

## AMENDING REPUBLIC ACT 910 PROVIDING FOR THE RETIREMENT OF JUSTICES AND ALL JUDGES IN THE JUDICIARY AS AMENDED.

*PRESIDENTIAL DECREE NO. 1438, June 10, 1978*

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WHEREAS, Justices and Judges are granted transportation, living and representation allowances from national and/or local funds as authorized by existing laws, rules and regulations;

WHEREAS, said allowances are not included in the computation of the retirement benefits of Justices and Judges, although they constitute integral part of their remuneration; and

WHEREAS, Justices and Judges, in view of the highly sensitive nature of their offices should be able, as much as possible, to perform their official duties free from any anxiety of financial strain or stress in their future lives and activity as private citizens;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution do hereby order and decree:

SECTION 1. Section 2 and 3 of R.A. 910 as amended by R.A. 5095 are hereby amended further to read as follows:

"SEC. 2. In case a justice of the Supreme Court or Court of Appeals or a judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, city or municipal court, or any other court hereafter established, dies while in actual service, his heirs shall receive a lump sum of five years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances received by him as such Justice or Judge, if by reason of his length of service in the Government he was already entitled to the benefits of this Act. The same benefits provided for in this section shall be extended to any incumbent justice of the Supreme Court or the Court of Appeals, or a judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or city or municipal court, or any other court hereafter established, as the case may be, who, without having attained the length of service required in Section one hereof, shall have to retire upon reaching the age of sixty five years, or upon other causes, such as illness or permanent physical disability, to be certified to by the tribunal to which, the justice concerned belongs, or by the Supreme Court in the case of an incumbent judge of the Court of First Instance, and other similar courts of record, or a city or municipal judge, which render him incapacitated to continue in his position."

"SEC. 3. Upon retirement, a justice of the Supreme Court or of the Court of Appeals, of judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, city or municipal court, or any other court hereafter established shall be automatically entitled to a lump sum of five years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances he was receiving on the date of his retirement; Provided, however, That if the reason for the retirement be any permanent disability contracted during his incumbency in office and prior to the date of retirement he shall receive only a gratuity equivalent to ten years' salary and allowances aforementioned with no further annuity payable monthly during the rest of the retiree's natural life."

SEC. 2. Such sum as may be necessary to carry out the purposes of this amendatory act is hereby authorized to be appropriated.

SEC. 3. This decree shall take effect immediately.

Done in the City of Manila, this 10th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS  
President of the Philippines

By the President:

(Sgd.) JUAN C. TUVERA  
Presidential Assistant

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