



Republic of the Philippines  
**OFFICE OF THE OMBUDSMAN**  
Agham Road, Diliman, Quezon City 1104

**IMPLEMENTING RULES AND REGULATIONS  
OF THE RETIREMENT LAW OF THE OFFICE OF THE OMBUDSMAN**

Pursuant to Section 10 of Republic Act (R.A.) No. 11059, otherwise known as the "Retirement Law of the Office of the Ombudsman," these implementing rules and regulations are hereby promulgated to set out policies, guidelines and procedures to be observed in the implementation of the grant of retirement, survivorship, death and other benefits to officials and employees of the Office of the Ombudsman covered by R.A. No. 11059.

**RULE I**  
**Preliminary Provisions**

**Section 1. Title.** – This issuance shall be known as the "Implementing Rules and Regulations of the Retirement Law of the Office of the Ombudsman" hereinafter referred to as the "IRR."

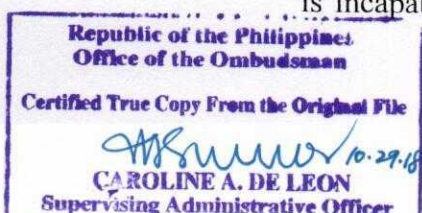
**Section 2. Coverage.** – The grant of retirement pension, lump sum gratuity, survivorship, death and other benefits under R.A. No. 11059 shall cover:

- a) the Ombudsman, the Deputy Ombudsmen, and the Special Prosecutor; and
- b) Ombudsman officials and employees from Salary Grades 26 to 29 who are performing legal, prosecution, investigation and corruption prevention functions and whose positions require membership in the Philippine Bar or a Master's Degree in a relevant field as a qualification.

Unless otherwise separately identified, these Ombudsman officials and employees shall hereinafter be collectively referred to as "covered officials and employees."

**Section 3. Definition of Terms.** – For purposes of this IRR, the following terms or words and phrases shall mean or be understood as follows:

- a) *Corruption Prevention Function* – refers to the duties pursuant to corruption prevention initiatives, anti-corruption educational approaches, and rendering of public assistance on grievances which the Office of the Ombudsman is tasked to intervene within the scope of its powers, functions and jurisdiction.
- b) *Death* – refers to the permanent end of life of a covered official or employee. It shall include presumptive death as declared by a proper court with competent jurisdiction.
- c) *Dependent Child* – is a legitimate, illegitimate, or legally adopted child of the deceased covered official or employee, who is chiefly dependent on the latter for support, provided: (a) the child is not more than twenty-one (21) years of age, unmarried and not gainfully employed, or (b) the child, regardless of age, is incapable of self-support due to mental or physical defect, as medically

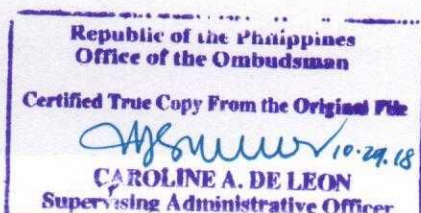




certified by an appropriate government physician having specialization in the related field of medicine.

- d) *Heirs* – are those entitled to succeed in the estate of the deceased covered official or employee under pertinent laws on succession.
- e) *Investigation Function* – refers to the duties in the conduct of case build-up, fact-finding or special inquiry of subjects and transactions within the scope of the Office of the Ombudsman's jurisdiction.
- f) *Legal Function* – refers to duties arising from the practice of law, which means any activity, in or out of court, requiring the application of law, legal procedure, knowledge, training and experience, in line with the mandate and functions of the Office of the Ombudsman.
- g) *Living Allowances* – include standard gross allowances given to all government officials and employees at prescribed rates, guidelines, rules and regulations, such as, but not limited to, the Personnel Economic Relief Allowance (PERA) and the Additional Compensation Allowance (ADCOM).
- h) *Master's Degree in a Relevant Field* – covers any graduate/post-graduate degree, or its equivalent under Civil Service rules as a qualification to the concerned position, as determined by the Office of the Ombudsman.
- i) *Member of the Philippine Bar* – refers to a person who: (a) graduated with a Bachelor of Laws (LLB) or Juris Doctor (JD) degree; (b) passed the Philippine Bar examinations; (c) took the Lawyer's Oath; (d) signed the Roll of Attorneys of the Supreme Court of the Philippines; and (e) is not disbarred.
- j) *Representation Allowance and Transportation Allowance (RATA)* – refers to the allowances given to officials and employees at a monthly standard rate, in accordance with the rates provided for under the General Appropriations Act of any current year, to defray representation and transportation expenses while in the performance of official duties.
- k) *Performing legal, prosecution, investigation and corruption prevention functions* – refers to the main functional duties which the official or employee ought to perform as mandated and described in the position description form approved by the Ombudsman.
- l) *Permanent Disability* – covers illness or injury considered as permanent disability under existing laws, rules and regulations, and determined and certified as such by an appropriate government physician having specialization in the related field of medicine, which medical certification shall form part of the basis on the entitlement to the permanent disability benefits. It may either be total or partial. *Provided, further*, that for purposes of retirement benefits the incapacity to discharge the duties of the office shall mean total permanent disability.
- m) *Prosecution Function* – refers to the duties discharged under the punitive approach of the Office of the Ombudsman, such as conducting preliminary investigation and administrative adjudication, and prosecuting and litigating cases before the *Sandiganbayan*, the regular trial courts and the appellate courts.

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- n) *Salary* – refers to the basic pay which means the actual basic gross monthly salary of the covered officials and employees, including step increments at the rates provided under the existing Salary Standardization Law and its implementing rules.
- o) *Surviving Spouse* – refers to the legitimate spouse of the deceased covered official or employee, who is legally recognized as such under Philippine laws.

## RULE II

### Qualifications and Benefits

**Section 1.** The Ombudsman shall enjoy the same retirement and other benefits as those of the Presiding Justice of the Court of Appeals, while the Deputy Ombudsmen and the Special Prosecutor shall enjoy the same retirement and other benefits as those of an Associate Justice of the Court of Appeals.

**Section 2.** Covered officials and employees of the Office of the Ombudsman under Section 2 (b) of Rule 1 shall enjoy the same retirement benefits and other benefits as those of the judges of the Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts or other trial courts.

**Section 3. *Kinds of Retirement and Conditions for Entitlement.*** – The following provisions shall apply to all covered officials and employees:

a) **Term Retirement**

The Ombudsman, the Deputy Ombudsmen, and the Special Prosecutor shall enjoy retirement benefits after serving in such capacity for a full term of seven (7) years, regardless of age or number of years in the government service.

b) **Compulsory Retirement**

A covered official or employee under Section 2 (b) of Rule 1 who has rendered at least fifteen (15) years of service in the Office of the Ombudsman or in any other branch of the government, or in both, and retires for having attained the age of sixty-five (65) years shall be entitled to compulsory retirement benefits.

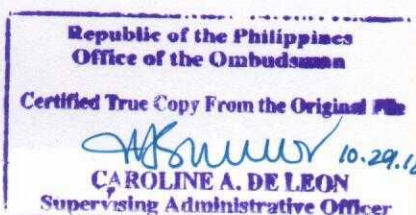
c) **Optional Retirement**

A covered official or employee under Section 2 (b) of Rule 1 who has attained the age of sixty (60) years and has rendered at least fifteen (15) years of service in the government, the last five (5) years of which shall have been continuously rendered in the Office of the Ombudsman may avail of the optional retirement.

d) **Retirement by Reason of Total Permanent Disability**

A covered official or employee who is forced to retire or resign by reason of any total permanent disability contracted during his/her incumbency in office and prior to the date of retirement shall be entitled to retirement benefits. The total permanent disability must be determined by an appropriate government

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physician having specialization in the related field of medicine and certified to by the Ombudsman.

Unless the government service is extended by the Ombudsman in accordance with prevailing laws, retirement shall be compulsory for a covered official or employee under Section 2 (b) of Rule 1 at sixty-five (65) years of age. *Provided*, that if he/she has less than fifteen (15) years of government service, he/she may be allowed to continue in the service in accordance with existing civil service rules and regulations. *Provided, further*, that if he/she retires with less than the required fifteen (15) years of government service, he/she shall be entitled to receive retirement benefits on pro-rata basis as determined in the succeeding sections.

**Section 4. Computation of Retirement and Death Benefits.** – The following provisions shall apply to all covered officials and employees:

- a) Lump sum gratuity and monthly retirement pension shall be computed on the basis of the highest monthly salary plus the highest aggregate of representation and transportation allowances (RATA), and living allowances such as PERA and ADCOM, that a covered official or employee was receiving at the time of his/her retirement or at the time of death.
- b) The Ombudsman, Deputy Ombudsmen and Special Prosecutor who served in such capacity for a full term of seven (7) years, or a covered official or employee under Section 2 (b) of Rule 1 who has rendered the required fifteen (15) years of government service upon retirement shall receive in full the retirement benefits described in paragraph (a) of this section.
- c) A covered official or employee under Section 2 (b) of Rule 1 who has rendered less than the required fifteen (15) years of government service upon retirement shall be entitled to the same benefits under this section computed on a pro-rata basis as follows:

$$\frac{\text{No. of Years in Government}}{15} \times \text{Basic Pay Plus the Highest Monthly Aggregate of Transportation, Living and Representation Allowances}$$

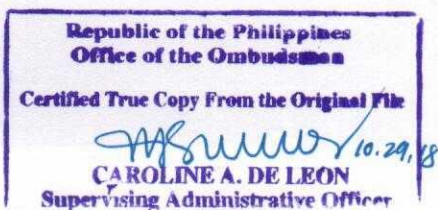
**Section 5. Retirement and/or Death Lump Sum Gratuity.** – The following provisions shall apply to all covered officials and employees:

- a) Upon retirement under paragraphs a, b, and c of Section 3, a covered official or employee shall automatically be entitled to a lump sum of five (5) years gratuity.

Should the retirement be with the attendance of any partial permanent disability, as determined by an appropriate government physician having specialization in the related field of medicine and certified to by the Ombudsman, a covered official or employee shall be entitled to an additional lump sum of two (2) years gratuity or a total lump sum of seven (7) years gratuity.

- b) Upon retirement by reason of total permanent disability, a covered official or employee shall automatically be entitled to a lump sum of ten (10) years gratuity.

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- c) In case a covered official or employee dies while in actual service, regardless of his/her age and length of service, his/her heirs shall receive a lump sum of five (5) years gratuity.

Further, his/her heirs shall be entitled to a lump sum of ten (10) years gratuity under any or all of the following instances:

- 1) The covered official or employee who died has rendered at least fifteen (15) years of government service, either in the Office of the Ombudsman or in any other branch of government, or both;
- 2) The covered official or employee, regardless of age, was killed by reason of his or her duties and has rendered at least five (5) years of service in the Office of the Ombudsman. The death is presumed to be work-related when a covered official or employee was killed intentionally while in service.

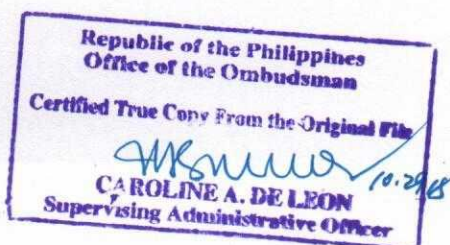
**Section 6. Monthly Pension.** – Covered officials and employees who retired and survived after the expiration of the gratuity periods referred to in this Section shall be entitled to receive monthly retirement pension during the residue of his/her natural life:

- a) A covered official or employee who received a lump sum of five (5) years upon retirement shall be entitled, after the expiration of five (5) years from the date of retirement, to receive monthly retirement pension during the residue of his/her natural life, except in cases where retirement is due to death.
- b) A covered official or employee who received a lump sum of seven (7) years upon retirement shall be entitled, after the expiration of seven (7) years from the date of retirement, to receive monthly retirement pension during the residue of his/her natural life.
- c) A covered official or employee who received a lump sum of ten (10) years upon retirement shall be entitled, after the expiration of ten (10) years from the date of retirement, to receive monthly retirement pension during the residue of his/her natural life.

**Section 7. Survivorship Pension Benefits.** – The following provisions on survivorship pension benefits shall apply to all deceased covered officials and employees:

- a) The surviving spouse and/or dependent children of a covered official or employee who (i) has retired or was eligible to retire at the time of death, and (ii) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased covered official or employee would have received had the covered official or employee not died.
- b) For purposes of entitlement to survivorship pension benefits, the covered official or employee who, regardless of age, died or was killed while in actual service shall be considered as retired due to total permanent disability, and the survivorship pension benefits shall, in all instances, accrue after the expiration of ten (10) years from the date of death.

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- c) The disqualification of either the surviving spouse or any of the dependent children shall be without prejudice to the entitlement of the other qualified dependent children to the survivorship pension benefits.

**Section 8. Other Entitlements. –**

- a) All retirement benefits of a retired covered official and employee shall be automatically increased or adjusted whenever there is an increase in the salary, RATA, and/or living allowances in the position from which he/she retired.
- b) The benefits under R.A. No. 11059 shall be granted to all covered officials and employees who had retired or whose entitlement to the benefits had accrued one (1) year prior to 08 September 2018, or the date of effectivity of R.A. No. 11059.
- c) Any increase after the effectivity of R.A. No. 11059 in the salaries, allowances or retirement benefits, or any upgrading of the salary grades or levels, of any or all of the justices and judges referred to in Sections 4 and 5 shall apply to the corresponding covered official or employee.

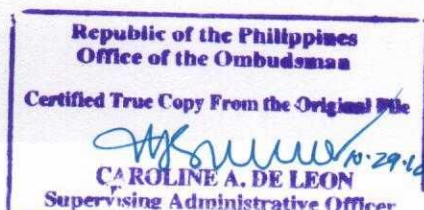
**RULE III**

**Conditions, Requirements, and Procedures**

**Section 1. Prohibitions upon Entitlement to Pension. –** The following provisions shall apply to all covered officials and employees:

- a) To maintain entitlement to his/her pension benefits, a retired covered official or employee shall not appear as counsel before any judicial or quasi-judicial agency in any ordinary civil action wherein the government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an incumbent or former official or employee of the government is accused of an offense committed in relation to his/her office, or in any administrative proceedings to maintain an interest adverse to the government, whether national, provincial or municipal, or to any of its legally constituted officers.
- b) The covered official or employee shall not assume an elective public office, otherwise, he/she shall not, upon assumption of office and during his term, receive the monthly pension due him/her. The entitlement to the pension benefit shall resume when the official or employee had ceased to hold such elective public office.
- c) The above prohibitions shall also apply to the surviving spouse during the time that he/she is receiving the benefits under R.A. No. 11059.
- d) The surviving spouse who remarries shall no longer be entitled to the survivorship pension benefits, without prejudice to the entitlement of the qualified dependent children, if any, to such benefits.

Any of the dependent children shall no longer be entitled to the survivorship pension benefits if he/she had ceased to be a dependent as defined in Section 3 (c) hereof, without prejudice to the entitlement of the surviving spouse and/or other qualified dependent children, if any, to such benefits.



- e) The surviving spouse who is receiving pension benefits under other existing retirement laws shall only be entitled to the difference between the amount provided for under R.A. No. 11059 and the benefits that he/she is receiving under such other retirement laws.

**Section 2. Implementation.** – The General Administration Office and the Finance and Management Information shall formulate and recommend guidelines on documentary requirements and claims processing, subject to the approval of the Ombudsman.

There shall be a Committee on Retirement which shall pass upon and resolve retirement claims for the approval of the Ombudsman.

#### **RULE IV Sundry Provisions**

**Section 1. Suppletory Application.** – In all matters not provided in this IRR, the related provisions of pertinent retirement laws, and their respective IRRs, shall apply in a suppletory character, or by analogy.


**Section 2. Funding.** – The amount necessary for the initial implementation of R.A. No. 11059 shall be charged against the current year's savings of the Office of the Ombudsman. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

**Section 3. Separability Clause.** – If any provision of this IRR is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

**Section 4. Repealing Clause.** – All prior issuances inconsistent herewith are hereby repealed or amended accordingly.

**Section 5. Effectivity.** – This IRR shall take effect fifteen (15) days after its publication in the Official Gazette, or in a newspaper of general circulation, and upon filing with the University of the Philippines Law Center of three (3) certified copies thereof.

22 October 2018, Quezon City, Philippines.

  
SAMUEL R. MARTIRES  
Ombudsman 10/22/18

