

[REPUBLIC ACT NO. 6683, December 02, 1988]

AN ACT PROVIDING BENEFITS FOR EARLY RETIREMENT AND VOLUNTARY SEPARATION FROM THE GOVERNMENT SERVICE, AS WELL AS INVOLUNTARY SEPARATION OF CIVIL SERVICE OFFICERS AND EMPLOYEES PURSUANT TO VARIOUS EXECUTIVE ORDERS AUTHORIZING GOVERNMENT REORGANIZATION AFTER THE RATIFICATION OF THE 1987 CONSTITUTION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Declaration of Policy.* — It is hereby declared the policy of the State to promote economy, efficiency and effectiveness in government operations, particularly in the delivery of essential public services. For this purpose, the State shall endeavor to streamline government functions and to maintain necessary positions through an appropriate retirement and voluntary separation scheme.

SEC. 2. *Coverage.* — This Act shall cover all appointive officials and employees of the National Government, including government-owned or controlled corporations with original charters, as well as the personnel of all local government units. The benefits authorized under this Act shall apply to all regular, temporary, casual and emergency employees, regardless of age, who have rendered at least a total of two (2) consecutive years of government service as of the date of separation. Uniformed personnel of the Armed Forces of the Philippines including those of the PC-INP are excluded from the coverage of this Act.

SEC. 3. *Early Retirement and Voluntary Separation Benefits.* — All appointive government officials and employees included in the coverage hereof who voluntarily elect in writing to be retired or separated from the service and whose retirement has been approved under the provisions of this Act shall be paid retirement or separation benefits equivalent to one and one-fourth (1 1/4) month basic salary for every year of their respective government services or the nearest equivalent fraction thereof favorable to them on the basis of the highest salary which they respectively received in the course of their employment in the government: *Provided*, That in no case shall the benefit to be paid to any appointive official or employee be less than Ten thousand pesos (P 10.000): *Provided, further*, That any appointive official or employee who has previously been found guilty in an administrative proceeding and whose rank or salary has been reduced shall be paid on the basis of last salary.

SEC. 4. *Additional Benefits.* — In addition to the benefits herein authorized, covered appointive officials employees who retire or voluntarily elect to be separated the service under this Act shall be entitled to the return of GSIS personal contributions pertaining to retirement only and the payment of the corresponding share of the

government with interest earned pursuant to existing rules and regulations of the Government Service Insurance System. They shall likewise be entitled to the commutation of unused vacation and sick leaves in accordance with existing rules and regulations: *Provided, however,* That should the government agency concerned lack the necessary funds for this, the same shall come from the appropriation to fund this Act: *Provided, further,* That those who retire after rendering government service for thirty-one (31) years or more and avail themselves of the incentive benefits provided under this Act shall be entitled to an additional ten percent (10%) of the amount corresponding to what they will receive from the thirty-first year onward.

SEC. 5. *Exclusiveness of Benefits.* — An appointive official or employee who retires or elects to be separated from the service under this Act shall not be eligible for optional retirement with gratuity under Republic Act Nos. 1616 and 4968 or with pension under Commonwealth Act No. 186, as amended by Republic Act No. 660, or under Presidential Decree No. 1146, as amended, or vice-versa.

SEC. 6. *Abolition of Positions.* — The positions vacated through the early retirement or separation of its incumbent shall be abolished unless the head of the office or agency, with the approval of the President in the case of the Executive Department, the Chief Justice in the case of the Judiciary, the Senate President or the Speaker of the House of Representatives in the case of Congress, the Chairman in the case of the Constitutional Commissions, certifies within the period of sixty (60) days from the time of approval or acceptance of the application for retirement or separation that the exigencies of the service require its retention.

SEC. 7. *Discretion of Agency Heads in Acceptance of Application for Early Retirement and Voluntary Separation.* — No appointive official or employee shall be separated or retired under this Act unless his application for early retirement or voluntary separation shall have been accepted by the head of the government office or agency or by the chief executive officer of the government-owned or controlled corporation concerned as the case may be.

For purposes of this Act, "head of government office or agency" refers to the Secretary in the case of bureaus, divisions and other offices under a department; governor or mayor, as the case may be, in the case of local government units; the Chief Justice in the case of the employees of the Judiciary; the Senate President or the Speaker of the House of Representatives, as the case may be, in the case of employees of the Legislature; the Chairman in the case of the Constitutional Commissions; and in the case of other offices not within the authority of those previously mentioned, their overall superior.

The application for early retirement or voluntary separation shall be accepted unless the services of the applicant shall be deemed necessary. The application of those with pending administrative cases punishable by dismissal or removal shall be held in abeyance until the final disposition of such cases without prejudice to their receiving benefits under this law in case of acquittal.

The applications of those with criminal cases of grave nature committed in relation to their office shall be held in abeyance.

SEC. 8. *Restriction on the Employment and Replacement of Retired or Separated*