

**ALFONSO V. LEGASPI, PETITIONER, VS. THE HONORABLE,
EXECUTIVE SECRETARY, THE HONORABLE COMMISSIONER OF THE
BUDGET, THE HONORABLE, THE SECRETARY, THE AUDITOR AND
THE CASHIER, ALL ...**

G.R. No. L-36153. November 28, 1975

Ponente: MARTIN, J.

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MARTIN, J.:

Petitioner Alfonso V. Legaspi prays this Court: (1) to declare him entitled to payment of gratuity under Section 36 of Republic Act No. 6389, pursuant to Section 169 of Republic Act No. 3844, in addition to the gratuity or all benefits to which he is entitled under Section 12 (c) of Commonwealth Act No. 186, as amended by Republic Act No. 1616; (2) to order respondent Executive Secretary to approve the payment of gratuity due and owing to him under Section 36 of Republic Act No. 6389, pursuant to Section 169 of Republic Act No. 3844; (3) to order respondent Commissioner of the Budget to release the funds needed to pay the gratuity due and owing to him equivalent to one month salary for every year of service and owing to him under Section 36 of Republic Act No. 6389, pursuant to Section 169 of Republic Act No. 3844; (3) to order respondent Commissioner of the Budget to release the funds needed to pay the gratuity due and owing to him equivalent to one month salary for every year of service but in no case more than twenty-four months salary as provided under Section 169 of Republic Act No. 3844, as amended by Republic Act No. 6389; (4) to order respondents, the Secretary, the Auditor and the Cashier of the Department of Agrarian Reforms to process, audit, approve and pay his claim and his gratuity claimed under the aforecited laws; and (5) to order said respondents to pay the costs of the proceedings and grant such other relief as the Court may find just and equitable under the premises.[1]

Spawning the present petition are the following facts:

On October 7, 1971, petitioner, an employee of the Department of Agrarian Reforms, sent a letter to the respondent Secretary of the Department of Agrarian Reforms, Honorable Conrado F. Estrella, expressing his desire to be laid-off under the provisions of Republic Act No. 3844, as amended by Republic Act No. 6389, on condition that he would also be paid the gratuity benefits to which he might be entitled under Republic Act No. 1616.

On March 28, 1972, the respondent Secretary of Agrarian Reforms informed the petitioner that the Assistant Executive Secretary had denied his request to be laid-off under the condition set forth in his letter.[2]

On April 1, 1972, petitioner sent another letter to respondent Secretary of Agrarian Reforms advising the latter of his decision to be laid-off subject to the following reservations:

"That his application for lay off and all his acts relative thereto shall not be construed as a waiver of his right (a) to collect all benefits under Commonwealth Act 186, as amended by Republic Act 660 and Republic Act 1616, and to receive all payments of said benefits granted therein should the result of the administrative and legal remedies being sought by him be favorable to him; and (b) to collect the difference between the amount

of what he shall have collected by virtue of this application and what he is entitled to under Republic Act 1616, if this is higher, should the result of the administrative and legal decisions be against him."[3]

The respondent Secretary of Agrarian Reforms approved petitioner's request, the lay-off to be effective April 30, 1972.[4]

On May 8, 1972, the General Manager of the Government Service Insurance System approved petitioner's retirement (Retirement Gratuity No. 27511) under Section 12 (c) of Commonwealth Act No. 186, as amended by Republic Act No. 1616, effective May 1, 1972. Accordingly, petitioner was paid the amount of P31,845.55 by the Government Service Insurance System. However, petitioner's claim for gratuity under Section 169 of Republic Act No. 3844, as amended by Republic Act No. 6389, was denied.[5]

Hence, the present petition.

Petitioner contends that the above-named respondents committed a grave abuse of discretion and unlawfully neglected to perform an act which the law specifically enjoins them to do. In support of his claim, he cites precedents wherein a government retiree was paid his gratuity both under Republic Act 3844, as amended by Republic Act 6389, and Commonwealth Act 186, as amended by Republic Act 1616. Thus, he points to the case of Mr. Julian de Vera, a former official of the defunct Land Tenure Administration, who was allegedly paid his gratuity both under Republic Act 3844, as amended by Republic Act 6389, and under Commonwealth Act 186, as amended by Republic Act 1616, as ruled upon by the Auditor General in his 7th Indorsement, dated July 19, 1967.[6] Another case is that of Mr. Carmelo del Rosario, a former employee of the ACCFA which was reorganized and renamed "Agricultural Credit Administration," who was also paid gratuity under Republic Act 3844, as amended by Republic Act 6389, and Commonwealth Act 186, as amended by Republic Act 1616, on the basis of the opinions of the Auditor General,[7] the Government Corporate Counsel[8] and that of Assistant Executive Secretary, Jose J. Leido, Jr., in his 4th Indorsement dated November 3, 1967.[9]

Petitioner also makes capital of the opinions expressed by Senator Salvador Laurel, sponsor in the Senate of Republic Act 6389, and Congressman Emilio Espinosa, sponsor of the same Act in the House of Representatives, in their letters dated February 22, 1972 and February 4, 1972, respectively, answering the query of Honorable Secretary Conrado Estrella of the Department of Agrarian Reforms as to the purpose of Section 36 of Republic Act 6389, amending Section 169 of Republic Act 3844. The two Members of Congress opined that, in enacting Section 36 of Republic Act 6389, intended to give gratuity equivalent to one month salary for every year of service but in no case exceeding twenty-four months salary, in addition to all benefits legally due under existing laws and regulations, to all employees who may not be absorbed or prefer to be laid-off from the service.[10]

On the other hand, respondents maintain that the gratuity provided for under Section 169 of Republic Act 3844, is a retirement gratuity intended for those who desire to be laid-off but would not be eligible to receive retirement benefits under the general laws; that as can be gleaned from the settled policy in the various retirement statutes, it is not the intention of the legislature to give double retirement benefits; that the phrase "in addition to all benefits to which they are entitled under existing laws and regulations" found in Section 169 of Republic Act 3844 does not refer to the retirement gratuity receivable under Commonwealth Act 186 but to other benefits, such as refund of personal contributions to the retirement fund with interest and the money value of accumulated vacation and sick leaves; and that the provisions of Section 169 of Republic Act 3844 and Section 36 of Republic Act 6389 do not contain express legal exception to the general policy that pension and gratuity laws should be construed as to preclude any person from receiving double pension.

Obviously, the solution to the problem in this present petition lies in the correct interpretation of the phrase "in addition to all benefits to which they are entitled under the existing laws and regulations" found in Section 169 of

Republic Act 3844. Said section reads:

"SEC. 169. Personnel of Reorganized or Abolished Agencies. — Permanent officials and employees of all existing government agencies which are abolished or reorganized under this Code, subject to Civil Service rules and regulations, shall be absorbed and shall not be divested of their positions except presidential appointees: Provided, That those presidential appointees who cannot be absorbed and such officials and employees who prefer to be laid off shall be given gratuity equivalent to one month salary for every year of service but in no case more than twenty-four months salary, in addition to all benefits to which they are entitled under existing laws and regulations."

With the insertion of the phrase in question, the question arises: Did the law intend to allow an employee who has been laid-off or prefers to be laid-off under Republic Act 3844, but who is otherwise retireable under existing laws and regulations, to collect both gratuity under Republic Act 3844 and existing laws. In previous cases, this Court has already laid down the rule that "in the, absence of an express legal exception, pension and gratuity laws should be so construed as to preclude any person from receiving double pension." Thus, in *Anciano vs. Otaboy*,^[11] wherein the claimant prayed that he be paid by the municipality gratuity benefits under the Osmeña Retirement Law (Act No. 2589), notwithstanding his prior receipt of retirement benefits under Commonwealth Act 186 for services rendered to the government, this Court held that even granting that he had already established his right to gratuity under Act 2589, he had consequently foreclosed or waived such right 'when he opted to receive instead gratuity benefits under the GSIS Act. The Court, speaking thru Mr. Justice Fred Ruiz Castro said:

"Evidently, if he were allowed to receive full benefits under the Osmeña Retirement Law, in addition to the retirement insurance benefits he had already received under the GSIS Act, he would receive double pension for exactly the same services. This eventuality would run roughshod over the well-settled rule that in the absence of an express legal exception, pension and gratuity laws should be so construed as to preclude any person from receiving double pension.^[12]

Nevertheless, petitioner insists that by inserting the phrase "in addition to all benefits to which they are entitled under existing laws and regulations" in Section 169 of Republic Act 3844, Congress has clearly intended to establish a legal exception to the general policy of disallowing double retirement benefits to government retirees. We are not prepared to yield to petitioner's submission, for there is nothing in Section 169, Republic Act 3844, as amended, that would as much suggest that an employee who is laid-off or prefers to be laid-off can receive two pension benefits, one under its provisions and another pursuant to Commonwealth Act 186. From the aforequoted phrase, We cannot get any hint that it meant to allow double gratuities. On the contrary, Section 169 of Republic Act 3844, seems to indicate that the benefits alluded to in the inserted phrase refer to those "other than retirement benefits" to which the laid-off employee may be entitled, such as, the money equivalent of his accumulated sick and vacation leaves. This interpretation is more in line with the policy of the law embodied in Section 28 (b) of Commonwealth Act 186^[13] prohibiting an employer from paying double retirement benefits to an employee. Being the law governing the retirement of government employees, all other laws extending retirement benefits to government employees should, in case of ambiguity, be construed in relation thereto and in the light of its provisions. It is a rule of statutory construction that when the legislature enacts a provision, it is understood that it is aware of previous statutes relating to the same subject matter, and that in the absence of any express repeal or amendment therein, the new provision should be deemed enacted pursuant to the legislative policy embodied in the prior statutes, which should all be construed together.^[14]

As regards the precedents cited by petitioner wherein two employees of the government were allowed to receive gratuity both under Republic Act 3844 and Commonwealth Act 186, as amended by Republic Act 1616, pursuant to opinions of the Auditor General, Government Corporate Counsel and Assistant Executive Secretary, suffice it to say that they are not judicial precedents valid and binding upon this Court. The aforementioned opinions of the

Auditor General, Government Corporate Counsel and Assistant Executive Secretary have never been passed upon this Court in a proper case presented before it. In *Chavez vs. Mathay*,^[15] We ruled:

"At any rate, these two cases cited by petitioner are not before this Court. Not having been elevated to the Court in a proper case, We are not called upon to rule upon the correctness or error of the Auditor General's ruling therein. Needless to state, to the extent that said actions of the Auditor General are in conflict with the doctrine against double pension for exactly the same services in the absence of an express legal exemption, enunciated in the above-cited cases, they have no valid nor binding effect. As stated in *Taylor* (*Taylor vs. Gimenez*, May 30, 1962), "The error notwithstanding, the law must be enforced even if it prejudiced the defendant-appellee under the principle that mistakes of public officials cannot prejudice the State to the extent of violating an express provision and policy of the law."

And as to the opinions expressed by Senator Salvador Laurel and Congressman Emilio Espinosa on the alleged intention of Congress in enacting Republic Act 6389, all that can be said is that individual statements made by Senators on the floor of the Senate do not necessarily reflect the view of the Senate; much less do they indicate the intent of the House of Representatives.^[16]

IN VIEW OF ALL THE FOREGOING, the instant petition is hereby dismissed for lack of merit; with costs against petitioner. Let a copy of this decision be furnished the Office of the Solicitor General for appropriate action on the cases of Mr. Julian de Vera and Mr. Carmelo del Rosario who were both paid gratuity under Republic Act 3844, as amended by Republic Act No. 6389 and under Commonwealth Act 186, as amended by Republic Act 1616.

So ordered.

Castro, (Chairman), Teehankee, Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] Petition, p. 7.

[2] Annex "A" of Petition.

[3] Annex D of the Petition.

[4] Annex E of the Petition.

[5] Annex F of the Petition.

[6] Annex G of the Petition.

[7] Annex F of the Petition.

[8] Annex G of the Petition.

[9] Annex J of the Petition.

[10] Annexes K and L of the Petition.

[11] L-21267, February 28, 1969.

[12] *Borromeo vs. GSIS*, supra., citing 70 C.J.S., Sec. 5, p. 429.

[13] "Section 28. Miscellaneous Provisions. —

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(b) Hereafter no insurance or retirement plan for employees shall be created by any employer without the prior approval of the System; no gratuity or benefit may be paid by an employer to an employee in excess of one month salary for every year of service or in excess of one year's salary in the aggregate; and no gratuity or, benefit shall be paid by an employer to an employee entitled to the retirement benefit of this Act.

[14] 2 Sutherland, Statutory Construction, p. 530.

[15] L-29311, February 27, 1971.

[16] Resnie, Inc. vs. Auditor General, 25 SCRA 754; Casco Philippine Chemical Co., Inc. vs. Gimenez, 7 SCRA 347; See also Song Kiat Chocolate Factory vs. Central Bank, 54 O.G. 615; Mayon Motors Inc. vs. Acting Commissioner of Internal Revenue, L-15000, March 29, 1961; Philippine Association of Government Retirees, Inc. vs. GSIS, 14 SCRA 611.

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