

H. No. 6578
S. No. 1762

Republic of the Philippines
Congress of the Philippines
Metro Manila
Seventeenth Congress
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of July, two thousand seventeen.

[REPUBLIC ACT NO. 11059]

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:

SECTION 1. *Short Title.* – This Act shall be known as the “Retirement Law of the Office of the Ombudsman”.

SEC. 2. *Coverage.* – This Act shall apply to the Ombudsman and his or her Deputies, the Special Prosecutor, and to all officials and employees of the Office of the Ombudsman from Salary Grade 26 to 29 who are performing legal, prosecution, investigation and corruption prevention functions, and whose position requires membership in the Philippine bar or a Master’s degree in a relevant field as a qualification.

The Ombudsman shall enjoy the same retirement and other benefits as those of the Presiding Justice of the Court of Appeals, provided that he or she shall have served in such capacity for a full term of seven (7) years, regardless of age or number of years in government service. The Ombudsman's Deputies and the Special Prosecutor, meanwhile, shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court of Appeals, provided that they have served in such capacity for a full term of seven (7) years, regardless of age or number of years in government service. All other officials and employees covered by this Act shall enjoy the same retirement and other benefits as those of the judges of the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts or other trial courts with the same salary grades.

Any increase after the effectivity of this Act in the salaries, allowances or retirement benefits, or any upgrading of the salary grades or levels, of any or all of the Justices and judges referred to in the preceding paragraph shall apply to the corresponding Ombudsman official or employee covered by this Act.

SEC. 3. Retirement Benefits. – When an official or employee of the Office of the Ombudsman covered by this Act who has rendered at least fifteen (15) years of service either in the Office of the Ombudsman or in any branch of government, or in both, retires for having attained the age of sixty-five (65) years or resigns by reason of incapacity to discharge the duties of the office as certified by the Ombudsman, such official or employee shall, during the residue of his or her natural life, in the manner hereinafter provided, receive a retirement pension based on the highest monthly salary, plus the highest monthly aggregate of transportation, living and representation allowances which he or she was receiving at the time of his or her retirement or resignation.

When an official or employee covered by this Act has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in government, the last five (5) years of which must have been continuously rendered in the Office of the Ombudsman, he or she shall likewise be entitled

to retire and receive, during the residue of his or her natural life, the same benefits provided for in this section: *Provided, however,* That those with less than fifteen (15) years of service in the government shall be entitled to a pro-rata pension computed as follows:

$$\frac{\text{No. of years}}{\text{15 years}} \times \frac{\text{Basic Pay plus the Highest Monthly}}{\text{Aggregate of Transportation, Living}} \\ \frac{\text{in government}}{\text{and Representation Allowance}}$$

Upon retirement, an Ombudsman official or employee covered by this Act shall automatically be entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest aggregate transportation, living and representation allowances he or she was receiving on the date of his or her retirement, and thereafter, upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his or her natural life pursuant to the first paragraph of this section: *Provided, however,* if the reason for the retirement be any total permanent disability, as certified by the Ombudsman, contracted during the retiree's incumbency in the office and prior to the date of retirement, he or she shall receive a gratuity equivalent to ten (10) years salary and allowances aforementioned: *Provided, further,* That should the retirement be with the attendance of any partial permanent disability, as certified by the Ombudsman, contracted during the retiree's incumbency and prior to the date of the retirement, he or she shall receive an additional gratuity equivalent to two (2) years lump sum that he or she is entitled to under this Act: *Provided, furthermore,* That if he or she survives after ten (10) years or seven (7) years, as the case may be, he or she shall receive a monthly retirement pension as computed under this Act during the residue of his or her natural life pursuant to Section 3 of this Act.

When the Ombudsman, his or her Deputies, or the Special Prosecutor has completed his or her full term with the Office of the Ombudsman, regardless of age or years in government service, he or she shall likewise be entitled to the retirement benefits under this Act.

SEC. 4. *Death Benefits.* – In case an official or employee covered by this Act dies while in actual service, regardless of his or her age and length of service as required in the first and second paragraphs of Section 3 of this Act, his or her heirs shall receive a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest aggregate of transportation, living and representation allowances being received by the concerned official or employee at the time of death: *Provided, however,* That where said official or employee has rendered at least fifteen (15) years of government service, either in the Office of the Ombudsman or in any branch of government, or both, his or 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 an Ombudsman official or employee who was killed by reason of his or her duties as such: *Provided,* That the official or employee has served in the Office of the Ombudsman for at least five (5) years regardless of age at the time of death. When an Ombudsman official or employee is killed intentionally while in service, the presumption is that the death is work-related.

SEC. 5. *Conditions.* – To maintain entitlement to the pension herein provided, no Ombudsman official or employee covered by this Act shall appear as counsel before any judicial or quasi-judicial agency in any civil case wherein the government or any agency, subdivision, or instrumentality thereof is an adverse party, or in any criminal case wherein any officer or employee of the government is accused of an offense committed in relation to their office, or in any administrative proceeding to maintain an interest adverse to the government, whether national, provincial, or municipal or to any of its legally constituted officers.

When an Ombudsman official or employee covered by and receiving any benefit under this Act shall assume an elective position in government, he or she shall not, upon assumption of office and during his or her tenure as an elected official, receive the monthly pension or any of the allowances provided in this Act.

SEC. 6. *Automatic Increase.* – All pension benefits of retired officials or employees of the Office of the Ombudsman shall be automatically increased whenever there is an increase in the salary and allowance in the same position from which they retired.

SEC. 7. *Survivorship Benefits.* – In case an Ombudsman official or employee covered by this Act dies during his or her retirement, the surviving legitimate spouse and dependent children of said official or employee shall be entitled to receive all the retirement benefits that the deceased was receiving or entitled to receive. A "dependent" means a legitimate, illegitimate or legally-adopted child who is chiefly dependent on the said deceased Ombudsman official or employee if such dependent is not more than twenty-one (21) years of age, unmarried and not gainfully employed, or if such dependent, regardless of age, is incapable of self-support because of mental or physical defect. The said surviving legitimate spouse shall continue to receive such retirement benefits during his or her lifetime or until he or she remarries: *Provided,* That if the surviving spouse is receiving benefits under existing retirement laws, he or she shall only be entitled to the difference between the amount provided for in this Act and the benefits that he or she is receiving.

SEC. 8. *Retroactivity.* – The benefits mentioned in Sections 3, 4 and 7 hereof shall be granted to all those who retire, resign or die one (1) year prior to the effectivity of this Act.

SEC. 9. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current year's savings of the Office of the Ombudsman. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 10. *Implementing Rules and Regulations (IRR).* – Within sixty (60) days from the effectivity of this Act, the Ombudsman shall promulgate the rules and regulations for the effective implementation of this Act.


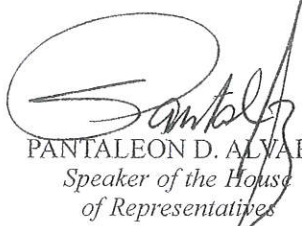
SEC. 11. *Separability Clause.* – If, for any reason, any section or provision of this Act is declared to be unconstitutional

or invalid, the other sections or provisions of this Act which are not affected shall continue in full force and effect.



SEC. 12. *Repealing Clause.* – All acts, laws, decrees, executive orders, letters of instructions and regulations or any part thereof which are inconsistent with any provision of this Act are hereby repealed and or modified accordingly.

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


Approved,

	
VICENTE C. SOTTO III <i>President of the Senate</i>	PANTALEON D. ALVAREZ <i>Speaker of the House of Representatives</i>

This Act which is a consolidation of House Bill No. 6578 and Senate Bill No. 1762 was passed by the House of Representatives and the Senate on May 30, 2018.

	
MYRA MARIE D. VILLARICA <i>Secretary of the Senate</i>	CESAR STRAIT PAREJA <i>Secretary General House of Representatives</i>

Approved: AUG 17 2018


 RODRIGO ROA DUTERTE
President of the Philippines

