

IN RE: APPLICATION FOR LIFE PENSION UNDER REP. ACT 910. RUPERTO G. MARTIN, APPLICANT.

A.M. No. 747-Ret. July 13, 1990

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

On January 1, 1978, former Associate Justice Ruperto G. Martin of this Court suffered a cerebral stroke. He was 64 years, 9 months and 13 days old, or two (2) months and 17 days short of his 65th birthday on March 27, 1978 (he was born on March 27, 1913) when he would have been compulsorily retired from the service as provided in Article X, Section 7, of the 1973 Constitution which was amended only on January 30, 1980 to restore the compulsory retirement age of 70 years for judges. He applied for disability retirement under Section 3 of Republic Act 910, as amended, which the Court En Banc approved in its resolution dated January 10, 1978, as follows:

"The Court considered the application of Mr. Justice Ruperto G. Martin, Associate Justice of the Supreme Court, for permanent disability retirement benefits under Sec. 3, RA 910 as amended by RA No. 5095 effective upon the Court's approval thereof. From the medical certificates issued by Dr. Yolando Q.M. Sulit, attending physician and Dr. Carmen C. Valero, Chief of Clinics of the Court, it appears that Justice Martin, who is 64 years of age, with more than twenty-two (22) years of service in the government, more than eleven (11) years of which were served in the Judiciary, suffered a cerebral stroke on January 1, 1978 'that caused paralysis of the left half of the body, somnolence, facial paralysis, left sided, marked slurred speech and generalized body weakness,' and that 'because of the underlying pathology of his illness (Cerebral Infraction, secondary to Cerebral Thrombosis which is a permanent condition),' he may be allowed to retire 'under total and permanent disability.' The Court accordingly RESOLVED to APPROVE: (a) the aforesaid application of Mr. Justice Ruperto G. Martin effective on this date (January 10, 1978) subject to the usual clearance requirements; (b) to CERTIFY to his permanent aforesaid physical disability contracted during incumbency in office and prior to his statutory compulsory date of retirement on March 28, 1978, which has rendered him incapacitated to continue in his position as Associate Justice of the Supreme Court; and (c) to AUTHORIZE the remittance of funds for payment to him of a gratuity equivalent to ten years' salary with no further annuity payable monthly during the rest of the retiree's natural life as provided in Sec. 3 of RA 910 as amended."

Justice Martin had been in the Government service since 1938 or for a period of 22 years, 5 months and 12 days, of which 12 years and 11 days were continuously rendered in the judiciary. He was paid the ten-year lump sum retirement gratuity in the amount of P624,000 under the last part of Section 3, RA 910, as amended, which reads as follows:

"Sec. 3. Upon retirement, a justice of the Supreme Court or of the Court of Appeals, of a judge of the Court of First Instance, Circuit Criminal Court, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, city or municipal court, or any other court hereafter established shall be automatically entitled to a lump sum of five years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances he was receiving on the date of his retirement; Provided, however, That if the reason for the retirement be any permanent disability contracted during his incumbency in office and prior to the date of retirement he shall receive only a gratuity equivalent to ten years' salary and

allowances aforementioned with no further annuity payable monthly during the rest of the retiree's natural life."

Eleven years later, on September 9, 1989, Justice Martin applied for the lifetime pension provided in Section 1 of RA 910 on the theory that at the time he applied for disability retirement under Section 3 of RA 910, on January 10, 1978, he had already "earned a vested right to such lifetime benefits" for he was more than 60 years of age and had rendered over 20 years service in the Government the last five of which had been continuously rendered in the judiciary. He could have voluntarily retired and be entitled to the five-year lump sum gratuity and, after five years, be entitled to receive a monthly annuity for the rest of his life equivalent to the monthly salary he was receiving when he retired. Section 1 of RA 910, as amended, provides:

"Section 1. When a justice of the Supreme Court or of the Court of Appeals, a judge of Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge who has rendered at least twenty years service 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, a judge of Court of First Instance, Industrial Relations, Agrarian Relations, Tax Appeals, Juvenile and Domestic Relations, or a city or municipal judge has attained the age of sixty years and has rendered at least twenty years service in the Government, the last five of which shall have been continuously rendered in the judiciary, he shall likewise be entitled to retire and receive during the residue of his natural life, also in the manner hereinafter provided, the salary which he was then receiving. It is a condition of the pension provided for herein that no retiring justice or judge of a court of record or city or municipal judge during the time that he is receiving said pension shall 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 officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings to maintain an interest adverse to the Government, national, provincial or municipal, or to any of its legally constituted officers. It is also a condition of the pension provided for herein that when a member of the judiciary entitled to the benefits of this Act shall assume an elective public office, he shall not, upon assumption of office and during his term, receive the monthly pension due him."

However, in view of the explicit provision in Section 3 that "if the reason for the retirement be any permanent disability x x x he shall receive only a gratuity equivalent to ten years salary and allowances aforementioned with no further annuity payable monthly during the rest of the retiree's natural life," the Court En Banc denied his request in a resolution dated November 21, 1989.

He has filed a motion for reconsideration of that resolution.

After deliberating on the motion for reconsideration and re-examining our previous stand on the matter, the Court finds merit in the movant's plea for a liberal interpretation of Section 3 of RA 910. Retirement laws should be liberally construed and applied in favor of the persons intended to be benefitted by them, and all doubts as to the intent of the law should be resolved in favor of the retiree to achieve its humanitarian purposes (*Bautista vs. Auditor General*, 104 Phil. 428; *Ortiz vs. Comelec*, 162 SCRA 812.)

It is indeed true that the purpose of the ten-year lump sum under Section 3 is to enable the disabled retiree to meet the medical and hospital expenses for the treatment of his illness. If at the time of retirement he was already entitled to retire under Section 1 of RA 910 and to receive his 5-year lump sum plus a lifetime pension after five years, his having applied for disability retirement under Section 3 of the law in order that he may receive the 10-year lump sum gratuity, should not result in the forfeiture of his right to a lifetime pension if he should still be

alive after ten (10) year's from his retirement. Whether fully recovered, or totally or partially disabled, he will have touched his 80th birthday. Too old to work, he needs the compassion and assistance of the Government to which he had given the best years of his life.

The ten-year lump sum payment provided in Section 3 of RA 910 is intended to assist the stricken retiree in meeting his hospital and doctor's bills and expenses for his support. The law is not intended to deprive him of his lifetime pension if he is also entitled to retire under Section 1 and is fortunate to be still alive after ten years. The retirement law aims to assist the retiree in his old age, not to punish him for having survived.

This Court observed in *Abad Santos vs. Auditor General* (70 Phil. 176) that a pension partakes of the nature of "retained wages" of the retiree for a double purpose: (1) to entice competent men and women to enter the government service, and (2) permit them to retire from the service with relative security, not only for those who have retained their vigor, but more so for those who have been incapacitated by illness or accident.

Where a retiree by reason of permanent disability is entitled to and chooses retirement under Section 3 of RA 910 (ten-year lump sum without the lifetime annuity) although he would also have been entitled to retire under Section 1 (5-year lump sum with lifetime annuity) for having met the age and service requirements of the law, he is not deemed to have waived the lifetime annuity. In the event that he survives beyond the period of ten years after his retirement, his application for disability retirement under Section 3 may be converted into an application for voluntary retirement under Section 1, and the ten-year lump sum gratuity which he had received may be considered as payment under Section 1 of the five-year lump sum, to which he was entitled, and of his monthly pensions for the next five years. This interpretation, we believe, is in keeping with the beneficial intendment of the retirement law.

WHEREFORE, the motion for reconsideration is granted. The 10-year lump sum gratuity which Justice Martin received under Section 3 of R.A. 910, may be applied to the payment of his five-year lump sum gratuity and monthly pensions from January 10, 1983 to January 9, 1988 under Section 1 of the same law. He is entitled to receive a monthly pension for the rest of his natural life, as provided by law, based on his highest monthly salary plus the highest monthly aggregate of transportation, living and representation allowances he was receiving on the date of his retirement.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Medialdea, and Regalado, JJ., concur.

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