



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

OCA CIRCULAR NO. 48-2004

TO : ALL JUSTICES AND JUDGES AND OTHER OFFICIALS WITH THE EQUIVALENT RANK OF JUSTICES OF THE COURT OF APPEALS AND JUDGES OF THE REGIONAL TRIAL COURT

SUBJECT : GUIDELINES ON THE GRANT OF ADDITIONAL COMPENSATION IN THE FORM OF SPECIAL ALLOWANCE

The Supreme Court En Banc in its Resolution dated 09 March 2004, in A.M. No. 03-12-04-SC, Re: Possible Means to Implement the Special Allowance under R.A. 9227 and to Increase the Judiciary Development Fund, Resolved to **APPROVE** the proposed Guidelines on the Grant of Additional Compensation in the Form of Special Allowance for Justices and Judges in the Judiciary and All Other Officials with the Equivalent Rank of Justices of the Court of Appeals and Judges of the Regional Trial Court, to wit:

**“GUIDELINES ON THE GRANT OF ADDITIONAL COMPENSATION IN THE FORM OF SPECIAL ALLOWANCE FOR JUSTICES AND JUDGES IN THE JUDICIARY AND ALL OTHER OFFICIALS WITH THE EQUIVALENT RANK OF JUSTICES OF THE COURT OF APPEALS AND THE JUDGES OF THE REGIONAL TRIAL COURT**

**1.0 Purpose**

These guidelines govern the implementation of Republic Act No. 9227 (An Act Granting Additional Compensation in the Form of Special Allowances for Justices, Judges and all other Positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals and Judges of the Regional Trial Court, and for Other Purposes).

**2.0 Coverage**

All Justices and Judges and all other positions in the Judiciary with the equivalent rank of Justices of the Court of Appeals and Judges of the Regional Trial Courts.

**3.0 Definition of Terms**

For the purpose of these guidelines, “basic monthly salary” shall mean the actual basic monthly salary of Justices and Judges, including step increments and longevity pay. (A Resolution Clarifying ‘Basic Monthly Salary’ under Republic Act No. 9227 [A.M. No. 03-12-04-SC, 24, February 2004])

**4.0 Governing Rules**

4.1. The Special Allowance shall be implemented uniformly in such sums or amounts equivalent to twenty-five percent (25%) of the actual basic monthly salaries for the positions covered starting 11 November 2003 until the one hundred percent (100%) special allowance is fully implemented.

If the source of fund is insufficient to cover the twenty-five percent (25%) special allowance for any year, it shall be granted in such sums and amounts and up to the extent only that can be supported by the funding source specified in Section 3 of Rep. Act No. 9227; provided that annually the special allowance shall always be twenty-five percent (25%) of the actual “basic monthly salary”.

4.2. For purposes of computing the retirement benefits, only the special allowance actually received and that which has accrued at the time of retirement shall be included.

4.3. In the event of any subsequent increases in the salary rates provided under Rep. Act No. 6758, as amended, the special allowance given to the grantees under Rep. Act No. 9227 shall be considered as an implementation of the said salary increases as may be provided by law.

4.4. If the collections from any increase in the current fees and any new fees imposed after the effectivity of Rep. Act No. 9227 exceed the amount needed to fund the special allowance granted to the positions covered, the surplus may be used by the Chief Justice to grant additional allowance to court personnel not covered by the benefits under Rep. Act No. 9227.

#### **5.0 Non-entitlement to the Grant of Special Allowance**

5.1 Those who have been administratively charged and meted the penalty of suspension shall not be entitled to the special allowance granted for the period of said suspension. Entitlement to the special allowance shall however be automatic upon the lifting of the suspension by the Court or full service of the suspension.

#### **6.0 Funding Sources**

The amount necessary to implement the additional compensation in the form of special allowance shall be sourced from:

6.1 Legal Fees originally prescribed, imposed and collected under Rule 141 of the Rules of Court prior to the promulgation of the amendments under Presidential No. 1949, dated 18 July 1984;

6.2 Increases in current fees and new fees which may be imposed and collected by the Supreme Court after the effectivity of Republic Act No. 9227; and

6.3 In the event that the two (2) above funding sources shall be insufficient to cover the grant of allowance on the fourth year of implementation, the national government shall subsidize the Special Allowance in an amount not exceeding One Hundred Sixty Five Million pesos (P165,000,000.00) per annum.

#### **7.0 Saving Clause**

Cases not covered by the provisions of these guidelines shall be referred to the Chief Justice for resolution.

#### **8.0 Effectivity**

These Guidelines shall take effect immediately."

For the information and guidance of all concerned.

30 March 2004

  
**PRESBITERO J. VELASCO, JR.**  
Court Administrator