



Re: Amendments to the Implementing Rules and Regulations of Republic Act No. 10154, Otherwise Known as an Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government Employees

Number : 1302242

Promulgated : 01 OCT 2013

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RESOLUTION

WHEREAS, Section 6 of Republic Act No. 10154 mandates the Civil Service Commission (CSC) to promulgate and issue the appropriate rules and regulations necessary to carry out the provisions of the law, after consultation and coordination with the government agencies and/or instrumentalities affected by Republic Act No. 10154;

WHEREAS, in consonance with the said mandate, the CSC promulgated the Implementing Rules and Regulations (IRR) of the law on January 30, 2013, which IRR took effect on March 17, 2013;

WHEREAS, Section 7 of the IRR requires retiring employees to secure a Clearance of Pendency/Non-Pendency of Administrative Case/s from his/her employer agency, the CSC, Office of the Ombudsman, or in case of presidential appointees, from the Office of the President;

WHEREAS, since the implementation of the aforesaid provision, it was observed that the retiring employees had a hard time personally processing their compliance with the requirement, not to mention their physical and financial limitations;

WHEREAS, cognizant of the intent of Republic Act No. 10154 to provide a "maginhawang pagreretiro," the CSC, after consultation and coordination with the concerned government agencies and/or instrumentalities, resolves to amend certain provisions of the IRR of Republic Act No. 10154;

NOW, THEREFORE, the Commission hereby **RESOLVES** to adopt the following amendments in the IRR of Republic Act No. 10154 as approved in Civil Service Commission Resolution No. 1300237 dated January 30, 2013:

Section 1. Sections 4, 7 and 8 of the Implementing Rules and Regulations of Republic Act No. 10154 are amended to read, as follows:

I. Section 4, Rule II of the IRR of R.A. No. 10154 is hereby amended to read as follows:

"Section 4. Definition of Terms. For purposes of these Rules, the following terms shall mean:

In a Race to Serve: Responsive, Accessible, Courteous and Effective Public Service

“a. Agency – refers to any bureau, office, commission, administration, board, committee, institute, government owned and/or controlled corporation with or without original charter, whether performing governmental or proprietary function, government schools, state colleges or universities, or any other unit of the national government as well as local government units.

“b. Force majeure – events or circumstances which could not be foreseen, or which though foreseen, are inevitable.

“c. Pecuniary liability – a monetary obligation to compensate any lost, damaged, or destroyed property resulting from fault or neglect, or from improper application of funds that results from the one’s failure to properly discharge assigned responsibilities.

“It is understood that the retirement benefits of the retiring employee, as herein defined, and which do not constitute as pecuniary liability per se, may be withheld but only as a possible source of money to comply with the decision in a pending case where the possible penalty to be imposed is dismissal from the service.

“d. Pending case – shall refer to either a criminal or an administrative disciplinary case. An administrative disciplinary case is considered pending when the disciplining authority has issued a formal charge or a notice of charge/s to the respondent, while a criminal case shall be considered pending from the time an Information or Complaint is filed in Court.

“e. Retirement benefits – remuneration, which include retirement pay, pensions, gratuities, and other benefits, given to an official or employee by reason of his/her retirement from government service.

II. Section 7, Rule III of the same IRR is hereby amended to read, as follows:

“Section 7. Self Declaration of Pendency/Non-Pendency of Case. – The retiring employee shall execute a statement under oath¹ declaring whether or not he/she has a pending case, as herein defined. In the event that he/she has a pending case, he/she shall disclose the nature and status of the same.

“The oath may be administered by a notary public or any administering officer of the employer-agency designated by the head of agency.

“The retiree shall use the form for the Declaration of Pendency/Non-Pendency of Case (Annex “A” of this Resolution).

“Notwithstanding the foregoing and in connection with Item 8 of the Declaration of Pendency/Non Pendency of Case, the Human Resource Management Office (HRMO) of concerned agencies shall submit the names of retirees, to the Ombudsman and CSC for verification of pendency of cases within one (1) month after the official or employee has submitted his/her written expression of intent to retire.”

¹ Template Declaration of Pendency/Non-Pendency of Case hereto attached as Annex “A”.



III. Section 8, Rule IV of the same IRR is hereby amended to read, as follows:

"Section 8. Responsibilities of Employer-Agency. The government agency where the employee will retire shall:

*"a. Send the retiring employee a letter not later than one (1) year prior to the effectivity date of his/her retirement, informing him/her to submit his/her expression of intent to retire as provided under Section 9 hereof, and notifying him/her to submit the necessary requirements at least **one hundred (100)** days prior to the effectivity date of his/her retirement.*

"If discrepancy in the retiree's personal records was noted, the notice shall also include an advice to the retiree to make the necessary request for correction of personal information in the records of the Civil Service Commission (CSC) in accordance with existing rules of the CSC.

"Moreover, the employer-agency shall compute the retiree's total number of accumulated years of government service. Should the same be less than fifteen (15) years at the retiree's expected date of retirement, the retiree shall be informed that he/she may request directly before the CSC for the extension of his/her service. For this purpose, the extension of service shall in no case exceed one (1) year and shall be subject to existing civil service laws, rules and regulations.

"b. Upon submission of an employee's written intent to retire, provide the retiring employee with the retirement application form, with the accompanying checklist of all the requirements for retirement purposes;

"c. Upon submission of the requirements, the date of such submission shall be stamp marked on the corresponding item in the retirement application form in clear bold marks, countersigned by the proper receiving and validating employee;

"d. Process the application for retirement, compute the appropriate retirement benefits, and verify the authenticity, accuracy and consistency of the data contained in the documents submitted;

"e. Not later than ninety (90) days prior the actual date of retirement, endorse to GSIS, Department of Budget and Management (DBM) and other concerned agencies the request of the retiring employee together with the complete set of documentary requirements.

"f. Submit, as part of its budget proposal to the DBM, a list of its officials and employees who shall compulsorily retire in the next succeeding fiscal year for the latter's incorporation in the Pension and Gratuity Fund.

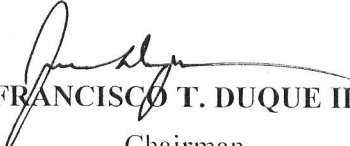
"g. National government agencies or those requesting for subsidy from the national government shall accomplish and submit to DBM the list of mandatory retirees for the succeeding year; and



"h. Upon receipt of the required funds from the DBM, record and release such funds to the retiring employee within the period prescribed under Section 5.

Section 2. These amendments shall take effect fifteen (15) calendar days from its publication in the Official Gazette or in a newspaper of general circulation.

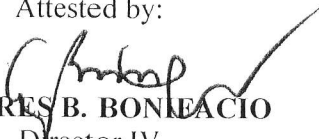
Quezon City,


FRANCISCO T. DUQUE III
Chairman


ROBERT S. MARTINEZ
Commissioner


NIEVES L. OSORIO
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat & Liaison Officer

DECLARATION OF PENDENCY/NON-PENDENCY OF CASE

I, _____, Filipino, of legal age, with permanent address at _____, and holder of the position _____ at the _____, after being sworn in accordance with law, hereby depose and state that:

1. I am applying for my OPTIONAL/COMPULSORY retirement from the government service effective _____;

2. I have:

2.1 no pending case¹

2.2 a pending case

- administrative disciplinary case
▪ criminal case

Four vertically stacked empty boxes for marking responses.

3. The NATURE/SPECIFIC OFFENSE CHARGED in the pending criminal/administrative disciplinary case is: _____

4. The venue of the investigation/trial: _____

5. On appeal:

YES NO
[] []

6. The appeal is pending before: _____

7. I am executing this Declaration of Pendency/Non-Pendency of Case to attest to the truth of the foregoing facts and to enable me to process and secure the release of my retirement benefits.

8. By executing this Declaration of Pendency/Non-Pendency of Case, I hereby authorize the GSIS to verify the status of any case(s) filed against me in any forum.

9. Further, I am executing this Declaration of Pendency/Non-Pendency of Case under pain of criminal and/or administrative liability under existing laws.

Signature over printed name

SUBSCRIBED AND SWORN to before me this _____ day of _____, affiant exhibiting to me his/her _____.

(Person Administering Oath)

1 A pending case shall refer to both criminal and administrative disciplinary case. An administrative disciplinary case is considered when the disciplining authority has issued a formal charge or a notice of charge to the respondent, while a criminal case shall be considered pending from the time an Information or Complaint is filed in Court.

Handwritten signature or mark.