

RE: CLAIMS FOR BENEFITS OF THE HEIRS OF THE LATE MARIO V. CHANLIONGCO, FIDELA B. CHANLIONGCO, MARIO B. CHANLIONGCO II, MA. ANGELINA C. BUENA-VENTURA AND MARIO C. CHANLIONGCO, JR...

Adm. Matter No. 190-RET. October 18, 1977

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This matter refers to the claims for retirement benefits filed by the heirs of the late ATTY. MARIO V. CHANLIONGCO, an attorney in this Court, under the provisions of R.A. No. 1516, as amended by R.A. No. 4986, which was approved by this Court in its resolution of August 19, 1976, effective on July 12, 1976, it appearing from the records that at the time of his death on July 12, 1976, Atty. Chanliongco was more than 63 years of age, with more than 38 years of service in the government. He did not have any pending criminal, administrative or disbarment case against him; neither did he have any money or property accountability. The highest salary he received was P18,700.00 per annum.

The above-named claimants filed separate applications for benefits with this Court and with the Government Service Insurance System.

Aside from his widow, Dra. Fidela B. Chanliongco and an only legitimate son, Mario II, it appears that there are other claimants to the benefits due the deceased, namely, Mrs. Ma. Angelina C. Buenaventura and Mario Chanliongco, Jr., both born out of wedlock to Angelina B. Crespo, and duly recognized by the deceased. Except Mario, Jr., who is only 17 years of age, all the other claimants are of legal age.

According to law, the benefits accruing to the deceased consist of: (1) retirement benefits; (2) money value of terminal leave; (3) life insurance proceeds; and (4) refund of retirement premiums.

From the records now before US, it appears that the GSIS had already released the life insurance proceeds and the refund of retirement premiums to the claimants.

What, therefore, remains to be settled are the retirement benefits and the money value of terminal leave, both of which are to be paid by this Court as the deceased's last employer.

The record also shows that the late Atty. Chan-liongco died ab intestato and that he failed or over-looked to state in his application for membership with the GSIS the beneficiary or beneficiaries of his retirement benefits, should he die before retirement. Hence, the retirement benefits shall accrue to his estate and will be distributed among his legal heirs in accordance with the law on intestate succession, as in the case of a life insurance if no beneficiary is named in the insurance policy (*Vda. de Consuegra vs. GSIS*, L-28093, Jan. 30, 1971, 37 SCRA 315, 325).

Insofar, therefore, as the retirement benefits are concerned, WE adopt in toto, for being in accordance with law,

the GSIS determination of the amount of retirement gratuity, the legal heirs and their respective shares as indicated in its letter to US, dated March 15, 1977, to wit:

(a) Amount of retirement gratuity:

- (1) Total creditable service 37.57169 years
- (2) Highest rate of salary P1,558.33333/mo.
- (3) Gratuity in terms of months 50.14338 months
- (4) Amount of gratuity (highest salary) x (No. of gratuity months) . . P7, 140.10

(b) Legal heirs:

- 1. Fidela B. Chanliongco widow
- 2. Mario B. Chanliongco II legitimate son
- 3. Ma. Angelina C. Buenaventura illegitimate child
- 4. Mario Chanliongco, Jr. illegitimate child

(c) Distribution

- 1. 8/16 share to Mario II P39,070.050
 - 2. 4/16 share to the widow,
Fidela B. Chanliongco 19,535.025
 - 3. 2/16 share, or P9,767.5125
each to the two illegitimate
children Ma. Angelina C. Buenaventura and Mario Chanliongco, Jr. 19,535.025
- T O T A L - P78,140.100

Coming now to the money value of the terminal leave, unpaid salary and 10% adjustment pursuant to Budget Circular No. 240, dated July 22, 1974, this Court's Finance Officer, in a memorandum dated March 23, 1977, indicated the breakdown of these items as follows:

Unpaid salary for July 8-12, 1976

@ P1,416.66/mo. P 228.49

10% salary adj. for July 1-12, 1976. 54.84

Money value of terminal leave for

the period from July 13, 1976 to

September 14, 1977 @ P1,558.33. 21,962.54

Sub-Total - - - P22,245.87

Less:

Withholding Tax . . P1,400.00

Supreme Court:

Savings & Loan

Association . . . 7,340.42 8,740.42

NET PROCEEDS P13,505.45

It further appears that at the time of his death, the late Atty. Chanliongco had an outstanding account with the Supreme Court Savings & Loans Association in the sum of P7,340.42. Deducting this amount, plus another sum of P1,400.00, representing withholding tax due from him, or a total of P8,740.42, from the above sub-total sum of P22,245.87, WE arrive at the net sum of P13,505.45, available for distribution to the claimants, as follows:

1. Fidela B. Chanliongco:

a. As her conjugal share . . . P 6,752.72

b. As a legal heir 1,688.18

2. Mario Chanliongco II 3,376.36

3. Ma. Angelina C. Buenaventura. . . 844.10

4. Mario Chanliongco, Jr. 844.09

T O T A L- P13,505.45

It will be seen from the foregoing distribution that the money value of the unused vacation and sick leave, unpaid salary and 10% adjustment due to the deceased has been treated as conjugal property. Accord-ingly, one-half (1/2) goes to the widow as her share in the conjugal partnership and the other half -- P6,752.725 --- is to be distributed to the deceased's legal heirs, using the same proportion WE used in distributing the retire-ment benefits. This is so because "Vacation with pay is not a gratuity but is compensation for services rendered." (Ramey vs. State, 296 NW. 323, 296 Mich. 449).

WHEREFORE, THE WITHIN CLAIMS ARE HEREBY APPROVED THE FINANCE AND/OR DISBURSING OFFICER OF THIS COURT IS ORDERED TO PAY IMMEDIATELY TO EACH AND EVERY CLAIMANT THE VARIOUS SUMS HEREUNDER INDICATED OPPOSITE THEIR NAMES, AS FOLLOWS:

1. FIDELA B. CHANLIONGCO:

A. HER 4/16 SHARE OF RETIREMENT

GRATUITY P19,535.025

B. HER SHARE FROM MONEY VALUE

OF TERMINAL LEAVE, UNPAID

SALARY AND 10% ADJUSTMENT:

(1) AS HER CONJUGAL SHARE 6,752.72

(2) AS A LEGAL HEIR 1,688.18

TOTAL AMOUNT DUE HER P27,975.93

2. MARIO CHANLIONGCO II:

A. HIS 8/16 SHARE OF RETIREMENT GRATUITY . . . P39,070.05

B. HIS SHARE FROM MONEY VALUE
OF TERMINAL LEAVE, UNPAID
SALARY AND 10% ADJUSTMENT 3,376.36

TOTAL AMOUNT DUE HIM P42,446.41

3. MA. ANGELINA C. BUENAVENTURA:

A. HER 2/16 SHARE OF RETIREMENT
GRATUITY. P 9,767.51

B. HER SHARE FROM MONEY VALUE
OF TERMINAL LEAVE, UNPAID
SALARY AND 10% ADJUSTMENT 844.10

TOTAL AMOUNT DUE HER P10,611.61

4. MARIO CHANLIONGCO, JR. (TO BE
PAID THROUGH HIS MOTHER AND
NATURAL GUARDIAN, ANGELINA
CRESPO):

A. HIS 2/16 SHARE OF RETIRE-MENT
GRATUITY. P 9,767.51

B. HIS SHARE FROM MONEY VALUE
OF TERMINAL LEAVE, UNPAID
SALARY AND 10% ADJUSTMENT 844.10

TOTAL AMOUNT DUE HIM P10,611.61

SO ORDERED.

Castro, C.J., Barredo, Antonio, Muñoz Palma, Concepcion, Jr., Martin, Santos, Fernandez, and Guerrero, JJ., concur.

Teehankee, J., joins J., Aquino in his concurring opinion.

Fernando, J., on leave.

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CONCURRING OPINION

AQUINO, J.:

I concur. The provisions on legitime are found under the rubric of testamentary succession. That does not mean that the legitime is taken into account only in testamentary succession. The legitime must also be taken into consideration in legal succession.

There may be instances, like the instant case where in legal succession the estate is distributed according to the rules on legitime without applying the rules on intestate succession. The reason is that sometimes the estate is not even sufficient to satisfy the legitimes. The legitimes of the primary compulsory heirs, like a child or descendant, should first be satisfied.

In this case the decedent's legal heirs are his legitimate child, his widow and two illegitimate children. His estate is partitioned among those heirs by giving them their respective legitimes.

The legitimate child gets one-half of the estate as his legitime which is regarded as his share as a legal heir (Art. 888, Civil Code).

The widow's legitime is one-fourth of the estate. That represents also her share as a legal heir (Art. 892, 1st sentence, Civil Code).

The remaining one-fourth of the estate, which is the free portion, goes to the two illegitimate children in equal shares, as their legitime, pursuant to the provision that "the legitime of the illegitimate children shall be taken from the portion of the estate at the free disposal of the testator, provided that in no case shall the total legitime of such illegitimate children exceed that free portion, and that the legitime of the surviving spouse must first be fully satisfied" (Last par., art. 895, Civil Code).

The rule in *Santillon vs. Miranda*, L-19281, June 30, 1965, 14 SCRA 563, that when the surviving spouse concurs with only one legitimate child, the spouse is entitled one-half of the estate and the child gets the other half, pursuant to article 996 of the Civil Code, does not apply to this case because her illegitimate children concur with the surviving spouse and the legitimate child.

In this case, to divide the estate between the surviving spouse and the legitimate child would deprive the illegitimate children of their legitime.

So, the decedent's estate is distributed in the proportion of 1/2 for the legitimate child, 1/4 for the widow and 1/8 each for the two illegitimate children.

Also not of possible application to this case is the rule natural that the legitime of an acknowledged natural child is 1/2 of the legitime of the legitimate child and that the legitime of the spurious child is 2/5 of that of the legitime of the legitimate child or 4/5 of that of the acknowledged natural child.

That rule cannot be applied because the estate is not sufficient to cover the legitimes of all the compulsory heirs. That is one of the flaws of the law of succession.

A situation, as in the instant case, may arise where the illegitimate children get less than their legitime.

With respect to the decedent's unpaid salary and the money value of his terminal leave, the same are conjugal

properties because of the rule that property "obtained by the industry, or work, or as salary of the spouses, or either of them", is con-jugal in character (Art. 153[2], Civil Code).

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