

AN ACT TO PROVIDE FOR THE PAYMENT OF RETIREMENT GRATUITIES TO OFFICERS AND EMPLOYEES OF THE GOVERNMENT OF THE CITY OF MANILA RETIRED FROM THE SERVICE AS A RESULT OF THE REORGANI...

Acts No. 4270, November 14, 1935

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Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The City of Manila is hereby authorized to provide for the payment of retirement gratuities to its officers and employees retired or separated from the service on or before December thirty-first, nineteen hundred and thirty-five, as a result of the reorganization of the Government of the City of Manila for the purpose of consolidating activities or reducing the personnel and expenses of the City Government, as hereinafter prescribed:

- Regularly appointed officers and employees shall receive a gratuity at the rate of one month's salary or its equivalent in the case of those paid by the day or by the week for each year of service and the proportionate amount of any fraction thereof, but not to exceed twenty-four months in the case of those whose compensation exceeds twelve hundred pesos a year: Provided, That in the case of those who receive twelve hundred pesos a year or less the total retirement gratuity to which they may be entitled shall not exceed twenty-four hundred pesos.
- Temporary officers and employees who have served the Government of the City of Manila for at least five successive years before the approval of this Act, shall receive a gratuity at the rate of one month's salary or its equivalent in the case of those paid by the hour, by the day or by the week for each year of service and the proportionate amount of any fraction thereof, but not to exceed twenty-four months.
- Temporary officers and employees who have served the Government of the City of Manila less than five successive years before the approval of this Act, shall receive a gratuity at the rate of half a month's salary or its equivalent in the case of those paid by the hour, by the day or by the week for each year of service and the proportionate amount of any fraction thereof.
- Persons serving on a part time basis shall not be entitled to the gratuities authorized in this Act.
- For the purposes of computing the length of service, employees transferred to offices of the Government of the City of Manila while in the service of the Insular and provincial governments shall be credited with such previous service.

SEC. 2. In separating or retiring employees under the provisions of this Act, the Department Head, on recommendation of the Mayor, shall give preference to officers or employees who, on account of their advanced age or of any physical or mental defect, are not fit to render further efficient service in the positions they occupy: Provided, however, That the appointees of the Governor-General may be retired only with the approval of the Governor-General.

SEC. 3. The gratuity provided in section one hereof shall be based on the highest basic rate of salary received

while in the service of the Government by the officer or employee separated or retired, and shall be paid monthly at the rate of thirty-three and one-third per centum of the monthly salary of said officer or employee, with the exception of those who will be entitled to a gratuity of one month's salary or less who shall totally be paid immediately upon separation: Provided, however, That with the approval of the Secretary of the Interior, the said officer or employee 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 Insular Government, or to any bank duly authorized to transact business in the Philippine Islands: Provided, further, That the gratuity provided for in this Act shall not be attached or levied upon execution.

SEC. 4. If an officer or employee separated or retired under the provisions of this Act is entitled to the benefits of Act Numbered Twenty-five hundred and eighty-nine, as amended, or to the benefits of any law or special pension fund created by authority of the Philippine Legislature, such as the Teachers' Retirement and Disability Fund by virtue of Act Numbered Three thousand and fifty, as amended, and the Pension and Retirement Fund of the Philippine Health Service under Act Numbered Thirty-one hundred and seventy-three, he shall have the privilege to choose between the benefits prescribed in said Acts and those herein provided for; but in no case shall the payment of gratuity under more than one Act be authorized. If he chooses the benefits granted by the special pension or retirement Act, he shall be retired under the provisions of said Act if he is entitled to its benefits; in case he prefers the gratuity provided for in this Act, he shall be granted such gratuity, and the amounts deducted from his salary as contributions to the Teachers' Retirement and Disability Fund or the Pension and Retirement Fund of the Philippine Health Service, as the case may be, shall be refunded to him, and in the case of the Teachers' Retirement and Disability Fund, said fund shall also return to the general funds of the Insular Government the corresponding direct contributions made to said special fund by the Insular Government.

SEC. 5. In case of the death of an officer or employee after separation or retirement from the service under the provisions of this Act, any gratuity or part thereof due to him shall be paid to his legitimate heir or heirs, or, if discounted under the provisions of section three hereof, then to the investment fund of the Insular Government or to the bank to which the right to such gratuity may

SEC. 6. A person separated or retired under the provisions of this Act may be reappointed to any position in the Philippine Government but by accepting such reappointment he shall forever waive all future gratuity payments and/or claims under the provisions of this Act: Provided, however, That if a retired person, under the provisions of section three hereof, has discounted the gratuity payments to which he is entitled, he shall, upon reappointment to any position in the Philippine Government, first refund to the Retirement Gratuity Fund created by section nine hereof the entire amount corresponding at the time of his reappointment to the unexpired or unenjoyed portion of the gratuity to which he was entitled and paid.

SEC. 7. The offices or positions vacated by the separation or retirement of officers and employees with gratuities as herein provided shall not be filled and shall be considered abolished ipso facto, except those specifically created by law. Exception is also made as regards officers and members of the Police and Fire Departments retired upon attaining the age of sixty years. In the case of officers of the Police and Fire Departments, the salary of the position of the persons retired and refilled shall not exceed two-thirds of the salary of the former incumbent and in case of entrance salary corresponding to the position.

SEC. 8. Nothing herein provided shall be construed as entitling to the benefits of this Act those officers and employees of the Government of the City of Manila who voluntarily resign from the service due to the reduction of their compensation, unless such reduction be of thirty per centum or more, or to transfer from one office to another by virtue of consolidation, or for any other reason, or to the abolition of double compensations to which they were formerly entitled, or to any cause not provided herein.

SEC. 9. The municipal board of the City of Manila shall appropriate the necessary sum to carry out the purposes of this Act from any funds in the City Treasury not otherwise appropriated.

SEC. 10. This Act shall take effect on its approval.

Approved, November 14, 1935.

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