

[Acts No. 4183, December 07, 1934]

AN ACT TO AUTHORIZE THE PAYMENT OF RETIREMENT GRATUITIES TO PROVINCIAL AND MUNICIPAL OFFICERS AND EMPLOYEES, UNDER CERTAIN CONDITIONS, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. In order to grant a gratuity to provincial and municipal officers and employees who resign or are separated from the service by reason of a reorganization thereof, the provincial boards and municipal councils may, with the approval of the Secretary of the Interior, retire their officers and employees, granting them, in consideration of satisfactory service rendered, a gratuity equivalent to one month's salary for each year or fraction of a year of service, but not to exceed twenty-four months in any case, on the basis of the salary they receive at the time of leaving the service, to be paid monthly at the rate of thirty-three and one-third per centum of the monthly salary.

SEC. 2. With the approval of the Secretary of the Interior, such officer or employee may, in conformity with regulations to be approved by the Secretary of Finance, sell, transfer or assign his right to the gratuity payments to any investment fund under the control of the Insular Government, or to any bank duly authorized to do business in the Philippine Islands.

SEC. 3. The gratuity provided for in this Act shall not be subject to levy or execution.

SEC. 4. If a provincial or municipal officer or employee retired under the provisions of this Act is entitled to the benefits of Act Numbered Twenty-five hundred and eighty-nine, as amended, or to the benefits of any other law or any special pension fund created by authority of the Philippine Legislature, he shall have the right to choose one of the several benefits but in no case shall the payment of gratuity under more than one Act be authorized.

SEC. 5. In case the position of the retired officer or employee cannot be abolished or left vacant without detriment to the service, it may be filled, with the approval of the Secretary of the Interior and of the provincial board or municipal council concerned first had: *Provided*, That the salary of the successor shall not be greater than two-thirds of the salary of the vacant position.

SEC. 6. No person separated from the service under the provisions of this Act shall be appointed or employed in any branch of the Government or any company financed by it, without refunding the total gratuity received, unless it be shown to the satisfaction of the Department Head concerned that the financial situation of such person does not permit of his refunding the entire amount of the gratuity received, in which case he may refund the same by monthly deductions, the amount whereof shall be fixed by the Department Head concerned, from his salary in the new position. The provisions of this section shall not apply to persons separated from the service who are subsequently elected to some elective office.