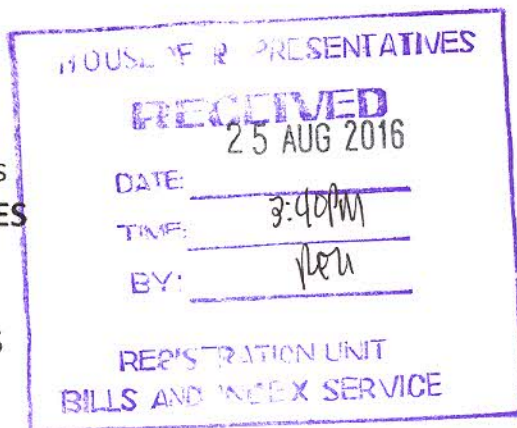


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3345



Introduced by **HON. MARISOL C. PANOTES**

EXPLANATORY NOTE

In the PNP, a police officer may retire from service either via compulsory retirement, optional retirement, or total permanent physical disability (TPPD). However, among the three options, police officers who retired via TPPD are in the most disadvantageous situation compared to those who availed of the first two modes of retirement. Such is the case considering that in the first two modes, even after death of retiree, at least 75% of his pension will be transferred to his surviving legal heirs or beneficiaries, which privilege is not available or enjoyed by the surviving legal heirs or beneficiaries of one who retired via TPPD.

This policy was the effect of Republic Act No. 8551, otherwise known as "Philippine National Police Reform and Reorganization Act of 1998" which amended substantially the provisions of Republic Act No. 6975, otherwise known as "Department of Interior and Local Government Act of 1990" providing among others the retirement provisions in so far as the members of the PNP are concerned.

One of the notable amendments made by RA 8551 on RA 6975 was that of Section 73 thereof, which provision pertained to policy governing Permanent Physical Disability as a mode of retirement. Prior to amendment, Section 73 of RA 6975 read as follows:

"Section 73. Permanent Physical Disability. An officer or non-officer who, having accumulated at least twenty (20) years of active service, incurs total permanent physical disability in line of duty shall be compulsorily retired: Provided, That, if he has accumulated less than twenty years (20) years of active service, he shall be separated from the service and be entitled to a separation pay equivalent to one and one-fourth (1 ¼) months base pay for every year of service, or a fraction thereof, and longevity pay of the permanent grade he holds."

Subsequently, Section 35 of RA 8551 which amended the foregoing texts reads, to wit:

Section 35. Section 73 of the same Act is hereby amended to read as follows:

Section 73. Permanent Physical Disability. An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his salary, in addition to other benefits as provided under existing laws.

Should such member who has been retired under permanent total disability under this section die within (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period.

In order to carry out such provision, NAPOLCOM issued Memorandum Circular No. 2000-005, as amended by NAPOLCOM Memorandum Circular No. 2011-009, otherwise known as the "Revised Rules Governing the Investigation and Adjudication of Benefit Claims of Uniformed Member of PNP", in which a police officer who retired via TPPD is entitled to gratuity benefits amounting to the sum of the police officer's one (1) year basic salary and lifetime pension equivalent to eighty percent (80%) of his basic salary. However, should the police officer concerned dies within the five-year guaranteed period, what should be transferred to his/her survivor or beneficiary is the pension corresponding to the remainder of the five-year guaranteed period. Should the police officer concerned dies beyond the five-year guaranteed period, his/her survivor or beneficiary will not be entitled to any amount of pension anymore.

It is generally understood that the three modes of retirement namely compulsory, optional and TPPD apply to all retirees of the PNP. However, it is evident that under the present policy of the PNP, they are not treated alike as to the privileges conferred.

It is in upon the conviction that retirement law in the PNP should be uniformly applicable to all retirees regardless of modes of retirement that the immediate approval of this bill proposing further amendment to Section 73 of RA 6975 as amended by Section 35 of RA 8551 is hereby sought.


MARISOL C. PANOTES

CONGRESS OF THE PHILIPPINES)
SEVENTEENTH CONGRESS)
First Regular Session)

HOUSE OF REPRESENTATIVES

HB No. 3345

BY REPRESENTATIVE MARISOL C. PANOTES

AN ACT FURTHER AMENDING SECTION 73 OF REPUBLIC ACT NO. 6975 OTHERWISE KNOWN AS DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT ACT OF 1990 AS AMENDED BY SECTION 35 OF REPUBLIC ACT NO. 8551 OTHERWISE KNOWN AS PHILIPPINE NATIONAL POLICE REFORM AND REORGANIZATION ACT OF 1998

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

SECTION 1. – Section 73 of Republic Act No. 6975 otherwise known as Department of Interior and Local Government Act of 1990, as amended by Section 35 of Republic Act No. 8551 otherwise known as Philippine National Police Reform and Reorganization Act of 1998, is hereby further amended to read as follows:

Section 35. Permanent Physical Disability. An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, in addition to other benefits as provided under existing laws.

[Should such member who has been retired under permanent total disability under this section die within (5) years from his retirement, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled to the pension for the remainder of the five (5) years guaranteed period.]

“THE SURVIVORS OF AN OFFICER OR NON-OFFICER RETIRED UNDER THIS SECTION AND WHO DIED AFTER FIVE YEARS FROM RETIREMENT THEREOF UNDER TOTAL PERMANENT PHYSICAL DISABILITY SHALL BE ENTITLED TO A MONTHLY ANNUITY EQUIVALENT TO SEVENTY-FIVE PERCENT (75%) OF HIS MONTHLY RETIREMENT PAY WHICH HE WAS RECEIVING TO BE DIVIDED AMONG THE SURVIVORS IN EQUAL SHARES AND WITH THE RIGHT OF ACCRETION.”

SECTION 2. The Secretary of the Department of the Interior and Local Government shall include in the Department's program the mechanisms necessary to carry out the provision of this Act, funding of which shall be included in the annual General Appropriations Act.

SECTION 3. The Secretary of the Department of the Interior and Local Government shall issue the necessary rules, orders and circulars to implement the provisions of this Act.

SECTION 4. This Act shall have retroactive effect in favor of PNP members and officers already retired or separated at the time of the effectivity thereof.

SECTION 5. This Act shall take effect within fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,