

### Title:

**Fetalino and Calderon v. Commission on Elections**

### Facts:

**Antecedent Facts:**

1. On February 10, 1998, President Fidel V. Ramos extended ad interim appointments to Evalyn I. Fetalino and Amado M. Calderon as Comelec Commissioners each for a term of seven years.
2. These ad interim appointments were renewed on February 21, 1998.
3. Congress adjourned in May 1998 without the Commission on Appointments (CA) acting on their appointments, leading them not to be reappointed.
4. Consequently, Fetalino and Calderon served from February 16, 1998, to June 30, 1998 (more than four months).

**Procedural Posture:**

1. On March 15, 2005, Fetalino and Calderon applied for retirement benefits pursuant to RA No. 1568 with Comelec.
2. Comelec initially approved their claims via Resolution No. 06-1369 on December 11, 2006, and granted a pro-rated gratuity and pension on February 6, 2007, (Resolution No. 07-0202).
3. On October 5, 2007, they requested a re-computation of their retirement pay.
4. Comelec, based on its Law Department's recommendation, issued Resolution No. 8808 on March 30, 2010, completely disapproving their claim for a lump sum benefit.
5. Fetalino and Calderon filed a petition for certiorari, mandamus, and prohibition with application for a writ of preliminary injunction/temporary restraining order seeking to nullify Resolution No. 8808.

**Intervention:**

1. Former Commissioner Manuel A. Barcelona, Jr. joined the petition questioning the disapproval of his claim too.

### Issues:

1. **Entitlement to Five-Year Lump Sum Gratuity:**
  - Whether the termination of ad interim appointments without CA confirmation qualifies as retirement under RA No. 1568.
2. **Finality of Resolution No. 06-1369:**
  - Whether Resolution No. 06-1369 granting retirement benefits has attained finality and if it

can be modified by Comelec.

3. **Due Process:**

- Whether the Comelec violated due process by issuing Resolution No. 8808 without providing notice and hearing.

**### Court's Decision:**

**1. Entitlement to Lump Sum Gratuity:**

- **Ruling:** The petitioners are not entitled to the lump sum gratuity.

- **Analysis:**

- **Retirement Conditions:** Section 1 of RA No. 1568 specifies completion of term, incapacity, death, or resignation (with at least 20 years of service).

- **Non-Completion of Term:** Petitioners did not complete the seven-year term or any of the other specific conditions listed. Therefore, their termination due to non-confirmation by the CA cannot be considered "retirement."

- **Ortiz v. COMELEC Distinction:** Unlike in the Ortiz case, the termination here was due to the absence of CA action, and their appointment was ad interim.

- **Strict Interpretation:** The law's meaning is clear and does not warrant liberal construction to fit incomplete terms.

**2. Finality of Resolution No. 06-1369:**

- **Ruling:** Resolution No. 06-1369 has not attained a finality that prevents Comelec from revisiting its content.

- **Analysis:** Section 13, Rule 18 of the Comelec Rules of Procedure applies to ordinary actions, special proceedings, provisional remedies, and special reliefs. The proceedings for retirement benefits do not fit under these categories; thus, Resolution No. 06-1369 does not attain finality under these rules.

**3. Due Process:**

- **Ruling:** No due process violation occurred in issuing Comelec Resolution No. 8808.

- **Analysis:** The essence of due process is the opportunity to be heard, which the petitioners had through various communications and applications regarding their retirement benefits. A formal hearing is not required here.

**### Doctrine:**

1. **Completion of Term Requirement:** For a Comelec Commissioner to be entitled to retirement benefits under RA No. 1568, they must complete their full term of office (or meet one of the other specific conditions listed).

2. **Ad Interim Appointment:** An ad interim appointment that lapses does not fulfill the term completion requirement necessary for lump sum benefits.
3. **Finality of Decisions:** Resolution No. 06-1369 related to administrative matters, which do not fall under the final and executory decisions rule as per Comelec's procedural rules.
4. **Due Process:** Adequate opportunity to explain one's side in administrative proceedings satisfies due process requirements.

### ### Class Notes:

- **Elements of Entitlement to Retirement Benefits under RA No. 1568:**
- Completion of the term.
- Incapacity (physical/mental inability).
- Death.
- Resignation after reaching the age of 60 and having rendered at least 20 years of service.
- **Key Judicial Interpretation:**
- **"Term" vs. "Tenure":**
- Term: Fixed and definite period (e.g., 7 years).
- Tenure: Actual time served may be shorter due to various reasons (e.g., non-confirmation by CA).
- **Statutory Clarity:** Legal statutes are to be interpreted based on clear and unambiguous terms, preventing expansion or exceptions not explicitly provided by the law itself (avoiding judicial legislation).
- **Procedural Rules:** Applicability scope of procedural rules (e.g., finality rules) must align directly with the type of relief sought.

### ### Historical Background:

- **Context within Philippine Judiciary System:**
- This case underscores the importance of strict adherence to statutory provisions governing public officers' retirement benefits.
- Highlights interactions between presidential appointments, the CA's role, and the implications of non-confirmation for public officers.
- Reflects checks and balances within Philippine government operations and the judicial interpretations ensuring fairness and adherence to law.