



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



EIGHTEENTH CONGRESS
First Regular Session

4150

H. B. No. _____

Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND
LEGAL HEIRS OF SLAIN JUSTICES AND JUDGES, AMENDING
FOR THE PURPOSE REPUBLIC ACT NUMBER 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,"
APPROPRIATING FUNDS THEREFOR,
AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Justices and judges dispense justice equally to all men. They ensure equal protection of rights of all people with no regard for status or power. Thus, when a judge is killed, it intimidates the Judiciary and a climate of fear ensues. Nevertheless, justice continues to be dispensed as these are brave individuals who undertake their duty without fear or favor.

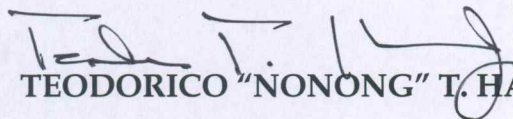
Since 1999, there have been 29 judges killed. Sometime in October 2018, the Executive Judge of Ozamiz City Regional Trial Court, Hon. Edmundo Pintac, was shot dead by motorcycle-riding suspects while on his way home. On June 10, 2004, Judge Voltaire Rosales of the Regional Trial Court of Tanauan, Batangas was shot dead in broad daylight by two unidentified gunmen, also riding in a motorcycle, just as the judge was driving home in Tanauan. The authors of these deaths are somewhere out there, unidentified, free to roam and execute other murders.

According to Republic Act Number 9946, as amended, when a Justice or Judge is killed intentionally while in service, the presumption is that the death is work-related. This bill seeks to support the Judiciary by granting benefits to their surviving

heirs in case they are killed while dispensing justice. This bill will somehow balance the risk that judges take when they perform their duties and responsibilities as members of the bench. This will further strengthen the members of the Judiciary to work without fear and also encourage idealistic lawyers to join the Judiciary.

We owe it to our country and to our people to have the kind of climate not of fear but of confidence, to be able to ensure that we can prevail as a society that is democratic, that is equal, and that is pro-people.

The immediate passage of this bill, thus, is earnestly sought.


TEODORICO "NONONG" T. HARESCO, JR.



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AN ACT
PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND LEGAL
HEIRS OF SLAIN JUSTICES AND JUDGES, AMENDING FOR THE
PURPOSE REPUBLIC ACT NUMBER 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," APPROPRIATING 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 2 of Republic Act Number 910, as amended, is hereby
2 further amended to read as follows:
3

4 **"SEC. 2.** In case a Justice of the Supreme Court or of the Court of Appeals, the
5 Sandiganbayan or of the Court of Tax Appeals, or a Judge of the Regional Trial
6 Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal
7 Trial Court, Municipal Circuit Trial Court, Shari'a District Court, Shari'a
8 Circuit Court, or any other court hereafter established, dies while in actual
9 service, regardless of his/her age and length of service as required in Section 1
10 hereof, his/her heirs shall receive a lump sum of five (5) years' gratuity
11 computed on the basis of the highest monthly salary plus the highest monthly
12 aggregate of transportation, representation and other allowances such as
13 personal economic relief allowance (PERA) and additional compensation
14 allowance received by him/her as such Justice or Judge: *Provided, That, where*
15 *the deceased Justice or Judge has rendered at least fifteen (15) years' service*
16 *either in the Judiciary or in any other branch of Government, or both, his/her*
17 *heirs shall instead be entitled to a lump sum of ten (10) years gratuity computed*
18 *on the same basis as indicated in this provision: Provided, further, That, the lump*
19 *sum of ten (10) years gratuity shall be received by the heirs of the Justice or the*
20 *Judge who was killed because of his/her work as such: Provided, however, That,*
21 *the Justice of Judge has served in Government for at least five (5) years,*
22 *regardless of age at the time of death. WHEN A JUSTICE OR JUDGE IS*
23 *KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, OR*
24 *WHEN SUCH JUSTICE OR JUDGE IS KILLED INTENTIONALLY WHILE*
25 *IN SERVICE, REGARDLESS OF AGE AT THE TIME OF DEATH OR THE*

1 NUMBER OF YEARS SERVED IN GOVERNMENT OR THE JUDICIARY,
2 THE SURVIVING SPOUSE AND THE SURVIVING CHILDREN OF THE
3 SLAIN JUSTICE OR JUDGE SHALL ALSO BE ENTITLED TO RECEIVE
4 DURING THE RESIDUE OF THEIR NATURAL LIVES ALSO IN THE
5 MANNER HEREINAFTER PROVIDED, THE SALARY PLUS THE
6 HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION,
7 REPRESENTATION AND OTHER ALLOWANCES SUCH AS PERSONAL
8 ECONOMIC RELIEF ALLOWANCE (PERA) AND ADDITIONAL
9 COMPENSATION ALLOWANCE WHICH ARE RECEIVED BY AN
10 ASSOCIATE JUSTICE OF THE SUPREME COURT. When a Justice or Judge
11 is killed intentionally while in service, the presumption is that the death is
12 work-related.”

13
14 SEC. 2. Section 3 of the same Act, as amended, is hereby further amended to
15 read as follows:
16

17 “SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of
18 Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the
19 regional trial court, metropolitan trial court, municipal trial court in cities,
20 municipal trial court, municipal circuit trial court, shari’a district court, shari’a
21 circuit court, or any other court hereafter established shall be automatically
22 entitled to a lump sum of five (5) years’ gratuity computed on the basis of the
23 highest monthly salary plus the highest monthly aggregate of transportation,
24 representation and other allowance such as personal economic relief allowance
25 (PERA) and additional compensation allowance he/she was receiving on the
26 date of his/her retirement and thereafter upon survival after the expiration of
27 five (5) years, to further annuity payable monthly during the residue of his/her
28 natural life pursuant to Section 1 hereof: *Provided, however,* That if the reason
29 for the retirement be any permanent disability contracted during his/her
30 incumbency in office and prior to the date of retirement, he/she shall receive a
31 gratuity equivalent to ten (10) years’ salary and the allowances aforementioned:
32 *Provided, further,* That should the retirement under Section 1(a) hereof be with
33 the attendance of any partial permanent disability contracted during his/her
34 incumbency and prior to the date of retirement, he/she shall receive an
35 additional gratuity equivalent to two (2) years lump sum that he/she is entitled
36 to under this Act: *Provided, furthermore,* That if he/she shall continue to receive
37 a monthly annuity as computed under this Act during the residue of his/her
38 natural life pursuant to Section 1 hereof: *Provided, [finally]* **FURTHER,** That
39 those who have retired with the attendance of any partial permanent disability
40 five (5) years prior to the effectivity of this Act shall be entitled to the same
41 benefits provided herein: **PROVIDED, FINALLY, THAT IF THE RETIRED**
42 **JUSTICE OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE OF**
43 **OFFICIAL DUTY, THE SURVIVING SPOUSE AND CHILDREN OF THE**
44 **SLAIN JUSTICE OR JUDGE SHALL RECEIVE ALL THE BENEFITS**
45 **PROVIDED IN THIS SECTION WHEN APPLICABLE, PLUS A GRATUITY**
46 **EQUIVALENT TO TEN (10) YEARS SALARY, LUMP SUM, TO BE**
47 **COMPUTED BASED ON ALL THE SALARIES AND OTHER BENEFITS OF**
48 **AN ASSOCIATE JUSTICE OF THE SUPREME COURT.”**
49

50 “Upon the death of a Justice or Judge of any court in the Judiciary, if such
51 Justice or Judge has retired, or was eligible to retire optionally at the time of
52 death, the surviving legitimate spouse shall be entitled to receive all the
53 retirement benefits that the deceased Justice or Judge would have received had

1 the Justice or Judge not died. The surviving spouse shall continue to receive
2 such retirement benefits until the surviving spouse's death or remarriage.
3 **UPON THE DEATH OF THE SURVIVING SPOUSE, THE BENEFITS SUCH**
4 **SPOUSE WAS RECEIVING UNDER THIS SECTION SHALL BE**
5 **TRANSFERRED TO THE SURVIVING CHILDREN OF THE SLAIN**
6 **JUSTICE OR JUDGE."**

7
8 **SEC. 3.** Section 3-A of the same Act, as amended, is hereby further amended to
9 read as follows:

10
11 "SEC. 3-A. All pension benefits of retired members of the Judiciary **OR THEIR**
12 **SURVIVING SPOUSES AND CHILDREN** shall be automatically increased
13 whenever there is an increase in the salary of the same position from which
14 he/she retired. **IF THE SURVIVING SPOUSE AND CHILDREN OF A**
15 **SLAIN JUSTICE OR JUDGE HAVE NOT RECEIVED THE FULL LUMP**
16 **SUM DUE THEM WITHIN ONE (1) YEAR FROM THE DEATH OF THE**
17 **JUSTICE OR JUDGE, ANY LUMP SUM STILL TO BE GRANTED TO THE**
18 **SURVIVING SPOUSE OR SURVIVING CHILDREN OF THE SLAIN**
19 **JUSTICE OR JUDGE SHALL BE COMPUTED BASED ON THE**
20 **DIFFERENCE BETWEEN THE AMOUNTS ALREADY RECEIVED AND**
21 **THE TEN (10) YEAR LUMP SUM BASED ON CURRENT RATES OF**
22 **SALARIES, BENEFITS, ALLOWANCES AND OTHER GRANTS GIVEN**
23 **TO AN ASSOCIATE JUSTICE OF THE SUPREME COURT."**

24
25 **SEC. 4.** Section 3-B of the same Act, as amended, is hereby amended to read as
26 follows:

27
28 "SEC. 3-B. The benefits under this Act shall be granted to all those who have
29 retired **OR WERE KILLED BY REASON OF THE PERFORMANE OF**
30 **OFFICIAL DUTY** prior to the effectivity of this Act: *Provided*, That the benefits
31 shall be applicable only to members of the Judiciary **OR THEIR SURVIVING**
32 **SPOUSES AND CHILDREN:** *Provided, further*, That the benefits to be granted
33 shall be prospective."

34
35 **SEC. 5.** In case of doubt, the interpretation of any of the provisions of this Act,
36 including its implementing rules and regulations, shall be construed liberally in favor
37 of the surviving spouse and children of the slain Justice of Judge.

38
39 **SEC. 6. Appropriations.** The amount necessary for the implementation of this
40 Act shall be charged against available appropriations of the Judiciary under the
41 current General Appropriations Act. Thereafter, such sums as may be necessary for
42 its continued implementation shall be included in the annual General Appropriations
43 Act.

44
45 **SEC. 7. Implementing Rules and Regulations.** Within sixty (60) days from the
46 approval of this Act, the Secretary of Budget and Management, in consultation with
47 Supreme Court, shall promulgate the necessary rules and regulations for the effective
48 implementation of this Act.

49
50 **SEC. 8. Repealing Clause.** If any provision or part of this Act is declared invalid
51 or unconstitutional, the remaining parts or provisions not affected shall remain in full
52 force and effect.

1 **SEC. 9. *Separability Clause.*** All laws, rules, regulations, orders, circulars and
2 other issuances or parts thereof, which are inconsistent with the provisions of this Act
3 are hereby repealed, amended or modified accordingly.
4

5 **SEC. 10. *Effectivity.*** This Act shall take effect fifteen (15) days after its
6 publication in the Official Gazette or in any newspaper of general circulation.
7

8 *Approved,*