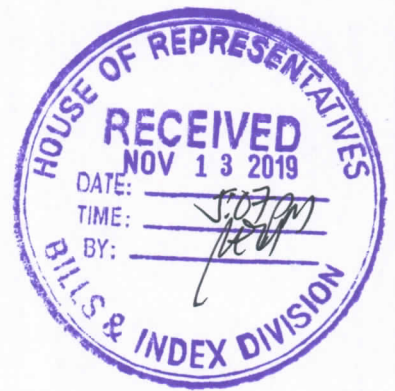


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 5492

Introduced by **Hon. Cyrille "Beng" F. Abueg-Zaldivar**

EXPLANATORY NOTE

This bill was previously filed by Representative Frederick F. Abueg as House Bill (H.B.) No. 2910 in the 16th Congress and as H.B. No. 1845 during the 17th Congress. Both bills were referred to the House Committee on Appropriations.

The proposed bill is inspired by the same motivation that animated the enactment of Republic Act (R.A.) No. 9227 which granted additional compensation in the form of special allowances to, *inter alia*, Justices of the Supreme Court. It, in effect, extends to the Chairman/Commissioners of the three (3) independent Constitutional Commissions (Commission on Audit, Commission on Elections and Civil Service Commissions) and the Ombudsman, the same benefits enjoyed by the Supreme Court Justices, as far as applicable, under the said R.A. No. 9227.

Enactment of this bill would be in consonance with the fiscal autonomy and independence enjoyed by the three (3) Constitutional Commissions and the Ombudsman under the 1987 Constitution which would thereby be fleshed out more meaningfully and lent more significance.

It will be recalled that before the enactment of R.A. No. 9227, the salary levels and retirement benefits of the Members of the Constitutional Commissions and the Ombudsman were at par with and in the same category as that of the Justices of the Supreme Court. The herein proposed bill is, thus, a recognition of its necessity and aims to standardize the compensation structure and retirement benefits amongst Supreme Court Justices, Members of the Constitutional Commissions and the Ombudsman.

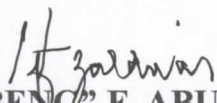
The three (3) independent Constitutional Commissions as fixtures in the 1987 Constitution are concerned with specialized areas of governance – administration of the electoral process (COMELEC), administration of the civil service (Civil Service Commission), and administration of fiscal controls of the government (COA) – and, hence, are designed as specialized agencies of government.

These three (3) Commissions play the role of countervailing institutions by providing an independent check to the three (3) branches of government (Legislative, Executive, and Judiciary) regarding their respective areas of concern and competence. In a real sense, given the nature of their responsibilities as well as the unique role that they play in the scheme of things, they virtually constitute the fourth (4th) branch of government that is perceived as co-equal and co-important with the other branches, including the Judiciary, particularly the Supreme Court.

The Ombudsman, likewise an independent constitutional body, enjoys the same rank and salary as that of the Chairmen of the Constitutional Commissions and plays a vital role as the constitutional mechanism for enforcement of accountability of all public officers.

The proposed legislation is designed to provide an additional financial incentive to attract capable men and women of proven probity and independence to serve in such highly sensitive offices as the Constitutional Commissions and the office of the Ombudsman with utmost responsibility, integrity, loyalty, and efficiency.

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


CYRILLE "BENG" F. ABUEG-ZALDIVAR
Representative, 2nd District of Palawan

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Eighteenth Congress
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HOUSE BILL NO. 5492

Introduced by **Hon. Cyrille “Beng” F. Abueg-Zaldivar**

AN ACT
AUTHORIZING THE RECEIPT OF ADDITIONAL COMPENSATION IN THE
FORM OF SPECIAL ALLOWANCES BY MEMBERS OF THE
CONSTITUTIONAL COMMISSIONS AND THE OMBUDSMAN, AND FOR
OTHER PURPOSES

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

1 **Section 1. Declaration of Policy.** – It is hereby declared the policy of the
2 State to adopt measures calculated to guarantee and safeguard the independence
3 of the Commission on Audit, the Commission on Elections, and the Civil Service
4 Commission, and the Ombudsman as well as flesh out and lend more meaning,
5 significance and substance to the fiscal autonomy enjoyed by these constitutional
6 bodies as mandated by the 1987 Constitution, and to ensure an efficient and
7 effective discharge of their powers, functions and responsibilities in their
8 respective areas of concern as specialized agencies of the government.

1 **Sec. 2. *Special Allowances as Additional Compensation.*** – Any
2 provision of law to the contrary notwithstanding, the Chairmen/Commissioners
3 of the Commission on Audit, the Commission on Elections, and the Civil Service
4 Commission, and the Ombudsman are hereby authorized to receive additional
5 compensation in the form of special allowances in an amount equivalent to one
6 hundred percent (100%) of their basic monthly-salary as specified for their
7 respective salary grades under the Salary Standardization Law.

8 The entitlement to the special allowances as herein authorized shall be
9 implemented uniformly for a period of four (4) years commencing the current
10 calendar year in such sums or amounts equivalent to twenty-five percent (25%)
11 of the basic salaries of the positions covered by this Act. Subsequent
12 implementation shall be to the extent only of such sums and amounts as can be
13 supported by the funding source specified in Section 3 hereof.

14 The amounts corresponding to the special allowances herein authorized
15 shall henceforth be incorporated in and form an integral part of the basic salaries
16 of the Members of the Constitutional Commission and the Ombudsman.

17 **Sec. 3. *Funding Source.*** – Funds for the initial implementation of this
18 Act to be set aside and allocated as “Special Allowances” in the books of account
19 of the Constitutional Commissions and the Office of the Ombudsman shall be
20 charged to and taken out of the current appropriations and/or available saving/s
21 therein.

1 The Department of Budget and Management shall invariably include in
2 the annual General Appropriations Act for the subsequent calendar years the
3 necessary outlay for the said Special Allowances as the funding source for the
4 continued implementation of this Act.

5 **Sec. 4. *Inclusion in the Computation of Retirement Benefits.*** – In order
6 to upgrade the retirement benefits presently enjoyed by retired Members of the
7 Constitutional Commissions and the Ombudsman pursuant to applicable
8 retirement laws, the life pension that they are receiving monthly from the
9 government shall be adjusted automatically forthwith so as to include in the
10 computation thereof the amount equivalent to the special allowances herein
11 authorized.

12 **Sec. 5. *Issuance of Implementing Guidelines.*** – The Chairmen of the
13 Constitutional Commissions and the Ombudsman shall jointly issue the
14 necessary guidelines for the proper implementation of this Act within ninety (90)
15 days from the approval hereof.

16 **Sec. 6. *Repealing Clause.*** – All laws, decrees, orders, rules and
17 regulations or parts thereof which are inconsistent with the provisions of this Act
18 are hereby repealed or modified accordingly.

19 **Sec. 7. *Separability Clause.*** – If any provision of this Act is declared
20 invalid or unconstitutional, the provisions thereof not affected by such
21 declaration shall continue to be in full force and effect.

1 **Sec. 8. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
2 after its publication in at least two (2) newspaper of general circulation.

3 *Approved,*
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