

## **AN ACT PROVIDING GRATUITY TO JUSTICES OF THE PEACE WHO WERE SEPARATED FROM THE SERVICE AS A RESULT OF THE OPERATION OF THE CONSTITUTION, AND THE REORGANIZATION OF THE JUSTICE OF...**

*Commonwealth Act No. 331, June 18, 1938*

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. All justices of the peace who, prior to their separation from the service as a result of the operation of Article Fifteen, section four of the Constitution of the Philippines, and of Commonwealth Act Numbered One hundred and one, have been rendering continuous, faithful and satisfactory service for at least six years, as certified to by the Commissioner of Civil Service and the Secretary of Justice, are hereby considered retired and entitled to a gratuity equal to one month salary for every year of service rendered and the proportionate amount of any fraction thereof: Provided, however, That no such gratuity shall exceed the salary for two years.

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 justice of the peace 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 Justice of the peace declared retired 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. A justice of the peace declared 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 justice of the peace 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 justice of the peace 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 payment accruing to such retired and reappointed justice of the peace after reappointment, such monthly deduction 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 justice of the peace concerned shall have been paid in full.

SEC. 5. Justices of the peace who have completed the age of sixty-five years or over and have ceased to hold office on or after November sixteen, nineteen hundred and thirty-one, shall also be entitled to the gratuity provided in this Act.

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

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

SEC. 8. This Act shall take effect upon its approval.

Approved, June 18, 1938.

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