

ADELAIDA OCAMPO VDA. DE GOMEZ, DEMANDANTE Y APELANTE, CONTRA THE GOVERNMENT INSURANCE BOARD, DEMANDADO Y APELADO.

G.R. No. L-602. March 31, 1947

Ponente: BRIONES, J.

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BRIONES, J.:

Andres A. Gomez estuvo sirviendo en el gobierno provincial de la Pampanga como tasador provincial delegado por un periodo continuo de 25 años, desde el 8 de Agosto de 1914 en que fue nombrado por primera vez, hasta el 28 de Febrero de 1938 en que fallecio. Segun el convenio de hechos, no cabe duda de que su nombramiento era de empleado temporero—temporary—al tenor de la fraseologia legal. No era elegible en el servicio civil: esto explica por que durante tan largo tiempo de servicio no se le habia podido expedir un nombramiento regular y permanente. El sueldo que percibia al morir era de P90 al mes.

Tampoco hay controversia entre las partes, bajo el convenio, acerca de los siguientes hechos: (a) que el gobierno provincial de la Pampanga, para aprovecharse de los beneficios de la ley del Commonwealth No. 186, aprobo el 8 de Agosto, 1937, por medio de su junta provincial, una resolucion en que significaba su intencion de afiliarse al Sistema de Seguro de Vida del Gobierno nacional llamado "Government Service Insurance System"; (b) que despues de recibir dicha resolucion, la junta que regenta y administra dicho Sistema de Seguro la aprobo debidamente, haciendo efectiva la afiliacion desde el 28 de Febrero, 1938; (c) que Andres A. Gomez, antes de su muerte, juntamente con otros empleados del gobierno provincial de la Pampanga habia llenado un formulario del referido Sistema de Seguro llamado "Information for membership insurance," en el que nombraba a su esposa Adelaida Ocampo como beneficiaria, enviando luego el formulario asi llenado al "Government Service Insurance System" que lo recibio y guardo en su archivo; (d) que el 28 de Febrero, 1938, el tesorero provincial de la Pampanga, como pagador oficial, dedujo del sueldo de Gomez correspondiente a la segunda mitad de dicho mes la cantidad de P2.70 como su parte en la primera prima, aportando la provincia una suma igual como su contribucion; (e) que la prima fue enviada a la oficina del "Government Service Insurance System" en Manila, y dicha oficina la recibio el 10 de Marzo, 1938, librando el correspondiente recibo al gobierno provincial de la Pampanga; (f) que el 7 de Marzo, 1938, el tesorero provincial de la Pampanga envio a la oficina del "Government Service Insurance System," en nombre de la viuda de Andres Gomez, Adelaida Ocampo, una reclamacion por el importe de la poliza de seguro en la suma de P1,052, pero la junta directiva del Sistema la rechazo por el fundamento de que Andres Gomez era solo un empleado temporero—temporary—bajo las reglas del Servicio Civil, y, por tanto, no era asegurable cuando murio el 28 de Febrero, 1938; (g) finalmente, que la oficina del "Government Service Insurance System" devolvio al gobierno provincial de la Pampanga el importe de la prima pagada, o sea la cantidad de P5.40, por medio de la libranza de la Tesoreria No. 58162.

La viuda interpuso la presente accion ante el Juzgado de Primera Instancia de la Pampanga contra la Junta Directiva del "Government Service Insurance System," pidiendo el cobro del importe de la poliza. El Juzgado, estimando la defensa de que Andres Gomez era solo un temporero, sin haberse cualificado en el servicio civil

mediante el correspondiente examen para merecer un nombramiento como empleado regular y permanente, y, por tanto, sin derecho a ser asegurado automaticamente bajo la ley que rige el Sistema, dicto sentencia contra la demandante, sobreseyendo la demanda. De ahi la presente apelacion.

Establecido y convenido que el nombramiento de Gomez era de temporero, la cuestion que tenemos que resolver es si al tiempo de su muerte tenia tales cualificaciones que podia ser considerado como empleado regular y permanente para los efectos del cobro del importe de su poliza de seguro por la beneficiaria. Decidimos que si, tenia tales cualificaciones.

Resulta establecido en autos, sin discusion, que Gomez, acogiendo a las disposiciones del articulo 672 del Codigo Administrativo tal como fue enmendado por la ley del Commonwealth No. 177, se sometio a examen de 2.º grado en el servicio civil el 16 de Octubre, 1937, y fue aprobado en aquel examen, si bien este favorable resultado no se anuncio sino despues ya de su muerte. Es obvio que los efectos de la aprobacion deben retrotraerse a la fecha del examen. La prueba de la competencia, de la idoneidad del examinando, se realizo antes de su muerte; por tanto, hay que darle efectividad desde la fecha en que tuvo lugar la prueba. Hasta parece superfluo que esto se discuta.

Sin embargo, se arguye que no cabe dar efecto retroactivo a la aprobacion de Gomez en su examen, puesto que el articulo 663 (d) del Codigo Administrativo Revisado, tal como ha sido enmendado, dispone que "a period of trial service shall be required before appointment or employment is made permanent;" y es claro que Gomez, habiendo muerto despues del examen y antes de que su resultado se anunciara, mal pudo ser sometido a dicho periodo de prueba por 6 meses.

Esta manera de interpretar la ley tiene el defecto de ser demasiado literal, y "la letra mata (a veces), mientras que el espiritu vivifica." Tengase en cuenta que Gomez habia servido como tasador provincial delegado por 25 años consecutivos hasta el dia de su muerte. Cuando por tan largo tiempo pudo superar la prueba de su competencia, en el ejercicio cotidiano de sus deberes, hay que presumir que sus superiores estaban satisfechos de su idoneidad. Por tanto, el periodo de prueba de 6 meses no rezaba con el. Para los efectos, por lo menos, de la validez de su poliza de seguro, se debe concluir que el exito de su examen le capacitaba y cualificaba automaticamente para un nombramiento regular y permanente desde la fecha de dicho examen. Por tanto, el era asegurable y, de hecho, estaba asegurado en el dia de su muerte, bajo los terminos de la Ley No. 186. Esta conclusion es tanto mas justa cuanto que el "Government Service Insurance System" acepto practicamente la prima pagada, librando por ella el correspondiente recibo.

Nos sentimos perfectamente autorizados para interpretar la ley lo mas liberalmente posible, toda vez que, prescindiendo ya de que en el presente caso se trata de la viuda y familia de un pequeño empleado, es evidente que el Sistema Nacional de Seguro de Vida del Gobierno se ha creado para fines sociales y humanitarios, siendo parte de ese generoso movimiento universal que tiende a mejorar cada dia la suerte de los hijos del trabajo mediante la promulgacion en todos los paises cultos y civilizados de leyes progresivas y liberales sobre seguridad social y economica. El articulo 3 de la ley del Commonwealth No. 186 que crea y reglamenta dicho Sistema, dice positivamente que el mismo se establece "en orden a promover la eficiencia y bienestar de los empleados del Gobierno de Filipinas y reemplazar los sistemas de pensiones actualmente establecidos * * *". Como se sabe, aquellos sistemas de pensiones eran fundamentalmente de beneficencia, tanto que si no ha sido posible continuarlos era porque el gobierno no disponia de tanto dinero para capitalizarlos y sostenerlos por si solo. Asi que se ha ideado el Sistema Nacional de Seguro sobre bases mas cientificas y con adecuadas aportaciones de los empleados mismos. Con todo, es innegable que el sucesor ha heredado parte de los rasgos beneficos y humanitarios de sus antecesores.

En meritos de lo expuesto, se revoca la sentencia del Juzgado y se condena a la demandada y apelada a pagar a la demandante y apelante la suma de P1,052, importe de la poliza de seguro del difunto Andres A. Gomez, mas los intereses legales desde la interposicion de la demanda, y las costas del juicio. Asi se ordena.

Moran, Pres., Paras, Feria, Pablo, Hilado, Bengzon, Padilla, y Tuason, MM., estan conformes.

CONCURRING

PERFECTO, J.:

We agree with the decision penned by Mr. Justice Briones, reversing the judgment of the lower court and ordering defendant to pay plaintiff the insurance of her deceased husband Andres Gomez in the sum of P1,052, including legal interest and costs.

Under the provisions of Commonwealth Act No. 177, amending the Civil Service Law, Andres Gomez was a regular and permanent employee of the government, because he had been occupying for twenty-five years a classified position and had passed the examination as provided for by the above mentioned act, the pertinent provisions of which are as follows:

"No person shall be appointed to or employed in any position in the classified service until he passes the examination provided therefor. Provided, however, that persons now regularly and permanently employed in any branch or subdivision of the Government, whose positions are or may hereafter be classified by operation of the Constitution and of this Act may, unless separated by proper authority, continue in the service for the term of three years from January first, nineteen hundred and thirty-seven; Provided, That they shall be given three chances to qualify; and Provided, finally, That all employees who, upon the approval of this act, have rendered ten or more years of continuous and satisfactory service in a classified position or in any position which may be subject to classification, shall be given practical examination in which their length of service shall be accorded preferred consideration."

The deceased, having rendered ten or more years of continuous and satisfactory service in a classified position and passed the corresponding examination, became a permanent and regular employee and his membership in the insurance system became compulsory under section 4 (g), of Commonwealth Act No. 186, known as the Government Service Insurance Act.

Having had the privilege of initiating the amendment to the Civil Service Law which was later embodied in Commonwealth Act No. 177, as above quoted, we are in a position to state, as member of the National Assembly which approved the act and as author of the provisions, that the same covered perfectly the case of Andres Gomez to make him a permanent and regular employee.

We are also in a position to state that the main purpose of the Government Service Insurance Act was to replace the several pension laws then effective, in order to eliminate the discrimination resulting from the fact that, while a small number of government employees were enjoying the benefits of special pension laws, those benefits were denied to a great majority of government employees. To uphold the position taken by the lower court is to deprive the widow of Andres Gomez of the benefits clearly intended for her by Commonwealth Act No. 186.

Even if Andres Gomez had been only a temporary employee he was still insurable. The fact that membership in the Government Insurance System is compulsory upon permanent and regular employees, is no reason to deprive other employees of the benefits of the system as, otherwise, it will defeat the very social purpose for which it was established by the National Assembly.

The system was established "in order to promote the efficiency and welfare of the employees of the Government of the Philippines and to replace the present pension systems established," as stated in section 3 of Commonwealth Act No. 186. There is absolutely no principle of justice which can justify circumscribing the benefits of the system only to permanent and regular employees, when it was expressly intended for all employees, and to continue the hateful discrimination which compelled the National Assembly to abolish the then existing special pension systems. If there should be any doubt on this question, the doubt should be resolved in favor of the general intent of the law.

Courts are justified to do violence to the words of the statute to carry out "the judge-discovered intent" (Judge Baldwin, *The American Judiciary*, p. 84); that construction of statutes must be done to avoid absurdity, and that general terms must not lead to "injustice, oppression, or an absurd consequence," because "the reason of the law in such cases should prevail over its letter" (*The Church of the Holy Trinity vs. U. S.*, 36 Law. ed. [U. S.], 232); that our judges can go further to diagnose the intent of the law and give it fulgour and effect and that the judge-made law is recognized in the Philippines (*In re Shoop*, 41 Phil., 213); that lawyers who deny the power of courts to legislate in the Philippines are sadly mistaken (Bocobo, *The Cult of Legalism*); that courts are "the great laboratories of the law" (Justice Cardozo, *The Nature of Judicial Process*); while Holland said in *The Elements of Jurisprudence*:

"The State in general has two, and only two, articulate organs for law-making purposes—the Legislature and the Tribunals. The first organ makes new law, the second attests and confirms old law, though under cover of so doing it introduces many new principles.

"* * * For statutes and judicial decisions alike come into being and grow out of the same common roots, the supreme good of society. It is a consecrated legal axiom that the reason of the law is the life of the law. The reason lies in the soil of the common welfare." (Bocobo, *Cult of Legalism*.)

"* * * Consequently, if the judge limits himself to the printed page of the statute, and does not go out into the open spaces of actuality and dig down deep into this common soil, he fails in his noble calling, and becomes subservient to formalism." (Bocobo, *Cult of Legalism*.)

In *Samuels*, Special C. J., in *Wortham vs. Walker Tex.* ([1939], 127 S. W. [2nd], 1138, 1150), we have the following liberal construction of the law:

"A liberal interpretation of a statute which denies to it the historical circumstances under which it has drawn is to make mummery of its provisions.

"A statute should not be construed in a spirit of detachment as if it were a protoplasm floating around a space * * *. 'Generally it may be said that in determining the meaning, intent, and purpose of a law or constitutional provisions, the history of the times out of which it grew and to which it may be rationally supposed to bear some direct relationship, the evils intended to be remedied, and the good to be accomplished are proper subjects of inquiry' * * *.

"Law is not a water-tight compartment sealed or shut off from the contact with the drama of life which unfolds before our eyes. It is in no sense a cloistered realm but a busy state in which events are held up to our vision and touch at our elbows."

If the above principles of interpretation are not enough in support of the theory that all employees of the government are entitled to the benefits of the Government Insuranee System, there is the principle of social justice embodied in the Constitution which supports the position, and with more emphasis if we take into consideration the fact that Commonwealth Act No. 186 was enacted after the Constitution came into effect.

"Is the mandate addressed only to the legislative department? No: it is meant for the three departments;

legislative, executive, and judicial, because the latter two are no less the agencies of the State than the first. For what use would it be for the National Assembly to pass laws calculated to enhance social justice if the executive officials should enforce them in such a way, and the courts should give them such an interpretation, as to defeat social justice?

"Certainly, this principle of social justice in our Constitution as generously conceived and so tersely phrased, was not included in the fundamental law as a mere popular gesture. It was meant to a vital, articulate, compelling principle of public policy. It should be observed in the interpretation not only of future legislation, but also of all laws already existing on November 15, 1935. It was intended to change the spirit of our laws, present and future. Thus, all the laws which on the great historic event when the Commonwealth of the Philippines was born, were susceptible of two interpretations—strict or liberal, against or in favor of social justice, now have to be construed broadly in order to promote and achieve social justice. This may seem novel to our friends, the advocates of legalism, but it is the only way to give life and significance to the above-quoted principle of the Constitution. If it was not designed to apply to these existing laws, then it would be necessary to wait for generations until all our codes and all our statutes shall have been completely changed by removing every provision inimical to social justice, before the policy of social justice can become really effective. That would be an absurd conclusion. It is more reasonable to hold that this constitutional principle applies to all legislation in force on November 15, 1935, and all laws thereafter passed." (Bocobo, *Cult of Legalism*.)

Law, being a manifestation of social culture and progress, must be interpreted taking into consideration the stage of said culture and progress including all the concomitant circumstances. It must be interpreted by drawing inspiration, not only from the teachings of history, from precedents and traditions, but from inventions of science, discoveries of art, ideals of thinkers, dreams of poets, that is, all the sources from which may spring guidance and help to form a truthful idea of the human relations regulated by the law to be interpreted and applied. Broadmindedness and vision are essential for men presiding tribunals to reach correct and just conclusions.

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