



**GSIS** Government Service Insurance System  
Financial Center, Pasay City, Metro Manila 1308

GSIS Memorandum Circular No. 002 Series of 2014

To: HEADS OF CONSTITUTIONAL BODIES; BUREAUS AND AGENCIES OF THE NATIONAL GOVERNMENT; LOCAL GOVERNMENT UNITS; GOVERNMENT OWNED OR CONTROLLED CORP.; STATE UNIVERSITIES AND COLLEGES; AND ALL OTHERS CONCERNED

Subject: RETIREMENT APPLICATIONS OF PUBLIC OFFICERS WITH OFFENSES FALLING UNDER GRAFT AND CORRUPTION PRACTICES AS DEFINED UNDER REPUBLIC ACT NO. 3019

With the enactment of the **Republic Act No. 10154 (R.A. 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,*" even government employees with pending criminal/administrative case/s may now be allowed to retire and receive the corresponding benefits if his/her case/s are not terminated and/or resolved within a period of three (3) months from the effectivity date of his/her retirement, thus:

*"SEC. 3. Retiring Employees With Pending Cases, - In the case of retiring government employees with pending cases and whose retirement benefits are being lawfully withheld due to possible pecuniary liability, the head of the agency where such case is pending shall ensure that the said case shall be terminated and/or resolved within a period of three (3) months from the date of the retirement of the concerned, employee: Provided, That in case the concerned agency fails to terminate and/or resolve the case within the said period without any justifiable reason(s), the retirement benefits -due to the employee shall: be immediately released to him/her without prejudice to the ultimate resolution of the case; except, when the delay is deliberately caused by the retiring employee."*(Emphasis supplied.)

However, we revisited the provisions of **Republic Act No. 3019 (R.A. 3019)** otherwise known as "*The Anti-Graft and Corrupt Practices Act*" more particularly *Section 12* thereof which declares:


***Section 12. Termination of office. No public officer shall be allowed to resign or retire pending an investigation,** criminal or administrative, or pending a prosecution against him, for any offense under this Act or under the provisions of the Revised Penal Code on bribery. (Emphasis supplied.)*

As clearly stated above, **no government employee shall be allowed to resign or retire** while the investigation or prosecution of his/her criminal or administrative

case involving violation of the provisions of R.A. 3019 or the Revised Penal Code on bribery is pending.

In this regard, may we remind all endorsing officers of their duty under Section 12 of R.A. 3019 and to endorse retirement applications of retiring public officers only when the criminal and administrative case/s filed in relation to graft and corrupt practices have been resolved or terminated.

Consistent with this, the GSIS shall return to the endorsing officers all retirement applications of public servants who have unresolved cases which involve offenses falling under the "*The Anti-Graft and Corrupt Practices Act*" (R.A. 3019).



**ROBERT G. VERGARA**  
President & General Manager

Date Signed JUN 03 2014