

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 SEP 26 2011

RECEIVED BY: JL

SENATE

JT. RESOLUTION NO. 5

Introduced by Senator LOREN LEGARDA

JOINT RESOLUTION

PROVIDING FOR RETIREMENT BENEFITS AND INCENTIVES TO ALL QUALIFIED OFFICIALS AND EMPLOYEES OF THE SENATE OF THE PHILIPPINES, THE HOUSE OF REPRESENTATIVES, THE COMMISSION ON APPOINTMENTS, AND THE ELECTORAL TRIBUNALS OF THE SENATE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

THEREFOR S

WHEREAS, the Congress of the Philippines is the legislative branch of the government co-equal with the Executive and the Judicial Branches;

WHEREAS, the Congress of the Philippines consists of the Senate, the House of Representatives, including the Commission on Appointments, and the Electoral Tribunals of the Senate and the House of Representatives;

WHEREAS, the Special Provisions applicable to the Congress of the Philippines in the General Appropriations Act of 2005 authorize the President of the Senate with respect to the Senate and the Commission on Appointments, the Speaker with respect to the House of Representatives, and the Chairmen of the Senate and House Representatives Electoral tribunals, to formulate and implement the organizational structure of their respective offices and to fix and determine the salaries, allowances, and other benefits of their respective employees;

WHEREAS, there is a need to adopt retirement benefits and incentives program for the officials and employees of the Senate, the House of Representatives, the Commission on Appointments, and the Electoral Tribunals of the Senate and the House of Representatives, without necessarily creating undue insecurity on the part of the civil servants by allowing qualified officials and employees to avail of said benefits in recognition of their loyalty and dedication: **Now, therefore, be it**

RESOLVED by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Statement of Policy. It is hereby declared the policy of the State to promote economy, efficiency and effectiveness in government operations, particularly the enactment of legislative measures that shall ensure the delivery of the essential public services and provide quality of life for all Filipinos. Towards this end, the State shall endeavor to grant retirement benefits and incentives to qualified officials and employees of all institutions of the legislative branch of the government for their untiring and outstanding services.

SECTION 2. Coverage. The Secretary of the Senate, the Secretary General of the House of Representatives, the Sergeant-at Arms of both Houses, the Secretary and the Sergeant-at-Arms of the Commission on Appointments, and all officials and employees of the Senate, the House of Representatives, the Commission on Appointments, and the Electoral Tribunal of the Senate and the House of Representatives, who are holding permanent, temporary, co-terminus, casual and contractual and have rendered continuous government service for a minimum period of three (3) years shall qualify for the retirement benefits and incentives provided for in this Joint Resolution.

Provided, That in computing the number of years rendered, a fraction of more than six (6) months shall be considered equivalent to one (1) year. **Provided, further,** That a gap in the service of the officials and employees incurred due to the delay in the appointment of their principal shall not be considered an interruption of in the service.

SECTION 3. Retirement Benefits and Incentives. Officials and employees upon reaching the compulsory age of sixty-five (65) shall qualify to avail the retirement benefits and incentives provided for in this Joint Resolution: **Provided,** that he/she has rendered at least fifteen (15) years of service in the government, three (3) years of which have been continuously rendered in the Legislative Department. If he/she has rendered less than fifteen (15) years of service, he/she shall be allowed to continue in service up to a maximum of one (1) year, subject to Civil Service rules and regulation.

Provided, That upon availment of the retirement benefits and incentives provided for in this Joint Resolution, he/she shall be entitled to a monthly pension for the duration of his/her natural life equivalent to the salary of the incumbent position with a lump sum gratuity of five (5) years or sixty (60) months multiplied by two (2) months salary of his/her latest adjusted basic salary for every year of service. **Provided, further**, That officials and employees who have reached the age of sixty (60) years with at least fifteen (15) years of service in government, the last three(3) years of which have been continuously rendered in the Legislative Department, may elect to avail of the retirement benefits and incentives under the compulsory plan multiplied by two (2) months salary of his/her latest adjusted basic salary for every year of service: **Provided**, That he/she shall be entitled to a monthly pension only upon the lapse of five (5) years from retirement, However, an incumbent who has availed of any prior optional retirement plan and has an accumulated thirty (30) years of service in government, three (3) years of which have been continuously rendered in the Legislative Department, shall be given full credit for services rendered by him/her prior to his/her reinstatement and shall receive the full benefits granted under this Act if he/she retires under the compulsory retirement plan: **Provided**, That he/she refunds all pensions and retirement benefits previously received.

All pension benefits of retired officials and employees of the legislative department shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.

SECTION 4. Optional Retirement. Officials and employees who have rendered an accumulated twenty (20) years of continuous government service, the last three (3) years of which rendered in the Legislative Department, may opt to retire from service under the optional retirement plan, subject to the approval of the President of the Senate or the Speaker of the House of Representatives, as the case may be. **Provided**, That incumbents who have rendered at least ten (10) years of continuous service in the

Legislative Department at the time of the adoption of this Act may likewise avail of the optional retirement benefits and incentives and shall receive a lump sum gratuity equivalent to two (2) months of his/her latest adjusted basic salary for every year of service. **Provided, further,** That officials and employees who has been separated from the service shall be given full credit for services rendered by him/her retirement or separation benefits under this Act: **Provided, further,** That he/she refunds all pensions and retirement benefits previously received.

SECTION 5. Restrictions for Retirees under this Act. A retiree under this Act shall not be eligible for appointment to or employment in the Legislative Department whether on a permanent, temporary, casual or emergency status within a period of three (3) years after retirement.

SECTION 6. Refund of GSIS Premiums – Officials and employees who shall retire under the compulsory or optional retirement plan shall be entitled to a full refund of GSIS personal contributions and the corresponding share of the government with interest earned. Likewise, all retiring officials and employees shall be entitles to the commutation of his/her unused vacation and sick leave in accordance with existing rules and regulations.

SECTION 7. Separation Benefits. Officials and employees permanently incapacitated to discharge the duties of his/her office, or die while in service or otherwise separated from service for reasons beyond his/her control and who is not qualified for retirement under Section 3 hereof, he/she or his/her heirs shall be paid a lump sum equivalent to two (2) months of his/her latest adjusted basic salary for every year of service on the date of his/her incapacity, death or separation from service. This shall be properly certified by the Secretary of the Senate, the Secretary General of the House of Representatives and the Secretary of the Commission on Appointments, as the case may be.

SECTION 8. Survivorship Benefits. Upon the death of the official and employee who has been retired, his/her surviving spouse and surviving legitimate minor children shall receive in equal shares seventy (70) percent of the monthly retirement pay which he/she has been receiving at the time of his/her death: Provided, that no payment under this Section shall be made to the surviving spouse who remarries.

SECTION 9. Suspension / Deprivation of Benefits. Benefits due under this Act to any official or employee shall be withheld if the official or employee has unliquidated accounts or any pending administrative criminal or civil case connected with his/her position. If the official or employee is found guilty, all benefits shall be forfeited, otherwise, the benefit shall be paid in full plus interest as soon as the official or employee is cleared of all charges.

SECTION 10. Treatment of Benefits and Incentives. All benefits and incentives provided under this Joint Resolution shall be treated as separate and distinct from the provisions of Republic Act No. 6656, entitled, "An Act to Protect the Security of Tenure of civil Service Officers and Employees in the Implementation of Government Reorganization," other retirement and separation laws, and other gratuities and benefits under existing laws, rules and regulations.

SECTION 11. Implementation. To effectively carry out the provisions of this joint Resolution, the Secretary of the Senate, the Secretary of the House of Representatives, the Secretary of the Commission on Appointments, and the respective Secretaries of the Electoral Tribunals of the Senate and the House of Representatives, in coordination with their respective administrative and finance departments, and the duly-authorized representatives of the Chairpersons of the Committee on Accounts and the Committee on Finance of the Senate, and the Chairpersons of the Committee on Accounts and the Committee on Appropriations on the House of Representatives, shall

provide the necessary guidelines and implementing rules for the implementation of this Joint Resolution.


SECTION 12. Funding. Funds for the full implementation of this Joint Resolution shall be sourced from the budget of the Senate, the House of Representatives, the Commission on Appointments, and the Electoral Tribunals of the Senate and the House of Representatives. Any deficiency shall be charged against the Pension and Gratuity Fund and the Miscellaneous Personnel Benefits Fund, to be augmented under the current General Appropriations Act.

SECTION 13. Separability Clause. Any portion or provision of this Joint Resolution that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions thereof as long as such remaining portions can still subsist and be given effect in their entirety.

SECTION 14. Repealing Clause. All laws, presidential decrees, executive orders, rules and regulations and other issuances or parts thereof, inconsistent herewith, are hereby repealed or modified accordingly.

SECTION 15. Effectivity. This Act shall take effect after fifteen (15) days following its publication in two (2) national newspapers of general circulation.

Adopted.



LOREN LEGARDA
Senator