

AN ACT PROVIDING FOR THE PAYMENT OF GRATUITY TO PROVINCIAL FISCALS AND ASSISTANT PROVINCIAL FISCALS WHO SHALL RETIRE FROM THE SERVICE AND TO THOSE WHO WERE SEPARATED THEREFROM A...

Commonwealth Act No. 350, August 22, 1938

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. Whenever a regularly and permanently appointed provincial fiscal or assistant provincial fiscal who is actually in the service and who has rendered continuous, faithful and satisfactory service for at least six years, applies to the President of the Philippines for retirement from the service, and the President shall find, after receiving the recommendation of the Commissioner of Civil Service and the Secretary of Justice, that such fiscal applying for retirement has in every way been efficient up to and including the date of retirement, and the retirement applied for will not prejudice or obstruct the service, the President may, in his discretion, grant such retirement, and in consideration of the services rendered, the retiring fiscal shall receive a gratuity at the rate of one month's salary for every year of service rendered and the proportionate amount of any fraction thereof: Provided, however, That the total amount of gratuity to be received shall not exceed an amount equivalent to two years' salary.

SEC. 2. The gratuity provided in the preceding section shall be based on the highest basic rate of salary received and shall be paid monthly at the rate of thirty-three and one-third per centum of the monthly salary: Provided, however, That with the approval of the Secretary of Justice, the retiring fiscal or assistant fiscal may, subject to such rules and regulations as may be approved by the Secretary of Finance, sell, transfer or cede his right to the gratuity payments, to any investment fund under the control of the Government of the Commonwealth of the Philippines, or to any bank duly authorized to transact business in the Philippines: And provided, further, That the gratuity provided for in this Act shall not be attached or levied upon in execution.

SEC. 3. In the event of the death of the fiscal or assistant fiscal after retirement from the service under the provisions of this Act, any gratuity or part thereof due him shall be paid to his legitimate heir or heirs, or, if discounted under the provisions of section two hereof, then to the investment fund under the control of the Government of the Commonwealth of the Philippines, or to the bank to which the right to such gratuity may have been ceded.

SEC. 4. The provisions of this Act shall be extended to provincial fiscals and assistant provincial fiscals who resigned and whose resignations were accepted after November fifteen, nineteen hundred and thirty-five, or who were separated from the service as a result of the operation of Article Fifteen, section four of the Constitution of the Philippines, who have not been given gratuity under the provisions of Act Numbered Forty-one hundred and eighty-three and who are certified to by the Commissioner of Civil Service and the Secretary of Justice as having rendered continuous, faithful and satisfactory service for at least six years prior to their separation from the service.

SEC. 5. A fiscal or assistant fiscal retired under the provisions of this Act may be reappointed to any position in the National Government, but by accepting such reappointment, he shall forever waive all future gratuity payments and/or claims under the provisions of this Act. Similarly a retired fiscal who, under the provisions of section two hereof, has discounted the gratuity payments to which he is entitled shall, upon his reappointment to any position in the National Government, first refund to the investment fund or to the bank to which he has ceded his rights to the gratuity payments, those which he would not yet have received had these been made to him in monthly installments: Provided, That, upon being satisfied that the financial situation of a retired fiscal or assistant fiscal reappointed to any position in the National Government does not allow his making the refund herein required, the respective Department Head may authorize the payment of the sum to be refunded in monthly installments equivalent to one-third of the sums being paid by the National Government to the investment fund or bank, to be deducted from the monthly pay accruing to such retired and reappointed fiscal after reappointment, such monthly deductions to continue until the last monthly installment payable by the National Government to the investment fund or bank and the remaining two-thirds or the unpaid part thereof remaining uncollected at the end of each month from the salary of the fiscal or assistant fiscal concerned shall have been paid in full.

SEC. 6. The necessary sum to carry out the purposes of this Act is hereby appropriated out of any funds in the National Treasury not otherwise appropriated.

SEC. 7. This Act shall take effect upon its approval, and the provisions thereof shall apply only to those who may request retirement or take advantage of the benefits of this Act on or before the first day of October, nineteen hundred and thirty-eight.

Approved, August 22, 1938.

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