

RE: REQUESTS FOR SURVIVORSHIP PENSION BENEFITS OF SPOUSES OF JUSTICES AND JUDGES WHO DIED PRIOR TO THE EFFECTIVITY OF REPUBLIC ACT NO. 9946

A.M. No. 17-08-01-SC. September 19, 2017

Ponente: MARTIRES, J.

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MARTIRES, J.:

For resolution are the applications for survivorship benefits of spouses of justices and judges who died prior to the effectivity^[1] of Republic Act (R.A.) No. 9946, which introduced substantial amendments to the benefits provided in R.A. No. 910.

In a Memorandum, dated 11 July 2017, the Special Committee on Retirement and Civil Service Benefits (SC-RCSB) submitted for this Court's consideration the respective positions of the members of the Committee on the matter regarding the survivorship pension benefits. The first position paper, labeled as Memorandum A, dated 23 June 2017, recommends the approval of the applications; whereas, the second position paper, labeled as Memorandum B, dated 6 July 2017, recommends their denial. Memorandum B adopted the position and arguments of the SC-RCSB Technical Working Group (TWG) contained in the latter's Memorandum, dated 24 February 2017.

We now determine whether the applicants are entitled to the survivorship pension benefits and automatic pension adjustment under R.A. No. 9946.

Background

Enacted in 1954, R.A. No. 910 is the law on retirement benefits for the justices of the Supreme Court and the Court of Appeals. It provides for two kinds of benefits: (1) retirement and (2) death benefits.^[2]

The retirement benefits granted under R.A. No. 910 may be compulsory or optional, subject to certain age and length of service requirements. For compulsory retirement, a justice must have reached the age of 70 years and must have rendered service in the Judiciary or any other government branch for at least 20 years; for optional retirement, 57 years of age and 20 years in government service, the last 10 of which must be continuously rendered in the Judiciary. Compulsory retirement also applies when the justice, regardless of age, is forced to resign by reason of incapacity to discharge the duties of the office.

The death benefits, on the other hand, are given to the heirs of the justice who dies while in actual service. The benefits are equivalent to a five-year lump sum of the salary the justice was receiving during the period of death, provided the justice had reached the minimum 20 years of government service; and only two-year lump sum of the salary, if service rendered was less than 20 years. The same benefits are granted as to justices who have not attained the 20-year service requirement but are compulsorily retired upon reaching the age of 70 years, or were forced to retire due to illness or other causes beyond their control.

Under R.A. No. 910, the retirement benefits were granted the justice; the death benefits to the heirs. No benefits

were granted to the surviving legitimate spouse of the retired justice except for the death benefit which is paid to the surviving spouse as a rightful heir.

Subsequent legislations expanded the coverage of R.A. No. 910 to include justices or judges of other courts, such as the Sandiganbayan, the Court of Tax Appeals (CTA), the Regional Trial Court (RTC), the Metropolitan Trial Court, the Municipal Trial Court (MTC), the Municipal Circuit Trial Court, the Shari'a District Court, the Shari'a Circuit Court, and any other court.[3] The qualifications for entitlement to the benefits were likewise amended. Thus, in 1959, R.A. No. 2614 adjusted the minimum age for optional retirement of justices and judges to 65 years.

The enactment of R.A. No. 9946 in 2010 introduced more changes to R.A. No. 910, more importantly the amendments to benefits granted to the surviving spouses of justices and judges: (1) Retirement Benefits; (2) Death Benefits; (3) Lump Sum Retirement Benefits; (4) Survivorship Pension Benefits; and (5) Automatic Pension Adjustment. The following Table of Retirement Benefits[4] prepared by the TWG shows a summary of the benefits and salient changes under R.A. No. 9946:

Eligibility Qualifications

Mode

Retirement Benefits

(under RA 910, as amended by RA 9946)

Age 70; with 15 years of government service (Section 1)

Mandatory retirement; Full pension

For living Justice or Judge:

- 1) Lump Sum Gratuity of 5 years (Sec. 3);
- 2) Lifetime pension upon survival of 5 years (Sec. 3);
- 3) Automatic increase of pension benefits (Sec. 3A)

For surviving spouse:

- 1) Lifetime Survivorship Pension Benefits (Sec. 3)

Age 70; with 15 years of government service (Sec. 1); with partial permanent disability (Section 3)

Mandatory retirement; Full pension; with full partial permanent disability

For living Justice or Judge:

- 1) Lump Sum Gratuity of 7 years (Sec. 3);
- 2) Lifetime pension upon survival of 7 years (Sec. 3);
- 3) Automatic increase of pension benefits (Sec. 3)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

Age 70, with less than 15 years of government service (Section 1)

Mandatory retirement, Pro-rata pension;

For living Justice or Judge:

- 1) Lump Sum Gratuity of 5 years (Sec. 3)
- 2) Lifetime pro-rata pension upon survival of 5 years (Sec. 3)
- 3) Automatic increase of pension benefits (Sec. 3)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

Age 70, with less than 15 years of government service (Sec. 1); with partial permanent disability (Sec. 3)

Mandatory retirement; Pro-rata pension; with partial permanent disability

For living Justice or Judge:

- 1) Lump Sum Gratuity of 7 years (Sec. 3)
- 2) Lifetime pro-rata pension upon survival of 7 years (Sec. 3)
- 3) Automatic increase of pension benefits (Sec. 3A)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

Total Permanent Disability (Incapacity to discharge functions of office), regardless of age, with 15 years of government service (Sec. 1)

Disability Retirement (regardless of age)

For living Justice or Judge:

- 1) Lump Sum Gratuity of 10 years (Sec. 3);
- 2) Lifetime pension upon survival of 10 years (Sec. 3);
- 3) Automatic increase of pension benefits (Sec. 3A)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

Total Permanent Disability (Incapacity to discharge functions of office), regardless of age, with less than 15 years of government service (Sec. 1)

Disability Retirement; pro-rata pension (regardless of age)

For living Justice or Judge:

- 1) Lump Sum Gratuity of 10 years (Sec. 3);
- 2) Lifetime pro-rata pension upon survival after 10 years (Sec. 3);
- 3) Automatic increase of pension benefits (Sec. 3A)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

At least age 60, with 15 years of government service, the last 3 [of which shall have been] continuously [rendered] in the judiciary (Sec. 1)

Optional Retirement

For living Justice or Judge:

- 1) Lump Sum Gratuity of 5 years (Sec. 3);
- 2) Lifetime pension upon survival of 5 years (Sec. 3);
- 3) Automatic increase of pension benefits (Sec. 3A)

For surviving spouse:

Lifetime Survivorship Pension Benefits (Sec. 3)

Killed because of work, regardless of age, with at least 5 years of government service, e.g. killed intentionally (Section 2)

Death Benefits (regardless of age)

For the Heirs:

1) Lump Sum Gratuity of 10 years (Section 2)

Died in service, regardless of age, with 15 years of government service (Section 2)

Death Benefits (regardless of age)

For the Heirs:

Lump Sum Gratuity of 10 years (Sec. 2)

Died in service, regardless of age or length with [less than 15 years] of government service (Sec. 2)

Death Benefits (regardless of age)

For the Heirs:

1) Lump Sum Gratuity of 5 years (Section 2)

The benefits granted to the surviving legitimate spouses of justices and judges are encapsulated in paragraph 2, Section 3, of R.A. No. 910, as amended by R.A. No. 9946, viz:

Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge had retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

Also inserted in the new law are Sections 3-A and 3-B which provide:

Sec. 3-A. All pension benefits of retired members of the Judiciary shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.

Sec. 3-B. The benefits under this Act shall be granted to all those who have retired prior to the effectivity of this Act: Provided, that the benefits shall be applicable only to members of the Judiciary: Provided, further, That the benefits to be granted shall be prospective.

On 6 September 2010, the Court issued Revised Administrative Circular No. 81-2010 (RAC 81-2010), or the Guidelines on the Implementation of R.A. No. 9946, which provide, among others:

E. Survivorship Pension Benefits

The legitimate surviving spouse of a Justice or Judge who (1) has retired or was eligible to retire optionally at the time of death, and (2) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

F. Other Entitlements

- All pension benefits of retired members of the Judiciary shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.

- The benefits under R.A. No. 9946 shall be granted to all those who have retired prior to its effectivity, provided that the benefits shall be applicable only to members of the Judiciary and the benefits to be granted shall be prospective, beginning February 11, 2010, the date of effectivity of R.A. No. 9946.

- The implementing guidelines provided herein shall be applicable to officials of the Judiciary who have been

granted the rank, salary and privileges of a member of the Judiciary subject to the conditions set forth in the resolutions, dated December 9, 2008, and February 17, 2009, in A.M. No. 11838-Ret.

PROHIBITIONS TO ENTITLEMENT TO PENSION

- A retired Justice of the SC, CA, SB, CTA or a Judge of the RTC, MeTC, MTCC, MTC, MCTC, SDC, SCC or his/her surviving spouse receiving the benefits of R.A. No. 9946 during the time that he/she is receiving said pension shall not appear as counsel before any court in any civil case wherein the government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an incumbent or former office or employee of the government is accused of an offense committed in relation to his/her office, or collect any fee for his/her appearance in any administrative proceedings to maintain an interest to the Government, National, Provincial or municipal, or to any of its legally constituted offices.
- The member of the Judiciary or his/her surviving spouse who assumes an elective public office shall not, upon assumption of office and during his/her term, receive the monthly pension due to him/her.
- The surviving spouse who remarries shall no longer be entitled to the survivorship benefit.

Related Cases

Since the passage of R.A. No. 9946, a great number of applications for survivorship benefits had been filed by surviving spouses of justices and judges, presumably on account of the retroactivity provision in Section 3-B thereof. The Court had approved many of such applications. As reported by the TWG, there are now 307 spouses of justices and judges who had died prior to the effectivity of R.A. No. 9946 and who are receiving pension benefits. There are also 29 pending requests with the TWG, and more than 100 applications more before the Office of the Court Administrator waiting clarification of deemed inconsistent grants of survivorship benefits.

The apparently inconsistent rulings of the Court refer to the cases of Deputy Court Administrator Nimfa Vilches (Vilches),^[5] CTA Judge Manuel Gruba (Gruba),^[6] and MTC Judge Galo Alvor, Jr. (Alvor)^[7] In Vilches and Gruba, the Court granted 10-year lump sum gratuities under Section 2 in favor of the surviving spouses of Vilches and Gruba but denied the claim for survivorship pension benefits for the reason that the latter were not eligible to retire and, thus, not entitled to the benefits under Section 3. However, in Alvor, the Court granted Mrs. Alvor pro rata survivorship pension benefits even though Judge Alvor was not eligible to retire at the time of his death. The following table presented by the TWG shows the comparative data of the three cases:

TABLE A

DCA Vilches Case

CTA Judge GRUBA Case

MTC Judge ALVOR Case

Court

Supreme Court En Banc

Supreme Court En Banc

Supreme Court Third Division

Case No.

AM-14158-Ret

AM-14155-Ret

AM-14231-Ret

Date Decided

9 October 2012

19 November 2013

2 October 2013

Name of Judge

DCA Nimfa Vilches

CTA Judge Gruba

MTC Judge Alvor (Samar)

Died in Service

15 December 2011

Illness, 25 June 1996

Illness, 13 May 1991

Age at Death

55 Y 5

5Y 2M 6D

56Y 11M 14D

Years of Government Service (Judiciary)

22 Y (about)

16Y 6M 21D

(3Y 9M 8D)

5.42876Y

(1.55594Y)

Court Actions

Heirs were granted only the 10-year lump sum gratuity under Section 2 of RA 910, as amended by RA 9946

No survivorship pension benefits were granted to the surviving widower, as DCA Vilches was not eligible to retire and was thus not entitled to the benefits under Section 3.

In 1996, the heirs were granted the 5-year lump sum gratuity under Section 2 of RA 910, prior to RA 9946.

In January 2012, Mrs. Gruba was initially granted full survivorship pension benefits, applying the reduced 15 years service requirement under R.A. No. 9946.

In November 2013, the Court revoked the grant of survivorship pension benefits to Mrs. Gruba. Judge Gruba was found ineligible to retire at the time of his death, for reason of age.

Instead, the heirs were granted the increased 10-year lump sum gratuity under Section 2 of RA 9946.

In 1991, the heirs were granted the 5-year lump sum gratuity under Section 2 of RA 910, prior to RA 9946.

In October 2013, Mrs. Alvor was granted pro-rata survivorship pension benefits, extending further the liberal application of R.A. No. 9946.

In view of the Court's varying rulings on the grant of survivorship benefits in the three cases, the Office of the Court Administrator (OCA), through its Memorandum[8] dated 26 October 2015, recommended a revisit of RAC 81-2010 to adopt Alvor.[9]

It is also noted that in the approved applications for survivorship pension benefits, the amounts are exclusive of adjustments of pension benefits by virtue of the 1st and 2nd tranche salary increases under Executive Order (E.O.) No. 201, series of 2016, effective 1 January 2016.

The Issues

In resolving this matter, the Court takes note of the issues presented by the TWG in their Memorandum, to wit:

- Who are the surviving spouses entitled to the benefits under Section 3, paragraph 2;
- What are the benefits that a qualified surviving spouse is entitled to receive;
- Are qualified surviving spouses entitled to the automatic increase under Section 3-A;
- Does Section 3-B, in providing for the retroactive application of R.A. No. 9946, entitle the surviving spouses of justices or judges who died prior to the effectivity of said Act to the same benefits as those of justices or judges who died on or after the effectivity of R.A. No. 9946 on 11 February 2010.[10]

OUR RULING

We rule that the surviving spouses of justices and judges who died prior to the effectivity of R.A. No. 9946 are entitled to survivorship benefits.

We stress that this will not be the first time that the Court has been asked to interpret the provisions contained in R.A. No. 9946. The Court had the occasion to extensively pass upon the meaning of the words and phrases found in the text of the law in the case of *Re: Application for Survivorship Pension Benefits under Republic Act No. 9946 of Mrs. Pacita A. Gruba, Surviving Spouse of the Late Manuel K. Gruba, Former CTA Associate Judge Gruba*[11] (Gruba case) promulgated on 19 November 2013.

In Gruba, Manuel Gruba died on 25 June 1996 while he was a judge of the CTA. He was 55 years old and had rendered government service for about 16 years, the last 3 years and 9 months of which were served in the Judiciary. His heirs were paid a five-year lump sum gratuity. After the effectivity of R.A. No. 9946, Mrs. Gruba applied for survivorship pension benefits which the Court initially approved but later on revoked.

On the issue whether R.A. No. 9946 applies to the heirs of Judge Gruba being entitled to the increased 10-year lump sum gratuity benefits, the Court answered in the affirmative. But on whether Mrs. Gruba is entitled to receive survivorship pension benefits, the Court ruled to deny her such because Judge Gruba was not eligible to retire optionally (lack in age requirement) at the time of his death.

The Court is mindful that R.A. No. 9946 is a retirement law and a social legislation enacted under the policy of

the State to promote social justice,[12] thus, its interpretation must be liberal in keeping with its purposes. As the Court explained in Gruba, retirement laws are liberally construed in order to achieve the humanitarian purposes of the law, thus -

Retirement laws, in particular, are liberally construed in favor of the retiree because their objective is to provide for the retiree's sustenance and, hopefully, even comfort, when he no longer has the capability to earn a livelihood. The liberal approach aims to achieve the humanitarian purposes of the law in order that efficiency, security, and well-being of government employees may be enhanced. Indeed, retirement laws are liberally construed and administered in favor of the persons intended to be benefited, and all doubts are resolved in favor of the retiree to achieve their humanitarian purpose.[13]

R.A. No. 9946 covers justices and judges who died prior to its effectivity.

Beginning 11 February 2010, or upon the effectivity of R.A. No. 9946, the benefits under the old law had been upgraded while at the same time the age and length of service requirements were reduced. Likewise, pro rata monthly pension benefit was introduced for the first time in favor of justices or judges with less than 15 years of government service who retire due to age or incapacity to discharge his or her duties. More importantly, the new law provided for survivorship benefits in favor of the surviving spouses of justices and judges who were "retired" or eligible for optional retirement and died after the effectivity of R.A. No. 9946.

By virtue of the retroactivity clause in Section 3-B, the "benefits" under R.A. No. 9946 are made to apply to justices and judges who died prior to the effectivity of R.A. No. 9946.

The TWG suggests that "the benefits of R.A. No. 9946 are available retroactively, only to those who retired prior to and are still alive upon its effectivity and not necessarily to those who [had] retired and died prior thereto or to those who had not retired but died prior to R.A. No. 9946." The TWG is incorrect.

Even in Gruba, the Court recognized the entitlement to survivorship benefits of surviving spouses of justices and judges who died prior to the effectivity of R.A. No. 9946. There was no express mention that the coverage of the law includes only those who have retired prior to and are still alive upon its effectivity. Thus, the Court held that Judge Gruba, who passed away prior to the effectivity of R.A. No. 9946, is still covered by the law by virtue of Section 3-B. The Court then went on to state that Mrs. Gruba would have been entitled to the claimed survivorship benefits had Judge Gruba complied with the minimum age requirement to become eligible for retirement at the time of his death. Citing established jurisprudence, the Court ratiocinated:

Providing retroactivity to judges and justices who died while in service conforms with the doctrine that retirement laws should be liberally construed and administered in favor of persons intended to be benefited." [T]he liberal approach aims to achieve the humanitarian purposes of the law in order that the efficiency, security, and well-being of government employees may be enhanced. Ensuring the welfare of families dependent on government employees is achieved in the changes made in Republic Act No. 9946. It will be consistent with the humanitarian purposes of the law if the law is made retroactive to benefit the heirs of judges and justices who passed away prior to the effectivity of Republic Act No. 9946.[14]

Thus, there is no question that the benefits under R.A. No. 9946 extend to those who had died before 11 February 2010. This would include the survivorship benefits in favor of surviving spouses of such deceased justices and judges. The Court sees no compelling reason at this point to revisit this ruling.

Who are the "surviving spouses" referred to under Section 3, paragraph 2?

We restate Section 3, paragraph 2, of R.A. No. 9946:

Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was

eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage, (emphasis supplied)

It is clear that the benefits of the law, effective 11 February 2010, are granted to a surviving legitimate spouse of a justice or judge who:

- had retired; or
- was eligible to retire optionally at the time of death.

The Guidelines (RAC 81-2010) also describes the beneficiaries of the law to be the surviving legitimate spouse of a justice or judge who:

- had retired and was receiving a monthly pension; or
- was eligible to retire optionally at the time of death and would have been entitled to receive a monthly pension.

The TWG, thus, posits that the surviving spouse of a justice or judge, who had not retired but died while in actual service, is not eligible to receive the survivorship benefit (monthly pension) under Section 3 of R.A. No. 9946, unless said justice or judge was eligible to retire optionally at the time of death. The TWG, however, notes that the surviving spouse is entitled to the death benefit under Section 2, along with the other heirs of the deceased justice or judge.

It is imperative, at this juncture, to clarify the meaning of the term "retired" as appearing in Section 3, paragraph 2, of R.A. No. 9946.

In *Gruba*, the Court elucidated that the term "retirement" may be understood either in its strict sense or broad sense. When used in a strict legal sense, the term refers to mandatory or optional retirement. However, when used in a more general sense, "retire" may encompass the concepts of both disability retirement and death.[15]

It seems from the position taken by the TWG that the term "retired" under Section 3, paragraph 2, of R.A. No. 9946 is used in its strict sense, i.e., the justice or judge who is considered "retired" must be one who had reached certain age and length of service conditions only, just like a justice or judge who is eligible to retire optionally. A reading of the entire law, however, reveals that it also refers to justices and judges who "retire" due to permanent disability, whether total or partial, and justices or judges who died or were killed while in actual service.

Particularly significant for the present purposes is the discussion in *Gruba* of the meaning of the term "retired" found in the retroactivity clause, Section 3-B, that was added to R.A. No. 910. The material portion of the resolution is reproduced, thus -

Republic Act No. 9946 provides for a retroactivity clause Section 4, adding Section 3-B to Republic Act No. 910:

SEC. 3-B. The benefits under this Act shall be granted to all those who have retired prior to the effectivity of this Act: Provided, That the benefits shall be applicable only to the members of the Judiciary: Provided, further, That the benefits to be granted shall be prospective. (emphasis supplied)

An initial look at the law might suggest that the retroactivity of Republic Act No. 9946 is limited to those who retired prior to the effectivity of the law. However, a holistic treatment of the law will show that the set of amendments provided by Republic Act No. 9946 is not limited to justices or judges who retired after reaching a certain age and a certain number of years in service. The changes in the law also refer to justices or judges who

"retired" due to permanent disability or partial permanent disability as well as justices or judges who died while in active service.

In the light of these innovations provided in the law, the word "retired" in Section 3-B should be construed to include not only those who already retired under Republic Act No. 910 but also those who retired due to permanent disability. It also includes judges and justices who died or were killed while in service.

Providing retroactivity to judges and justices who died while in service conforms with the doctrine that retirement laws should be liberally construed and administered in favor of persons intended to be benefited. [T]he liberal approach aims to achieve the humanitarian purposes of the law in order that the efficiency, security, and well-being of government employees may be enhanced. Ensuring the welfare of families dependent on government employees is achieved in the changes made in Republic Act No. 9946. It will be consistent with the humanitarian purposes of the law if the law is made retroactive to benefit the heirs of judges and justices who passed away prior to the effectivity of Republic Act No. 9946.[16]

Even if the discussion by the Court on the interpretation of the term "retired" is in reference to Section 3-B, it is reasonable to apply the same interpretation in the construction of the same term found in Section 3, paragraph 2. It should be stressed that the said term qualifies the words "justices or judges" to whom the benefits under the law are granted. In turn, such benefits referred to under the said provision of law are the same benefits as elsewhere mentioned. A statute must be so construed as to harmonize and give effect to all its provisions whenever possible.[17] There would be more confusion rather than harmony in the provisions if the meaning of the same term in one paragraph should be different from that found in another.

To reiterate, Section 3, paragraph 2, of R.A. No. 9946 also refers to the legitimate surviving spouses of justices or judges who "retired" due to permanent disability or partial permanent disability as well as to justices or judges who died or were killed while in active service.

The benefits under R.A. No. 9946 also extend to Court Administrators or Deputy Court Administrators.

The TWG posits that the justices or judges who "retired" or "eligible to retire optionally" referred to in Section 3, paragraph 2 of R.A. No. 9946 also include those who became Court Administrators and Deputy Court Administrators (DCAs).[18] Its basis is Section 3 of Presidential Decree No. 828 (P.D. No. 828), as amended by P.D. No. 842, which provides:

Section 3. Qualifications, appointment and tenure. The Court Administrator and the Deputy Court Administrators shall have the same qualifications as Justices of the Court of Appeals. They shall be appointed by the Supreme Court and shall serve until they reach the age of sixty-five (65) years or become incapacitated to discharge the duties of their office, but may be removed or relieved for just cause by a vote of not less than eight (8) Justices of the Supreme Court; provided that a member of the Judiciary appointed to any of the positions, shall not be deemed thereby to have lost the rank, seniority, precedence, benefits, and other privileges appertaining to his judicial position, and his service in the Judiciary, to all intents and purposes, shall be considered as continuous and uninterrupted. (emphasis supplied)

The TWG clarifies that survivorship benefits shall be available to the legitimate spouse if it is shown that the deceased, at the time of his/her death, was (1) a justice or judge, or (2) a justice or judge who was appointed as a Court Administrator or DCA.[19] Deducing the view of the TWG, the legitimate surviving spouse of a Court Administrator or DCA who has not previously served as a justice or judge cannot be entitled to survivorship benefits under Section 3, paragraph 2 of R.A. No. 9946.

We agree.

The benefits granted by R.A. No. 9946 are applicable to "members of the Judiciary"[20] only. The phrase "members of the Judiciary"[21] had been interpreted in many cases[22] to mean justices of the Supreme Court or lower collegiate courts and judges of lower courts. However, as correctly pointed out by the TWG, statutes may carve an exception as in the case of justices or judges who are later on appointed as Court Administrators or Deputy Court Administrators.[23] P.D. No. 828, as amended by P.D. No. 842, is one such law that expressly recognizes that the judicial rank, privileges and other benefits of a member of the judiciary are not lost by his/her appointment to the position of Court Administrator or Deputy Court Administrator. Such was our holding in *Re: Application for Survivorship Pension Benefits under R.A. No. 9946 of Court Administrator Ernani Cruz Paño [Mrs. Estrella C. Paño] (Paño)*. [24]

As narrated in *Paño*, Ernani Cruz Paño served as District Judge and RTC Judge before his appointments as DCA and later as Court Administrator. His application for disability retirement under R.A. No. 910 was approved on 7 May 1996. Ten years after his disability retirement, the Court granted him a monthly pension based on R.A. 910. He died on 6 December 2011, or after the passage of R.A. No. 9946. His surviving spouse, Mrs. Paño, applied for survivorship benefits. Even if he retired as a Court Administrator, we considered Paño a "member of the Judiciary" for purposes of R.A. No. 9946 because he is deemed to have maintained his service as such member of the Judiciary pursuant to Section 3 of P.D. No. 828, as amended by P.D. No. 842.[25] This was the same reason why his application for disability retirement, and later monthly pension, under R.A. No. 910 was approved by this Court in the first place. We said:

[T]he law creating the Office of the Court Administrator in the Supreme Court specifically provides that when "a member of the Judiciary," i.e., a Justice or a Judge, is appointed as either Court Administrator or Deputy Court Administrator, he/she "shall not be deemed to have lost the rank, seniority, precedence, benefits and other privileges appertaining to his judicial position, and his service in the Judiciary, to all intents and purposes, shall be considered continuous and uninterrupted." This makes such a Deputy Court Administrator or Court Administrator eligible to the retirement benefits under Republic Act No. 910, as amended by Republic Act No. 9946, which provides that the benefits under the said law "shall be applicable only to members of the Judiciary."

For purposes of pension and other benefits granted under Republic Act No. 9946, this Court finds it reasonable that Section 3 of Presidential Decree No. 828, as amended, also covers members of the Judiciary who have been appointed to the position of Assistant Court Administrator and, subsequently, to the position of Deputy Court Administrator, at least. This is so because it is axiomatic that retirement or pension laws are liberally construed and administered in favour of the persons intended to be benefitted. All doubts as to the intent of the law should be resolved in favour of the retiree to achieve its humanitarian purposes. The liberal approach aims to achieve the humanitarian purposes of the law in order that efficiency, security and well-being of government employees may be enhanced.[26]

Thus, we granted Mrs. Paño's application for survivorship benefits. We further explained:

Going back to the case of Court Administrator Paño, by nature of the above-quoted provision of Section 3 of Presidential Decree No. 828, as amended, Court Administrator Paño who was a Regional Trial Court Judge when he was appointed Deputy Court Administrator in September 1990 (and subsequently promoted as Court Administrator in March 1992) is deemed to have maintained his service as a member of the Judiciary during his tenure as Deputy Court Administrator and later Court Administrator. He was entitled to and granted a 10-year lump sum gratuity retirement benefits as he had rendered more than fifteen (15) years of service in the Judiciary when he retired due to disability on July 1, 1996.

As a consequence, the application of the spouse of Court Administrator Paño should be GRANTED as she is entitled to the survivorship benefits granted in Section 3 of Republic Act No. 9946 to the surviving spouse of a deceased "Justice or Judge of any court in the Judiciary" who "has retired, or was eligible to retire optionally at

the time of his death," although her spouse retired as Court Administrator.[27]

We applied the same principle in A.M. No. 14082-Ret., entitled *Re: Application for Survivorship Pension Benefits under Republic Act No. 9946* filed by Mr. Salvador C. Vilches, surviving spouse of the late Deputy Court Administrator Nimfa C. Vilches.[28] We considered DCA Vilches as covered by R.A. No. 9946 as she was formerly a Municipal Trial Court Judge and RTC Judge before her promotion as Assistant Court Administrator and later as DCA. Consequently, we granted a 10-year lump sum gratuity in favor of the heirs of DCA Vilches.[29]

On the other hand, we denied survivorship benefits to the surviving spouse of DCA Juanito C. Ranjo in *Re: Application for Survivorship Pension Benefits of Hon. Juanito C. Ranjo, Former Deputy Court Administrator*.[30] There, we found that DCA Ranjo did not serve as a justice or judge prior to his appointment as DCA, thus -

The service records of Deputy Court Administrator Ranjo show that he was Clerk of Court I prior to his appointment as Deputy Court Administrator. He is not covered by Section 3 of Presidential Decree No. 828, as amended, as he is not a member of the Judiciary appointed to the position of Deputy Court Administrator or Court Administrator. He could not have been entitled to the benefits under Republic Act No. 9946 and his widow is not entitled to survivorship pension benefits.[31]

Unmistakably, the phrase "members of the Judiciary," which appears in the title, Section 3-A and Section 3-B of R.A. No. 9946, should be read as to include Court Administrators or DCAs, provided they had served as justices and judges before their appointment as such Court Administrators or DCAs.

Surviving spouses of justices and judges who died in actual service are entitled to survivorship benefits.

There is no question that even prior to R.A. No. 9946, justices or judges who are considered retired due to disability are granted lump sum retirement pay as gratuity benefits. They are further entitled to a lifetime monthly pension if they survive the gratuity period. Likewise, the heirs of justices or judges who died while in actual service are, subject to other qualifications, entitled to death benefits:

(a)

10-year lump sum gratuity if the deceased had rendered at least 20 years of government service;

(b)

5-year lump sum gratuity if government service is less than 20 years.

The law did not provide for monthly pension in case of death while in actual service.

The retirement benefits by reason of disability, as well as death benefits, had been retained in R.A. No. 9946. However, the new law, aside from reducing the length of service from 20 years to 15 years, grants full monthly pension benefits in favor of retirees, regardless of age, due to permanent disability with 15 years of service; whereas, pro-rata monthly pension benefits are given to those with less than 15 years of service. In case of their death, the surviving legitimate spouses substitute them and are entitled to survivorship pension benefits equivalent to the same amount that their spouses are receiving or would have received (full or pro-rata, as the case may be) had they not died. There is likewise no express mention of monthly pension benefits, even pro rata, to be given to the legitimate surviving spouse or heirs of the justices or judges who died while in actual service.

In *Gruba*, the Court recognized that "death," in the spirit of liberal construction of retirement laws, is construed as a disability retirement. Citing *Re: Retirement Benefits of the late City Judge Galang, Jr. (Galang)*, the Court said that "there is no more permanent or total physical disability than death." [32] The Court said:

Disability retirement is conditioned on the incapacity of the employee to continue his or her employment due to involuntary causes such as illness or accident. The social justice principle behind retirement benefits also applies to those who are forced to cease from service due to disabilities beyond their control.

x x x x

Retiring due to physical disabilities is not far removed from the situation involving death of a judge or justice. This explains why retirement laws necessarily include death benefits.[33]

In the earlier case of *Alvor*, the Court likewise treated death as a permanent disability under R.A. No. 9946 for the purpose of granting pro-rated survivorship benefits. The Court also quoted *Galang* that "there is no more permanent or total disability than death" in justifying the treatment of death as a disability retirement. It was obviously for the very same social justice principle that moved the lawmakers to upgrade and enhance the retirement benefits of justices and judges that the Court resolved *Alvor* in favor of granting survivorship benefits.

We hold that the surviving spouses of justices and judges who died or were killed while in actual service are entitled to survivorship benefits based on total permanent disability. Had the justice or judge not died, but merely became incapacitated to discharge the duties of his/her office, he/she would have been entitled to a full monthly pension after the 10-year gratuity period if the length of service is at least 15 years, or pro rata monthly pension if otherwise. In case of subsequent death, he/she would have been substituted by the surviving spouse who will receive the same amount as survivorship benefit.

For purposes of survivorship benefits, it is more consistent with logic and reason that we read into the law the inclusion of such benefits in favor of the surviving spouses of justices or judges who, regardless of age, died while in service. In so holding, we recognize that the dire situation of the surviving spouses of justices or judges who were retired due to permanent disability is no different from those whose spouses were retired due to death.

Thus, in the case of a justice or judge who, by reason of his death while in actual service, is considered retired due to permanent disability, his/her legitimate surviving spouse is entitled to survivorship benefit, the amount of which shall be determined by the length of service of the deceased justice or judge: that is, full monthly pension if the length of service is at least 15 years, or pro rata monthly pension if less than 15 years.

It must be clarified, however, that the survivorship benefit, which is on top of the death benefits granted under Section 2 of R.A. No. 9946, is conditioned on the survival by the surviving spouse of the gratuity period of 10 years provided for total permanent disability. This should cover those who died in service but with less than 15 years of service. That is, even though the lump sum gratuity is equivalent to 5 years of salary, the payment of survivorship pension should commence only after the lapse of 10 years, not 5 years. Otherwise, with a shorter waiting period of only 5 years, the surviving spouses of justices or judges who died in service but with less than 15 years of service would be placed in a more advantageous position compared to those whose deceased spouses were retired due to disability but with at least 15 years of service.

Accordingly, we adopt the ruling in *Alvor*. The case of *Gruba* is not controlling in respect to survivorship pension benefits in favor of the surviving spouses of the justices or judges who died or were killed while in service. This ruling also applies to justices or judges who, as previously explained, were appointed as Court Administrator or Deputy Court Administrator pursuant to Section 3 of Presidential Decree No. 828, as amended.

Surviving legitimate spouses entitled to the automatic adjustment of survivorship benefits

The basic provision on automatic increase in the pension of justices and judges is found in Section 3-A, which we reproduce:

Sec. 3-A. All pension benefits of retired members of the Judiciary shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired, (emphasis supplied)

On the other hand, paragraph 2, Section 3 provides that "[u]pon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died." [34]

Section 3-A should not be read in isolation, but in conjunction with paragraph 2, Section 3. The particular words, clauses, and phrases should not be studied as detached and isolated expressions, but the whole and every part of the statute must be considered in fixing the meaning of any of its parts and in order to produce a harmonious whole. [35] In short, every meaning to be given to each word or phrase must be ascertained from the context of the body of the statute since a word or phrase in a statute is always used in association with other words or phrases and its meaning may be modified or restricted by the latter. [36]

Consistent with the foregoing principle, the phrase "all the retirement benefits" appearing in paragraph 2, Section 3 must be understood as subject to, rather than exclusive of, the adjustment for increases referred to in Section 3-A. The retirement benefits referred to under the law include pension benefits. The phrase "all the retirement benefits" is unqualified. *Ubi lex non distinguit nec nos distinguere debemus*. When the law does not distinguish, we must not distinguish. [37] Had the justice or judge not died, the automatic increase in the pension benefit would have been applied in favor of the justice or judge. And since survivorship pension benefit emanates from the pension benefit due the justice or judge, it follows necessarily that the surviving legitimate spouse is entitled to the adjustment pursuant to the provision on automatic increase. Such interpretation is more in keeping with the beneficent purposes of R.A. No. 9946 which, in the first place, was enacted to benefit the surviving legitimate spouses of justices and judges. [38] In his Explanatory Note to Senate Bill No. 121, [39] Senator Juan Ponce Enrile explained:

The compulsory retirement age of a Justice and Judge is seventy (70) years old. Most of the retirees, more often than not, within a few years after retirement, spend their benefits and pension on medications and hospital bills. When they pass away, there will be nothing left for their family, especially their spouse, who supported the deceased in choosing a career in public service. The upgrading and enhancement of retirement benefits of qualified Justices and Judges, which will now include survivorship benefits for their spouses, is a fitting way to give appreciation to these members of the judiciary for their length of service in the government, devoting their minds and talents for justice to prevail in our land.

Given, however, that the salaries of justices and judges had since been increased by virtue of the 1st and 2nd tranches of salary increases under EO No. 201, series of 2016, effective 1 January 2016, the corresponding survivorship pension benefits of all those who are entitled must also be increased pursuant to Section 3-A of R.A. No. 9946. As noted above, there were applications for survivorship benefits by surviving spouses that were approved but without the adjustment of salary increases directed by EO No. 201. These approved applications include those of the surviving spouses of justices and judges who died prior to the effectivity of R.A. No. 9946 who are the subjects of this case.

Consistent with the ruling laid down in the present case, beneficiaries of survivorship pension benefits who are presently receiving amounts which are not yet adjusted by the latest salary increases must be paid the differential equivalent to the excess of the adjusted amount over the amount actually received effective 1 January 2016, to be charged against the amounts allotted for pension benefits under the General Appropriations Act.

Gruba case abandoned by the ruling in this case; resolution in Vilches also modified

To the extent affecting justices and judges who died prior to the effectivity of R.A. No. 9946 but who did not possess the requirements of eligibility for optional retirement, the Court hereby declares as abandoned the doctrine that their legitimate surviving spouses are not entitled to survivorship benefits.

We clarify, on the basis of the foregoing discussion, that the legitimate surviving spouses of justices and judges who, regardless of age, died while in service, before and after the effectivity of R.A. No. 9946, and with at least 15 years of service, are entitled to full monthly survivorship pension; and those whose deceased spouses had less than 15 years of service shall be entitled to pro rata monthly pension, subject to the automatic increase as provided in Section 3-A of R.A. No. 9946.

Consequently, our Resolution in Gruba must be modified so as to entitle the applicant surviving spouse, Mrs. Gruba, survivorship benefits even though Judge Gruba was only 55 years old at the time of his death. Likewise, our Resolution in AM-14158-Ret. in the case of DCA Vilches is also modified so that Mr. Vilches is also granted survivorship benefits even though DCA Vilches was also only 55 years old at the time of her death. Considering that both Judge Gruba and DCA Vilches had rendered government service for at least 15 years, their legitimate surviving spouses are entitled to full pension benefits. The survivorship benefits herein granted shall be subject to the automatic increase as directed by Section 3-A of R.A. No. 9946.

Summary of Rules on the entitlement to Survivorship Pension Benefits

Based on the discussions in this case, the retirement benefits arising from permanent disability of the justice or judge, are summed up as follows:

A.

In case of permanent disability due to incapacity to discharge the duties of office, the living justice or judge shall be entitled to:

A.1

Where government service is at least 15 years, regardless of age-

(1)

Lump sum gratuity of 10 years (Section 3, first paragraph);

(2) Full pension benefits upon survival of the gratuity period of 10 years (Section 3, first paragraph);

(3)

Automatic increase of pension benefits (Section 3-A).

A.2 Where government service is less than 15 years, regardless of age -

(1) Lump sum gratuity of 10 years (Section 3, first paragraph);

(2) Pro rata monthly pension benefits (Section 1) upon survival of the gratuity period of 10 years (Section 3, first paragraph);

(3)

Automatic increase of pension benefits (Section 3-A).

Upon death of the retired justice or judge, whether before or after the effectivity of R.A. No. 9946, his/her surviving legitimate spouse shall receive all of the foregoing benefits until the surviving spouse's death or remarriage.

B.

In case of permanent disability due to death while in actual service, whether before or after the effectivity of R.A. No. 9946:

B.1

Where government service is at least 15 years, regardless of age-

(1)

Lump sum gratuity of 10 years, to be received by the heirs (Section 2);

(2)

Full survivorship pension benefits (Section 1), to be received by the surviving legitimate spouse upon survival of the gratuity period of 10 years (Section 3, first paragraph);

(3)

Automatic increase of survivorship pension benefits (Section 3-A).

Provided, The same benefits shall apply in respect to a justice or judge who, with at least 5 years of government service, was killed due to his/her work as such.

B.2

Where government service is less than 15 years, regardless of age -

(1)

Lump sum gratuity of 5 years, to be received by the heirs (Section 2);

(2)

Pro-rated pension benefits (Section 1), to be received by the surviving legitimate spouse upon survival of the gratuity period of 10 years (Section 3, first paragraph);

(3)

Automatic increase of pension benefits (Section 3-A).

It must be noted that in the Table of Retirement Benefits prepared by the TWG, only a lump sum of five (5) or ten (10) years gratuity shall be granted as death benefit to the heirs of a justice or judge who died while in service or was killed due to work. According to the TWG, no survivorship benefit is to be paid to the legitimate surviving spouse of the deceased justice or judge. This should be corrected as discussed herein.

RAC 81-2010, or the Guidelines, amended accordingly

In line with our holding in this case, and as recommended by the OCA, the pertinent text of RAC 81-2010 should be correspondingly amended to incorporate the Alvor ruling which we had adopted in this resolution. Section E of RAC 81-2010, which contains the provision on survivorship benefits, should now read as follows:

E. Survivorship Pension Benefits

The legitimate surviving spouse of a Justice or Judge who (1) has retired or was eligible to retire optionally at the time of death, and (2) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. Provided, That the justice or judge who, regardless of age, died or was killed while in actual service shall be considered as retired due to permanent disability. Provided, further, That the survivorship benefit shall be pro-rated if the deceased justice or judge had rendered government service for less than 15 years. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage. (emphasis added)

CONCLUSION

In fine, the Court rules that the beneficiaries of R.A. No. 9946, particularly in respect to survivorship pension benefits and their automatic increases, include the surviving legitimate spouses of justices and judges who had retired by any of the modes recognized in the law, that is, including those who were retired due to disability and those who, regardless of age and length of service, died while in actual service. The same rule applies in favor of surviving spouses of justices or judges who died prior to the effectivity of R.A. No. 9946 by virtue of the retroactivity clause under Section 3-B.

Our ruling today would go a long way in ensuring that the families left behind by justices and judges, who had chosen a career in the judiciary, are amply protected consistent with the aims and purposes that impelled Congress to introduce the changes in the old law. By the amendments in R.A. No. 9946, no longer would present members feel the insecurity of leaving their loved ones with little means to survive when they have gone. We likewise see it

a significant factor to be considered by those who are able and competent in entering and devoting a life of service in the judiciary. This is the unmistakable intent of the lawmakers when they enacted R.A. No. 9946. We all support efforts to fulfill the salutary purposes of the law.

The Ponente's personal note

The ponente deeply acknowledges the highly commendable efforts of Justice Antonio T. Carpio who made possible the passage of R.A. No. 9946 for the betterment of the welfare of the members of the judiciary and their families. IN VIEW OF THE FOREGOING, we resolve to:

- NOTE the Memoranda dated 11 July 2017, 23 June 2017 (Memorandum A), and 6 July 2017 (Memorandum B) of the Special Committee on Retirement and Civil Service Benefits;
- GRANT the applications for survivorship pension benefits of the legitimate spouses of justices and judges, who retired or were eligible to retire optionally and died prior to the effectivity of Republic Act No. 9946, subject to adjustment by virtue of the 1st and 2nd tranche salary increases under Executive Order No. 201, series of 2016, effective 1 January 2016, chargeable against the amount allotted for pension benefits under the General Appropriations Act;
- GRANT pro rata pension benefits to surviving spouses of justices and judges who died in actual service, but were not eligible to retire due to lack in length of service, prior to the effectivity of Republic Act No. 9946, subject to adjustment, by virtue of the 1st and 2nd tranche salary increases under Executive Order No. 201, series of 2016, effective 1 January 2016, chargeable against the amount allotted for pension benefits under the General Appropriations Act; and
- DIRECT the payment of adjustments in the pension benefits of the surviving spouses of justices and judges who presently receive survivorship pension benefits, by virtue of the 1st and 2nd tranche salary increases under Executive Order No. 201, series 2016, effective 1 January 2016, chargeable against the amount allotted for pension benefits under the General Appropriations Act.
- MODIFY the 19 November 2013 Resolution in A.M. No. 14155-Ret. entitled Re: Application for Survivorship Pension Benefits under Republic Act No. 9946 of Mrs. Pacita A. Gruba, Surviving Spouse of the Late Manuel K. Gruba, Former CTA Associate Judge, and the 9 October 2012 Resolution in AM-14158-Ret. entitled Re: Application for Survivorship Pension Benefits under Republic Act No. 9946 filed by Mr. Salvador C. Vilches, surviving spouse of the late Deputy Court Administrator Nimfa C. Vilches to the extent that the applicants, Mrs. Gruba and Mr. Vilches, respectively, are entitled to survivorship benefits equivalent to full monthly pensions.
- DIRECT the amendment of Section E of Revised Administrative Circular No. 81-2010, which should now read as follows:

E. Survivorship Pension Benefits

The legitimate surviving spouse of a Justice or Judge who (1) has retired or was eligible to retire optionally at the time of death, and (2) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased Justice or Judge would have received had the Justice or Judge not died; Provided, That the justice or judge who, regardless of age, died or was killed while in actual service shall be considered as retired due to permanent disability. Provided, further, That the survivorship benefit shall be pro-rated if the deceased justice or judge had rendered government service for less than 15 years. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.

SO ORDERED.

Carpio (Acting C.J.), Velasco, Jr., Leonardo-De Castro, Bersamin, Del Castillo, Jardeleza, and Reyes, Jr., JJ., concur.

Carpio, J., certified that C.J. Sereno (on official leave), and JJ. Perlas-Bernabe, Tijam, and Gesmundo, (on official business), left their votes concurring with the ponencia.

Peralta, Leonen, and Caguioa, JJ., no part.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on September 19, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled administrative matter, the original of which was received by this Office on October 4, 2017, at 1:45 p.m.

Very truly yours,

(SGD.) FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] 11 February 2010.

[2] Section 1. When a Justice of the Supreme Court or of the Court of Appeals who has rendered at least twenty years' service either in the judiciary or in any other branch of the Government, or in both, (a) retires for having attained the age of seventy years, or (b) resigns by reason of his incapacity to discharge the duties of his office, he shall receive during the residue of his natural life, in the manner hereinafter provided, the salary which he was receiving at the time of his retirement or resignation. And when a Justice of the Supreme Court or of the Court of Appeals has attained the age of fifty-seven years and has rendered at least twenty-years' service in the Government, ten or more of which have been continuously rendered as such justice or as judge of a court of record, he shall be likewise entitled to retire and receive during the residue of his natural life, in the manner also hereinafter prescribed, the salary which he was then receiving. x x x

[3] The first of such expansion in coverage was made under R.A. No. 2614 (Approved on 1 August 1959); later R.A. No. 9946 which took effect on 11 February 2010.

[4] Rollo, pp. 182-183; TWG Memorandum dated 24 February 2017.

[5] A.M. No. 14158-Ret, 9 October 2012.

[6] Re: Application for Survivorship Pension Benefits under R.A. No. 9946 of Mrs. Gruba, 721 Phil. 330 (2013).

[7] A.M. No. 14231-Ret., 2 October 2013.

[8] Re: Request to Revisit Revised Administrative Circular No. 81-2010 (Re: Guidelines on the Implementation

of Republic Act No. 9946 [An Act Granting Additional Retirement, Survivorship, and Other Benefits to Members of the Judiciary, Amending for the purpose Republic Act No. 910, as amended, Providing Funds therefor and for Other Purposes] to include survivorship pension benefit for the surviving spouse of a deceased retired Member of the Bench under permanent total disability)

[9] Rollo, p. 148; TWG Memorandum dated 24 February 2017.

[10] Id. at 145.

[11] Supra note 6.

[12] Philippine Constitution, Article II, Section 10.

[13] Re: Application/or Survivorship Pension Benefits under R.A. No. 9946 of Mrs. Gruba supra note 6, citing Government Service Insurance System v. De Leon, 649 Phil. 610, 622 (2010).

[14] Id. at 345-346.

[15] Id. at 341.

[16] Id. at 345-346. (emphasis in the original)

[17] Chavez v. Judicial and Bar Council, 691 Phil. 173, 200 (2012).

[18] Rollo, p. 152; TWG Memorandum dated 24 February 2017.

[19] Id. at 151.

[20] The phrase "members of the Judiciary" appears in three separate parts of R.A. No. 9946: in the title, in Section 3-A and in Section 3-B.

[21] Section 7, Article VIII of the 1987 Constitution describes a Member of the Judiciary. It provides:

(1)

No person shall be appointed Member of the Supreme Court or any lower collegiate court unless he is a natural-born citizen of the Philippines. A Member of the Supreme Court must be at least forty years of age, and must have been for fifteen years or more, a judge of a lower court or engaged in the practice of law in the Philippines.

(2)

The Congress shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar.

(3)

A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.

[22] Chavez v. Judicial and Bar Council, supra note 17; Nitafan v. Commissioner of Internal Revenue, 236 Phil. 307 (1987); Aquino v. COMELEC, 159 Phil. 328 (1975).

[23] Rollo, p. 166; TWG Memorandum dated 24 February 2017.

[24] Extended Resolution, A.M. No. 14198-Ret., 9 October 2012.

[25] Id.

[26] Id.

[27] Id.

[28] Id.

[29] The Court, however, denied the application for survivorship benefits because DCA Vilches did not retire but died while in service. At the time of her death, DCA Vilches was only 55 years old, thus, not eligible to retire optionally. This was the Court's basis in denying Mr. Vilches the claimed survivorship benefits. As will be discussed subsequently, survivorship benefits should be granted under any of the modes of retirement, including death.

[30] Extended Resolution, A.M. No. 14082-Ret., 9 October 2012.

[31] Id.

[32] Re: Application for Survivorship Pension Benefits under R.A. No. 9946 of Mrs. Gruba, *supra* note 6 at 341, citing Re: Retirement Benefits of the Late City Judge Galang, Jr., 194 Phil. 14, 21 (1981).

[33] Id. at 341-342.

[34] Emphasis supplied.

[35] Chavez v. Judicial and Bar Council, *supra* note 17.

[36] Id.

[37] Milagros Amores v. House of Representatives Electoral Tribunal, 636 Phil. 600, 609 (2010).

[38] It is not suggested that the words and phrases of R.A. No. 9946 as interpreted in this case are ambiguous. It is a basic canon of interpretation that one need not go outside of the text of the statute when the terms thereof are clear. A look into the records of Congress in this case is made only for the purpose of fortifying the Court's interpretation.

[39] Senate Bill No. 121, along with Senate Bills Nos. 1400 (introduced by Sen. Pangilinan), 1415 (Sen. Pia Cayetano) and 1597 (Sen. Villar) were substituted by Senate Bill No. 1620 (co-sponsored by Sen. Escudero) which became R.A. No. 9946, as per Committee Report No. 1, Fourteenth Congress, First Regular Session. See <https://www.senate.gov.ph/lisdata/42193603!.pdf>. Last visited 14 August 2017.

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