I. THE 1987 CONSTITUTION

1. Article VIII, Section II

Article VIII, Section II of the Constitution provides that Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office.

II. REPUBLIC ACTS

1. RA 8291 - An Act Amending PD 1146, as Amended, Expanding and Increasing the Coverage and Benefits of the Government Service Insurance System, Instituting Reforms Therein and for Other Purposes

Section 13(b) of RA 8291 provides that unless the service is extended by appropriate authorities, retirement shall be compulsory for an employee at sixty-five years of age with at least fifteen years of service. If an employee has less than fifteen years of service, he may be allowed to continue in the service in accordance with existing civil service rules and regulations.

2. RA 6975 - An Act Establishing the Philippine National Police Under a Reorganized Department of Interior and Local Government and for Other Purposes

Section 39 of RA 6975 provides that the compulsory retirement for officers and non-officers in the Philippine National Police is upon the attainment of age fifty-six. An officer with the rank of chief superintendent, director or deputy director general may however be retained in the service for an unextendible period of one year.
3. **RA 1568 - An Act to Provide Life Pension to the Auditor General and the Chairman or Any Member of the COMELEC**

Section 1 of RA 1568 provides that before the expiration of the term of office, the retirement age of the Auditor General or the Chairman and Members of the Commission on Elections is sixty years, provided he has rendered not less than twenty years of service in the government.

**III. EXECUTIVE ISSUANCE**

1. **Presidential Decree No. 1638 - Establishing a New System of Retirement and Separation for Military Personnel of the Armed Forces of the Philippines, and for Other Purposes**

   Section 5(a) of PD 1638 provides that upon attaining fifty-six years of age or upon accumulation of thirty years of satisfactory active service, whichever is later, an officer or enlisted man shall be compulsory retired. An officer or enlisted man who shall have attained fifty-six years of age with at least twenty years of active service shall be allowed to complete thirty years of service but not beyond his sixtieth birthday. However, military personnel compulsorily retiring by age shall have at least twenty years of active service. Compulsory retirement of an officer serving in a statutory position shall be deferred until completion of the tour of duty prescribed by law. The active service of military personnel may be extended by the President, if in his opinion, such continued military service is for the good of the service.

**IV. CIVIL SERVICE RULES AND REGULATIONS**

1. **Memorandum Circular No. 40, s. 1998 - Revised Omnibus Rules on Appointments and Other Personnel Action**

   Rule XIII, Section 12 of MC No. 40 provides that no person who has reached compulsory retirement age of sixty-five can be appointed to any position in the government, except to primarily confidential positions, provided that the appointment shall be under temporary status. The CSC however may, in meritorious cases, extend the services of one who has reached compulsory retirement age of sixty-five for a period of six months, renewable for another six months.

   Services rendered during the period of extension shall not be credited as part of government service. Such extension shall not entitle the employee to leave credits and other benefits.
2. Memorandum Circular No. 15, s. 1999 - Additional Provisions and Amendments to CSC MC # 40, s. 1998

MC No. 40, s. 1998 was amended to read as follows:

"Sec. 12. x    x    x

"The Commission however may, in meritorious cases, extend the services of one who has reached compulsory retirement age of sixty-five years for a period of six months. Such extension shall be at the maximum period of one year for those who will complete the fifteen years of service required under the GSIS Law. Request for extension shall be filed with the Commission prior to the date of the official/employee's compulsory retirement.

"Services rendered during the period of extension, for those who shall complete the fifteen years of service required under the GSIS Law, shall be credited as part of the government service. Otherwise, the same shall not be credited as government service for purposes of retirement.

"x    x    x"

V. GOVERNMENT OWNED AND CONTROLLED CORPORATIONS (GOCCs)

Board members of GOCCs are governed by the respective charters of the corporation to which they are appointed. Some examples of persons over the age of 65 appointed by the President of the Philippines to various GOCC boards are as follows:

<table>
<thead>
<tr>
<th>GOVERNMENT AGENCY</th>
<th>R.A./P.D.</th>
<th>OFFICIAL</th>
<th>AGE</th>
<th>POSITION</th>
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<tbody>
<tr>
<td>Bangko Sentral ng Pilipinas</td>
<td>R.A. 7653 &quot;The New Central Bank Act&quot; (June 14, 1993)</td>
<td>Juan Quintos 70</td>
<td>Board Member</td>
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<td></td>
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<td>Phoebe Barin 67</td>
<td>Board Member</td>
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<td>Philippine National Oil Company</td>
<td>P.D. 927 &quot;Charter of the Philippine National Oil Company&quot; (April 30, 1976)</td>
<td>Sergio Antonio F. Apostol</td>
<td>67</td>
<td>Chairman and President/CEO</td>
</tr>
<tr>
<td>Technological University of the Philippines</td>
<td>R.A. 8292 &quot;Higher Education Modernization Act of 1997&quot; (June 6, 1997)</td>
<td>Frederic Pada</td>
<td>65+</td>
<td>Board Member</td>
</tr>
</tbody>
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