Justice of the Supreme Court the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court or any other court hereafter established is killed because of his/her work; when a Justice or Judge is killed intentionally while in service, the presumption is that the death is work — related, regardless of the number of years served in government or the judiciary, the surviving spouse and the surviving children of the slain Judge or Justice, shall be entitled to receive a monthly pension during the residue of his/her natural life in the manner hereinafter Provided, the salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance which is received by an Associate Justice of the Supreme Court and the non - wage benefit in the form of education scholarship to two (2) children of all Justices and Judges to free tuition fee in a state university or college.

"It is a condition of the pension provided for herein that no retiring Justice or Judge of the aforementioned courts or his/her surviving spouse receiving the benefits of this Act during the time that he/she 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 incumbent or former officer or employee of the Government is accused of an offense committed in relation to his/ her office, or collect any fee for his/her appearance in any administrative proceedings to maintain an interest 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 or his/her surviving spouse entitled to the benefits of this Act shall assume an elective public office, he/she shall not, upon assumption of office and during his/her term, receive the monthly pension due to his/her."

Section 4. Section 3 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court," shari'a circuit court, or any other court hereafter established shall be automatically entitled to a lump sum of five (5) 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 he/she was receiving on the date of his/her retirement and thereafter upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant to Section 1 hereof: Provided, however, That if the reason for the retirement be any permanent disability contracted during his/her incumbency in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to ten (10) years' salary and the allowances aforementioned: Provided, further, That should the retirement under Section 1 (a) hereof be with the attendance of any partial permanent disability

contracted during his/her incumbency and prior to the date of retirement, he/she shall receive an additional gratuity equivalent to two (2) years lump sum that he/she is entitled to under this Act; Provided, furthermore, That if he/she survives after ten (10) years or seven (7) years, as the case may be, he/she shall continue to receive a monthly annuity as computed under this Act during the residue of his/her natural life pursuant to Section 1 hereof: Provided even further, that if the Judge or Justice is killed due to his/her work, the Judge or Justice or their surviving spouse and children, shall receive all the benefits provided above which are applicable plus a gratuity equivalent to ten (10) years salary, lump sum to be computed based on all the salaries, benefits and the like, given to an Associate Justice of the Supreme Court; Provided, finally, That those who have retired with the attendance of any partial permanent disability five (5) years prior to the effectivity of this Act shall be entitled to the same benefits provided herein.

"Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse or surviving children shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. If the cause of death of the Judge or Justice is work related, regardless of the number of years of service in the government or the judiciary, the Judge or Justice shall receive all the full and complete benefits of an Associate Supreme Court Justice as if they were able to fully retire. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage. Upon the death of the surviving spouse, the benefits he/she received shall be transferred to the surviving children of the Judge or Justice"

Section 5. Section 3-A and Section 3-B of Republic Act No, 910, as amended, is hereby further amended to read as follows:

"SEC. 3 - A. All pension benefits of retired members of the Judiciary or their surviving spouse and children shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired or is granted

benefits. If a surviving spouse and children of a killed Judge or Justice have not received the full lump sum due them within one (1) year from the death of the Judge or Justice, any lump sum still to be granted to the surviving spouse or surviving children of the killed Judge or Justice shall be computed based on the difference between the amounts already received and the ten (10) year lump sum based on current rates of salaries, benefits, allowances and other grants given to an Associate Justice of the Supreme Court."

"SEC. 3 - B. The benefits under this Act shall be granted to all those who have retired or was killed due to his/her work prior to the effectivity of this Act: Provided, that the benefits shall be applicable only to members of the Judiciary or their surviving spouse and children: Provided, further, "That the benefits to be granted shall be prospective."

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

FINAL PROVISIONS

Section 7. *Separability Clause.* - If, for any reason, any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect,

Section 8. *Liberal Construction of this Act.* - In case of doubt the interpretation of any of the provisions of this Act, including its implementing rules and regulations (IRRs), shall be construed liberally in favor of the surviving spouse and children of the killed Judge or Justice.

Section 9. *Repealing Clause.* All other laws, decrees, orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly,

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

Approved.