

[Commonwealth Act No. 536, May 26, 1940]

AN ACT AUTHORIZING THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND MAKING-APPROPRIATION FOR THE PAYMENT OF A RETIREMENT GRATUITY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. When a justice of the Supreme Court, who has rendered at least twenty years service either in the judiciary or in any other branch of the Government, or in both, (a) retires for having attained the age of seventy years, or (b) resigns by reason of his incapacity to discharge the duties of his office, he shall during the residue of his natural life receive the salary which is payable at the time of his retirement or resignation. And when a justice of the Supreme Court has attained the age of sixty years and has rendered at least twenty years' service in the Government, ten or more of which have been continuously rendered as a judge of a court of record he may retire, upon the salary of which he is then in receipt but a justice so retired may nevertheless be called upon by the President and be by him authorized to perform duties either in the judiciary or in any other branch, agency, or instrumentality of the Government, without additional compensation. The refusal of such a justice to serve as required by the President, except for a justifiable cause, will work as a forfeiture of his retirement gratuity. It is a condition of the pension provided for herein that no retiring justice during the time that he is receiving said pension shall engage in private practice of law except as *amicus curie* without compensation.

SEC. 2. In case a justice of the Supreme Court who is retired under this Act dies within two years after the date of his retirement, his heirs shall receive the difference between the amount he is entitled to receive for two years under this Act and such amount as he may have already received up to the time of his death.

SEC 3. A retiring justice who is entitled to the benefits of any prior retirement gratuity act shall have the option to choose between the benefits granted in such act and those herein provided for, and in such case, he shall be entitled only to the benefits so chosen: *Provided, however,* That a justice retired under any prior act and who is thereafter appointed to the Supreme Court shall be entitled to the benefits of this Act on condition that, in case he has not fully refunded to the Government the gratuity previously received by him, there shall be deducted from the amounts payable to him under this Act such monthly installments as are required in section six of Act Numbered Four thousand and fifty-one, as amended, until the gratuity already received by him shall have been refunded in full.

SEC. 4. Such sums as may be necessary to carry into effect the provisions of this Act are appropriated out of the funds of the National Treasury not otherwise appropriated: *Provided, however,* That no funds shall be set up in the books of the Auditor by virtue of this Act until the sum necessary for the current year shall have been determined.

SEC. 5. This Act shall take effect upon its approval.

Approved, May 26, 1940.