

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
1st Regular Session

House Bill No. 5155



Introduced by Representative ERIC GO YAP

EXPLANATORY NOTE

Under the amendments on Republic Act No. 6975, through Republic Act No. 8551 pertaining to the retirement benefits and permanent physical disability in the Philippine National Police (PNP), unlike regular retirees who have rendered at least twenty (20) years of service and are entitled to a monthly retirement pay which shall be subject to adjustments based on the prevailing scale of base pay of police personnel in the active service, retirees with total permanent physical disability (TPPD) are only entitled to a lifetime pension equivalent to eighty percent of their last salary.

In addition, should a TPPD retiree die within five (5) years from his/her retirement, the surviving spouse or dependent legitimate children shall be entitled to the pension for only the remainder of the five (5) years guaranteed period. This is in contrast to the continuous monthly annuity received by survivors of an officer or non-officer, who dies in line of duty while in active service, regardless of length of service.

As can be observed, the benefits given to regular retirees are more favorable as compared to those given to TPPD retirees. The difference in the treatment between regular retirees and TPPD retirees with respect to entitlement to benefits, absent any reasonable grounds, infringes the equal protection clause.

It appears that no substantial distinction exists as between regular retirees and TPPD retirees that would merit less favorable terms of benefits to the latter. The inability to reach the age of fifty-six (56) years old in active service or render at least twenty (20) years of active service of TPPD retirees, who were constrained to leave the active service due to their condition, should not be taken against them, especially that they incurred such disability or sickness in line of duty. Moreover, as TPPD retirees incur various medical expenses due to their disability or sickness and are likely incapable of gaining further employment, with more reason should support be afforded to them, in line with the State policy to make the needs of the disabled a priority.

Amendments to the law should be made to ensure that TPPD retirees enjoy the same benefits entitled to regular retirees. As such, the pension of TPPD retirees should also be subject to adjustments based on the prevailing scale of base pay of police personnel in the active service and the five-year period limit for the entitlement to the pension of surviving spouse or dependent legitimate children of a deceased TPPD retiree should be removed.

In view of the foregoing, approval of this bill is earnestly sought.



ERIC GO YAP

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
1st Regular Session

House Bill No. 5155

Introduced by Representative ERIC GO YAP

**AN ACT AMENDING SECTION 73 OF REPUBLIC ACT NO. 6975,
OTHERWISE KNOWN AS THE "DEPARTMENT OF THE
INTERIOR AND LOCAL GOVERNMENT ACT OF 1990." AS
AMENDED BY REPUBLIC ACT NO. 8551**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 73 of Republic Act. 6975, as amended, otherwise known as the "*Department of the Interior and Local Government Act of 1990*" is further amended to read as follows:

"SEC.73. Permanent Physical Disability. - An officer or non-officer who is permanently and totally disabled as a result of injuries suffered or sickness contracted in the performance of his duty as duly certified by the National Police Commission, upon finding and certification by the appropriate medical officer, that the extent of the disability or sickness renders such member unfit or unable to further perform the duties of his position, shall be entitled to one year's salary and to lifetime pension equivalent to eighty percent (80%) of his last salary, **WHICH SHALL BE SUBJECT TO ADJUSTMENTS BASED ON THE PREVAILING SCALE OF BASE PAY OF POLICE PERSONNEL IN THE ACTIVE SERVICE**, in addition to other benefits as provided under existing laws.

"Should such member who has been retired under permanent total disability under this section die ~~within five (5) years from his retirement~~, his surviving legal spouse or if there be none, the surviving dependent legitimate children shall be entitled

to the pension ~~for the remainder of the (5) years guaranteed period.~~"

SECTION 2. The National Police Commission in coordination with the Philippine National Police and the Department of the Interior and Local Government, shall promulgate rules and regulations for the effective implementation of this Act. Such rules and regulations shall take effect upon their publication in three (3) newspapers of general circulation.

SECTION 3. The amount necessary to carry out the provisions of this Act is hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 4. All laws, presidential decrees, letters of instructions, executive orders, rules and regulations insofar as they are inconsistent with this Act, are hereby repealed or amended as the case may be.

SECTION 5. In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

SECTION 6. This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in least two (2) newspapers of general circulation.

Approved,