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REPEALING BOARD RESOLUTION NO. 157 DATED 30 MARCH 1995 AS AMENDED BY BOARD RESOLUTION NO. 220 DATED 16 MAY 1995, ON THE POSTING OF A SURETY BOND FOR THE RELEASE OF BENEFITS OF R...

GSIS RESOLUTION NO. 6, January 30, 2014

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WHEREAS, under Board Resolution (BR) No. 157 of 30 March 1995, the GSIS adopted the policy that “no retirement benefit shall be paid to any prospective retiree until after exoneration of the party concerned from his/her pending civil/ administrative indictment”;

WHEREAS, BR No. 220 of 16 May 1995 modified BR No. 157 by allowing “the posting of a SURETY BOND by the prospective retiree as an exception to the Policy that no retirement benefit shall be paid to any prospective retiree until after exoneration of the party concerned from his/her pending civil/ administrative indictment”;

WHEREAS, the requirement for the posting of a surety bond is to ensure restitution of retirement benefits that may have been released to retirees with pending cases if the retiree is subsequently imposed the accessory penalty of forfeiture of retirement benefits;

WHEREAS, Republic Act (RA) No. 10154 (An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees) took effect on 7 August 2011;

WHEREAS, Section 3 of RA No. 10154 provides the following rule for the release of benefits of retiring employees with pending cases:

> Sec. 3. Retiring Employees with Pending Cases. - In the case of retiring government employees with pending cases and whose retirement benefits are being lawfully withheld due to possible pecuniary liability, the head of the agency where such case is pending shall ensure that the said case shall be terminated and/ or resolved within a period of three (3) months from the date of the retirement of the concerned employee: Provided, That in case the concerned agency fails to terminate and/ or resolve the case within the said period without any justifiable reason(s), the retirement benefits due to the employee shall be immediately released to him/her without prejudice to the ultimate resolution of the case; except, when the delay is deliberately caused by the retiring employee.

WHEREAS, the Chief Legal Counsel and the Senior Vice Presidents of the NCR, Luzon, and VisMin Operations Groups, in their Memorandum dated 22 January 2014, recommended the repeal of BR No. 220 dated 16 May 1995 to erase all doubts as to its continued applicability;

RESOLVED, to APPROVE and CONFIRM that BR No. 157 dated 30 March 1995 as amended by BR No. 220 dated 16 May 1995, on the posting of a surety bond for the release of benefits of retirees with pending cases facing possible forfeiture of retirement benefits, are hereby REPEALED, pursuant to RA No. 10154.

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