

ADOPTING NEW GUIDELINES ON THE FILING OF APPLICATIONS FOR OPTIONAL RETIREMENT

ADMINISTRATIVE CIRCULAR NO. 43-2004, September 06, 2004

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WHEREAS, it has been brought to the attention of the Court that although optional retirement applications are seasonably filed by officials and employees of the Judiciary, there are cases when the evaluation and processing thereof take a longer time to accomplish than expected and their approval or denial is made sometime after the specified date of retirement;

WHEREAS, as a consequence of the delay, the positions held by the applicants are left vacant, thereby hampering and prejudicing the operations of the courts affected;

WHEREAS, to forestall such situation, which is detrimental to the delivery of judicial service, and to afford sufficient time for the determination of the applicant's qualification for optional retirement, the inclusion of the application in the Court's agenda for its appropriate action, and notice and sendee of the Court's action on the applicant before the specified date of retirement, the guidelines on the matter should be revised;

WHEREFORE, the following new guidelines in the filing of applications for OPTIONAL retirement are hereby adopted for strict compliance by all concerned:

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All applications for optional retirement shall specify the date of effectivity thereof and should not make it effective "upon : approval by the Court." To

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All such applications, together with all the necessary documents in support thereof, shall be filed personally or by special delivery with

(a) the Employees Welfare and Benefit Division, Office of Administrative Services (OAS), Supreme Court with respect to the personnel of the Supreme Court and the Office of the Court Administrator (OCA), Philippine Judicial Academy, and the Judicial and Bar Council; and

(b) the Employees Welfare Benefits Division of the OAS, OCA with respect to the personnel of the Court of Appeals, Sandiganbayan, Court of Tax Appeals, and lower courts.

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The application should be filed at least SIX (6) MONTHS prior to the effectivity date of the retirement indicated in the application.

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Within one month following the filing of the application, the applicants in 2 fa) and 2ffr> must inquire and verify

from the OAS, Supreme Court, or OAS, OCA, respectively.

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If on the date specified in the application as the date of the effectivity of the retirement, the applicant has not yet received any notice of approval or denial of his application, he shall cease working and discharging his functions unless directed otherwise.

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To avoid delay in the processing of Supreme Court clearance of accountable officers in the lower courts who are applying for optional retirement, they should notify the Court Management Office or Financial Management Office, OCA, of their application for optional retirement and request an audit of their accountabilities.

This Administrative Circular repeals Circular No. 16 issued on 2 December 1986 by then Chief Justice Claudio Teehankee, as well as all other circulars and issuances inconsistent with the former.

This Administrative Circular shall take effect upon its issuance. Issued this 6th day of September 2004.

HILARIO G. DAVIDE , JR.

Chief Justice

Copy furnished:

- Office of the Chief Justice
- Offices of Associate Justices
- Office of the Court Administrator
- Office of the Clerk of Court
- Office of the Clerk of Court, First Division
- Office of the Clerk of Court, Second Division
- Office of the Clerk of Court, Third Division
- Offices of the Deputy Court Administrators
- Offices of the Assistant Court Administrators
- Philippine Judicial Academy
- Office of Administrative Services, SC
- Office of the Reporter
- Office of the Chief Attorney
- Office of Administrative Services, OCA
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