



HOUSE OF REPRESENTATIVES

H. No. 6578

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BY REPRESENTATIVES TUGNA, HOFER, DEL MAR, NIETO, SY-ALVARADO, BARBERS, UMALI, NOGRALES (K.A.), LEACHON, OAMINAL, VELOSO, FORTUN, CUARESMA, ACOP, HERRERA-DY, DIMAPORO (M.K.), LANETE, LOBREGAT, ALONTE, BATAOIL, LAOGAN, SALO, ALBANO AND BRAVO (A.), PER COMMITTEE REPORT NO. 435

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AN ACT ESTABLISHING A RETIREMENT BENEFIT SYSTEM IN THE OFFICE OF THE OMBUDSMAN, AUGMENTING ITS EMPLOYEE BENEFITS, AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Short Title.* - This Act shall be known as the  
2 "Retirement Law of the Office of the Ombudsman".

3 SEC. 2. *Coverage.* - This Act shall apply to the Ombudsman  
4 and the Deputies, the Special Prosecutor, and to all officials and  
5 employees of the Office of the Ombudsman from Salary Grade 26 to  
6 29, performing legal, prosecution, investigation and corruption  
7 prevention functions. The Ombudsman shall enjoy the same  
8 retirement and other benefits as those of the Presiding Justice of  
9 the Court of Appeals, while the Deputies and the Special Prosecutor

1 shall enjoy the same retirement and other benefits as those of the  
2 Associate Justice of the Court of Appeals. All other officials and  
3 employees covered by this Act shall enjoy the same retirement and  
4 other benefits as those of the judges of the Regional Trial Courts,  
5 Municipal Trial Courts in Cities, Municipal Trial Courts, and  
6 Municipal Circuit Trial Courts with the same salary grades.

7 Any increase after the effectivity of this Act in the salaries,  
8 allowances or retirement benefits, or any upgrading of the salary  
9 grades or levels, of any or all of the justices and judges referred in  
10 the preceding paragraph shall apply to the corresponding  
11 Ombudsman official or employee.

12 SEC. 3. *Retirement Benefits.* - When an official or employee of  
13 the Office of the Ombudsman covered by this Act who has rendered  
14 at least fifteen (15) years of service either in the Office of the  
15 Ombudsman or in any branch of government, or in both, retires for  
16 having attained the age of sixty-five (65) years or resigns by reason  
17 of incapacity to discharge the duties of the office as certified by the  
18 Ombudsman, such official or employee shall, during the residue of  
19 the official or employee's natural life, in the manner hereinafter  
20 provided, receive a retirement pension based on the highest  
21 monthly salary, plus the highest monthly aggregate of  
22 transportation, living and representation allowances being received  
23 by the official or employee at the time of retirement or resignation.

24 When an official or employee covered by this Act has attained  
25 the age of sixty (60) years and has rendered at least fifteen (15)  
26 years of service in government, the last five (5) years of which must  
27 have been continuously rendered in the Office of the Ombudsman,

1 such official or employee shall likewise be entitled to retire and  
 2 receive during the residue of the official or employee's natural life  
 3 the same benefits provided for in this section: *Provided, however,*  
 4 That those with less than fifteen (15) years of service in the  
 5 government shall be entitled to a pro-rata pension computed as  
 6 follows:

7	No. of years	Basic Pay Plus the Highest Monthly
8	<u>in Government</u>	x Aggregate of Transportation, Living and
9	15 years	Representation Allowances

10 SEC. 4. *Conditions.* - While receiving the pension and  
 11 benefits granted herein, no official or employee covered by this Act  
 12 shall appear as counsel before any judicial or quasi-judicial agency  
 13 in any civil case wherein the government or any agency,  
 14 subdivision, or instrumentality thereof is an adverse party, or in  
 15 any criminal case wherein any officer or employee of the  
 16 government is accused of an offense committed in relation to their  
 17 office, or collect any fee for appearance in any administrative  
 18 proceedings to maintain an interest adverse to the government,  
 19 whether national, provincial, or municipal or to any of its legally  
 20 constituted officers.

21 SEC. 5. *Automatic Increase.* - All pension benefits of retired  
 22 officials or employees of the Office of the Ombudsman shall be  
 23 automatically increased whenever there is an increase in the salary  
 24 and allowance in the same position from which they retired.

25 SEC. 6. *Survivorship Benefits.* - Upon the death of a retired  
 26 or incumbent official or employee covered by this Act, the surviving  
 27 legitimate spouse and dependent children of said official or  
 28 employee shall be entitled to receive on a monthly basis all the

1 retirement benefits that the deceased had been receiving or entitled  
 2 to receive at the time of death under the provisions of the applicable  
 3 retirement laws then in force. A "dependent" means a legitimate,  
 4 illegitimate or legally adopted child who is chiefly dependent on the  
 5 said deceased Ombudsman official or employee if such dependent is  
 6 not more than twenty-one (21) years of age, unmarried and not  
 7 gainfully employed, or if such dependent, regardless of age, is  
 8 incapable of self-support because of mental or physical defect. The  
 9 surviving legitimate spouse shall continue to receive the retirement  
 10 benefits during such spouse's lifetime or until the surviving spouse  
 11 remarries: *Provided,* That if the surviving spouse is receiving  
 12 benefits under existing retirement laws, such spouse shall only be  
 13 entitled to the difference between the amount provided for in this  
 14 Act and the benefits the surviving spouse is receiving.

15 SEC. 7. *Hazard Allowances.* - Ombudsman officials and  
 16 employees performing prosecution, investigation, corruption  
 17 prevention and other technical functions, and who, by reason of  
 18 their assigned tasks and responsibilities, are exposed to hardships,  
 19 security risks and other hazards, as determined by the  
 20 Ombudsman, are entitled to receive an additional monthly hazard  
 21 allowance which shall not exceed fifty percent (50%) of the basic  
 22 monthly salary of the official or employee concerned.

23 SEC. 8. *Retroactivity.* - The benefits granted in Sections 3  
 24 and 6 hereof shall be given to those who retire within one (1) year  
 25 prior to the effectivity of this Act.

1        *SEC. 9. Appropriation.* – The amounts necessary for the  
2 implementation of this Act shall be included in the annual General  
3 Appropriations Act.

4        *SEC. 10. Separability Clause.* – If, for any reason, any section  
5 or provision of this Act is declared to be unconstitutional or invalid,  
6 the other sections or provisions of this Act which are not affected  
7 shall continue in full force and effect.

8        *SEC. 11. Repealing Clause.* – All acts, laws, decrees, executive  
9 orders, letters of instruction and regulations or parts thereof which  
10 are inconsistent with any provision of this Act are hereby repealed  
11 and/or modified accordingly.

12        *SEC. 12. Effectivity.* – This Act shall take effect fifteen (15)  
13 days after its publication in the *Official Gazette* or in at least two (2)  
14 newspapers of general circulation.

Approved,

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