REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City  

EIGHTEENTH CONGRESS  
First Regular Session  

HOUSE BILL NO. 3995  

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Introduced by Representative TYRONE D. AGABAS  
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EXPLANATORY NOTE  

This bill which seeks to provide financial support/benefits to the surviving spouse and children of slain justices and judges of the judiciary has already been approved by the House of Representatives on its 3rd and final reading in the 17th Congress. There is however a need to file the same to secure the benefits of the judges or justices’ survivor spouses and children.  

There is need to amend Section 2 of Republic Act 910 for the inclusion of surviving spouse and children in the provision of financial support and other benefits. Judicial notice must be accorded to the fact that at least two judges are being killed annually in previous years. This accounts to the diminishing number of good lawyers whose interest in joining the judiciary has faded away over the years. The threat to the life and limb of judiciary officials cannot be discounted as in fact it is increasing. While no amount of money can replace the lives of judiciary officials who are killed in the line of duty, or while in service, it is but just right to provide a benefit mechanism to secure the surviving spouse or children of slain judges and justices. This will largely compensate the long years of sacrifices of judges and justices in the judiciary. In the same vein, it will encourage the entry of legal practitioners in the judiciary knowing full well that they are adequately protected by the government they serve.  

Accordingly, the approval of this bill is earnestly urged.  

ATTY. TYRONE D. AGABAS  
Representative  
6th District, Pangasinan
Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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HOUSE BILL NO. 3995

Introduced by Representative TYRONE D. AGABAS

AN ACT
PROVIDING SUPPORT FOR THE SURVIVING SPOUSE AND CHILDREN
OF SLAIN JUSTICES AND JUDGES, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 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", AND APPROPRIATING
FUNDS THEREFOR

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

SECTION 1. Section 2 of Republic Act No. 910, as amended, is
hereby further amended to read as follows;

"SEC. 2. In case a Justice of the Supreme Court or 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, sharia’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 5 (five) 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 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: 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 BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY, OR WHEN SUCH JUSTICE OR JUDGE IS KILLED INTENTIONALLY WHILE IN SERVICE, REGARDLESS OF AGE AT THE TIME OF DEATH OR THE NUMBER OF YEARS SERVED IN GOVERNMENT OR THE JUDICIARY, THE SURVIVING SPOUSE AND THE SURVIVING CHILDREN OF THE SLAIN JUSTICE OR JUDGE SHALL ALSO BE ENTITLED TO RECEIVE DURING THE RESIDUE OF THEIR NATURAL LIVES ALSO IN THE MANNER HEREAFTER PROVIDED, THE SALARY PLUS THE HIGHEST MONTHLY AGGREGATE OF TRANSPORTATION, REPRESENTATION AND OTHER ALLOWANCES SUCH AS PERA AND ADDITIONAL COMPENSATION ALLOWANCE WHICH ARE RECEIVED BY AN ASSOCIATE JUSTICE OF THE SUPREME COURT. When a Justice or Judge is killed intentionally while
in service, the presumption is that the death is work-related."

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

"SEC. 3. Upon retirement, a Justice of the Supreme Court or 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, sharia district court, sharia 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 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 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 SPOUSE AND
CHILDREN OF THE SLAIN JUDGE OR JUSTICE 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.

"Upon the death of a Justice or Judge of any court in
the Judiciary, if such Justice or Judge has retired, or was
eligible to retire optionally at the time of death, the surviving
legitimate spouse shall be entitled to receive all the
retirement benefits that the deceased Justice or Judge would
have received had the Justice or Judge not died. The
surviving spouse shall continue to receive such retirement
benefits until the surviving spouse's death or remarriage.
UPON THE DEATH OF THE SURVIVING SPOUSE, THE
BENEFITS SUCH SPOUSE WAS RECEIVING UNDER THIS
SECTION SHALL BE TRANSFERRED TO THE SURVIVING
CHILDREN OF THE SLAIN JUDGE OR JUSTICE."

SEC. 3. Section 3-A of the same act, as amended, is hereby further
amended to read as follows:

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

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

"SEC. 3-B. The benefits under this act shall be granted to all those who have retired OR WERE KILLED BY REASON OF THE PERFORMANCE OF OFFICIAL DUTY prior to the effectiveness of this Act: Provided, that the benefits shall be applicable only to members of the Judiciary OR THEIR SURVIVING SPOUSES AND CHILDREN: Provided, further, That the benefits to be granted shall be prospective."

SEC. 5. The amount of necessary for the implementation of this Act shall be charged against the available appropriations of the Judiciary under the current General Appropriations Act.

Thereafter, such sums as may be necessary for its continued implementation shall be included in the Annual General Appropriations Act.
SEC. 6. Within sixty (60) days from the approval of this Act, the Secretary of Budget and Management, in consultation with the Supreme Court, shall promulgate the necessary rules and regulations for the effective implementation of this Act.

SEC. 7. In case of doubt, the interpretation of any of the provisions of this Act, including its implementing rules and regulations, shall be construed liberally in favor of the surviving spouse and children of the slain Justice or Judge.

SEC. 8. If any provision or part of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force effect.

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

SEC. 10. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,