

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



19 NOV 18 P3:18

S E N A T E  
S. No. 1177

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**Introduced by Senator Aquilino “Koko” Pimentel III**

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**AN ACT PROVIDING SUPPORT FOR THE SURVIVING HEIRS  
OF SLAIN JUSTICES AND JUDGES, AMENDING FOR THE  
PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, AND FOR  
OTHER PURPOSES**

**EXPLANATORY NOTE**

On October 31, 2001, Ilocos Norte RTC Executive Judge Ariston Rubio was ambushed along the national highway in Barangay Maghuang Batac, Ilocos Norte. Six (6) months after, or on April 25, 2002, RTC Judge Eugenio Valles of Nabunturan, Compostela Valley was shot dead by three (3) armed motorcycle riding assailants.

On September 27, 2002, Tayug, Pangasinan RTC Judge Oscar Gary Uson met the same fate. So did Tanauan, Batangas RTC Executive Judge Voltaire Antonio Y. Rosales on June 10, 2004.

On December 31, 2005, Pasay City RTC Judge Henrick F. Gingoyon was assassinated by perpetrators riding-in-tandem near his residence in Molino, Bacoor, Cavite.

The more recent ones include Retired Judge Victor Canoy, who was shot dead while on his way to an eatery on February 2, 2017, in Surigao City; Butuan City Judge Godofredo Abul Jr., who was killed

when unidentified men fired at his vehicle on August 5, 2017; Judge Ricky Begino of the Metropolitan Circuit Trial Court of San Jose-Lagonoy, Camarines Sur, who was killed on June 12, 2018, while on his way home; Ozamiz City Judge Edmundo Pintac, who was shot dead by motorcycle-riding suspects on October 8, 2018, in Barangay Banadero in Ozamiz City; and Judge Reymar Lacaya of Sindangan, Zamboanga del Norte, who was shot dead in the town on May 9, 2019. The Supreme Court said he is the 30th judge to be killed while in service since 1999.

It is not only trial court judges who are threatened and intimidated as they perform their judicial functions. Members of the appellate courts too. One member of the Supreme Court had his car “acid bombed” when acid was thrown at his car by motorcycle-riding men. He was in the vehicle on his way home. Another member of the Court was threatened by means of a funeral wreath delivered early in the morning at the gate of his house<sup>1</sup>. Recently, former Chief Justice Lucas P. Bersamin was in the news because of death threats he allegedly was receiving<sup>2</sup>.

The list goes on and on, striking fear in the hearts of our magistrates and deep concern to the public at large. Apparently, members of the judiciary are not spared from the culture of impunity. The Amnesty International even reported that an average of two judges are killed each year in the Philippines. On November 5, 2019, RTC Ilocos Sur Br. 25 Judge Mario Anacleto Bañez was shot dead on his way home in Barangay Mameltac, San Fernando City, La Union, by an unidentified assailant<sup>3</sup>.

Dispensing justice can be perilous in the Philippines that it becomes difficult to entice legal practitioners to join the Judiciary and for the Judiciary to retain idealistic, competent and honest Judges. To counterbalance the risks to the Judges and their family that come alongside the job of these judiciary officials, providing them with appreciable grants and benefits is in order. Hence, this proposed bill,

<sup>1</sup>Soliven, Max V., *By the Way*, <https://www.philstar.com/opinion/2004/06/16/254125/if-we-don146t-avenge-murder-judge-rosales-then-justice-will-go-hell-land>, 16 June 2004. Last accessed on 20 August 2019.

<sup>2</sup>Torres-Tupas, T., *Retired Chief Justice Lucas Bersamin gets death threats*, <https://newsinfo.inquirer.net/1189455/retired-chief-justice-lucas-bersamin-gets-death-threats>, 13 November 2019. Last accessed on 18 November 2019.

<sup>3</sup>Mercado, Niel Arwin., *Judge dead in La Union ambush*, <https://newsinfo.inquirer.net/1186168/break-judge-dead-in-la-union-ambush>. 5 November 2019

meant to support the Judiciary by granting benefits to the surviving heirs of Justices and Judges who may be killed in connection with their office.

This bill likewise hopes to encourage our Justices and Judges to dispense justice without fear or apprehension, confident that the government will support them, and their families even after they are gone.

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



AQUILINO "KOKO" PIMENTEL III

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

1       **SECTION 1.** *Short Title.* — This Act shall be known as the  
2       "Support for the Surviving Heirs of Slain Judiciary Officials Act."  
3

4       **SEC. 2.** *Declaration of State Policy and Principles.* — It is hereby  
5       declared a policy of the State to promote judicial reforms by supporting  
6       all Justices and Judges of our courts so that they act on their cases  
7       objectively and fairly albeit risks of injury or death to themselves and  
8       their families by guaranteeing support for their surviving heirs in the  
9       event that they are killed or slain in the line of duty.  
10

11       **SEC. 3.** Section 2 of Republic Act No. 910, as amended by  
12       Republic Act No. 9946, is hereby further amended to read as follows:  
13

14           "SEC. 2. In case a Justice of the Supreme Court or  
15       Court of Appeals, the Sandiganbayan or of the Court of Tax  
16       Appeals, or a Judge of the regional trial court, metropolitan  
17       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, dies while in actual service, regardless of his/her age and length of service as required in Section 1 hereof, his/her heirs shall receive 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 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 **REGARDLESS OF THE NUMBER OF YEARS OF SERVICE IN THE JUDICIARY OR GOVERNMENT**, 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[:] **AND HIS/HER SURVIVING SPOUSE OR HEIRS SHALL ALSO BE ENTITLED TO RECEIVE 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 ARE RECEIVED BY AN ASSOCIATE JUSTICE OF THE SUPREME COURT.** ~~[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 intentionally while in service, the presumption is that the death is work-related.”~~

**SEC. 4.** Section 3 of the Republic Act No. 910, as amended by Republic Act No. 9946, 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,* [finally] **FURTHER**, 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: **PROVIDED, FINALLY, THAT IF THE RETIRED JUSTICE OR JUDGE IS KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, THE SURVIVING HEIRS OF THE SLAIN RETIRED JUSTICE OR JUDGE SHALL RECEIVE ALL THE BENEFITS PROVIDED IN THIS SECTION WHEN APPLICABLE, PLUS A GRATUITY EQUIVALENT TO TEN (10) YEARS SALARY, LUMP SUM, TO BE COMPUTED BASED ON ALL THE SALARIES AND OTHER BENEFITS OF AN ASSOCIATE JUSTICE OF THE SUPREME COURT.**

1  
2 Upon the death of a Justice or Judge of any court in the  
3 Judiciary, if such Justice or Judge has retired, or was eligible  
4 to retire optionally at the time of death, the surviving  
5 legitimate spouse shall be entitled to receive all the  
6 retirement benefits that the deceased Justice or Judge would  
7 have received had the Justice or Judge not died. The  
8 surviving spouse shall continue to receive such retirement  
9 benefits until the surviving spouse's death or remarriage.

10 **UPON THE DEATH OR REMARRIAGE OF THE**  
11 **SURVIVING SPOUSE, THE BENEFITS SUCH**  
12 **SPOUSE WAS RECEIVING UNDER THIS SECTION**  
13 **SHALL BE TRANSFERRED COLLECTIVELY TO**  
14 **THE SURVIVING CHILDREN OF THE SLAIN**  
15 **JUSTICE OR JUDGE WHO ARE OF MINOR AGE.”**

17       **SEC. 5.** Section 3-A of Republic Act No. 910, as amended by  
18 Republic Act No. 9946, is hereby further amended to read as follows:

20       “SEC. 3-A. All pension benefits of retired members of  
21 the Judiciary **OR THEIR SURVIVING HEIRS** shall be  
22 automatically increased whenever there is an increase in the  
23 salary of the same position from which he/she retired. **IF**  
24 **THE SURVIVING HEIRS OF A SLAIN JUSTICE OR**  
25 **JUDGE HAVE NOT RECEIVED THE FULL LUMP**  
26 **SUM DUE THEM WITHIN ONE (1) YEAR FROM THE**  
27 **DEATH OF THE JUSTICE OR JUDGE, ANY LUMP**  
28 **SUM STILL TO BE GRANTED TO THE SURVIVING**  
29 **HEIRS OF THE SLAIN JUSTICE OR JUDGE SHALL**  
30 **BE COMPUTED BASED ON THE DIFFERENCE**  
31 **BETWEEN THE AMOUNTS ALREADY RECEIVED**  
32 **AND THE TEN (10) YEAR LUMP SUM BASED ON**  
33 **CURRENT RATES OF SALARIES, BENEFITS,**  
34 **ALLOWANCES AND OTHER GRANTS GIVEN TO**  
35 **AN ASSOCIATE JUSTICE OF THE SUPREME**  
36 **COURT.”**

38       **SEC. 6.** Section 3-B of Republic Act No. 910, as amended by  
39 Republic Act No. 9946, is hereby further amended to read as follows:

41       “SEC. 3-B. The benefits under this Act shall be granted  
42 to all those who have retired **OR WERE KILLED BY**

1           **REASON OF THE PERFORMANCE OF OFFICIAL**  
2       **DUTY** prior to the effectivity of this Act: *Provided*, That the  
3       benefits shall be applicable only to members of the Judiciary  
4       **AND/OR THEIR SURVIVING SPOUSES AND MINOR**  
5       **CHILDREN**: *Provided, further*, That the benefits to be  
6       granted shall be prospective.”  
7

8           **SEC. 7.** Within sixty (60) days from the approval of this Act, the  
9       Secretary of Budget and Management, in consultation with the Supreme  
10      Court, shall promulgate the necessary rules and regulations for the  
11      effective implementation of this Act.  
12

13           **SEC. 8. Implementing Rules and Regulations.** — In case of doubt,  
14       the interpretation of any of the provisions of this Act, including its  
15       implementing rules and regulations, shall be construed liberally in favor  
16       of the surviving heirs of the slain Justice or Judge.  
17

18           **SEC. 9. Separability Clause.** — If any provision or part of this Act  
19       is declared invalid or unconstitutional, the remaining parts or provisions  
20       not affected shall remain in full force and effect.  
21

22           **SEC. 10. Repealing Clause.** — All laws, rules, regulations, orders,  
23       circulars and other issuances or parts thereof, which are inconsistent with  
24       the provisions of this Act are hereby repealed, amended or modified  
25       accordingly.  
26

27           **SEC. 11. Effectivity.** — This Act shall take effect fifteen (15) days  
28       after its publication in the Official Gazette or in a newspaper of general  
29       circulation.  
30

*Approved,*