

**THE NATIONAL POLICE COMMISSION (NAPOLCOM), REPRESENTED
BY ITS ACTING CHAIRMAN, CESAR SARINO, TEODOLO C.
NATIVIDAD, VICE-CHAIRMAN AND EXECUTIVE OFFICER, BRIG. GEN.
VIRGILIO H. DA...**

G.R. No. 106724. February 09, 1994

Ponente: BIDIN, J.

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BIDIN, J.:

The case at bar had its origin in the implementation of the compulsory retirement of PNP officers as mandated in Sec. 39, RA 6975, otherwise known as "An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government", which took effect on January 2, 1991. Among others, RA 6975 provides for a uniform retirement system for PNP members. Section 39 thereof reads:

"SEC. 39. Compulsory Retirement. - Compulsory retirement, for officer and non-officer, shall be upon the attainment of age fifty-six (56); Provided, That, in case of any officer with the rank of chief superintendent, director or deputy director general, the Commission may allow his retention in the service for an unextendible period of one (1) year.

Based on the above provision, petitioners sent notices of retirement to private respondents who are all members of the defunct Philippine Constabulary and have reached the age of fifty-six (56).

In response, private respondents filed a complaint on December 19, 1991 for declaratory relief with prayer for the issuance of an ex parte restraining order and/or injunction (docketed as Civil Case No. 91-3498) before the Regional Trial Court of Makati, Branch 142. In their complaint, respondents aver that the age of retirement set at fifty-six (56) by Section 39 of RA 6975 cannot be applied to them since they are also covered by Sec. 89 thereof which provides:

"Any provision hereof to the contrary notwithstanding, and within the transition period of four (4) years following the effectivity of this Act, the following members of the INP shall be considered compulsorily retired:

"a) Those who shall attain the age of sixty (60) on the first year of the effectivity of this Act.

"b) Those who shall attain the age of fifty-nine (59) on the second year of the effectivity of this Act.

"c) Those who shall attain the age of fifty-eight (58) on the third year of the effectivity of this Act.

"d) Those who shall attain the age of fifty-seven (57) on the fourth year of the effectivity of this Act."

It is the submission of respondents that the term "INP" includes both the former members of the Philippine Constabulary and the local police force who were earlier constituted as the Integrated National Police (INP) by virtue of PD 765 in 1975.

On the other hand, it is the belief of petitioners that the 4-year transition period provided in Section 89 applies only to the local police forces who previously retire, compulsorily, at age sixty (60) for those in the ranks of Police/Fire Lieutenant or higher (Sec. 33, PD 1184); while the retirement age for the PC had already been set at fifty-six (56) under the AFP law.

On December 23, 1991, respondent judge issued a restraining order followed by a writ of injunction on January 8, 1992 upon posting of a P100,000.00 bond by private respondents.

After the parties have submitted their respective pleadings, the case was submitted for resolution and on August 14, 1992, the respondent judge rendered the assailed decision, the decretal portion of which reads:

"WHEREFORE, the court hereby declares that the term "INP" in Section 89 of the PNP Law includes all members of the present Philippine National Police, irrespective of the original status of the present members of the Philippine National Police before its creation and establishment, and that Section 39 thereof shall become operative after the lapse of the four-year transition period.

"The preliminary injunction issued is made permanent.

"SO ORDERED." (Rollo, pp. 29-30)

Petitioners filed the instant petition on October 8, 1992 seeking the reversal of the above judgment. On January 12, 1993, the Court resolved to treat the respondents' Comment as Answer and gave due course to the petition.

In ruling in favor of private respondents, respondent judge observed, among others, that:

"It may have been the intention of Congress to refer to the local police forces as the "INP", but the PNP Law failed to define who or what constituted the INP. The natural recourse of the court is to trace the source of the "INP" as courts are permitted to look to prior laws on the same subject and to investigate the antecedents involved. There is nothing extant in the statute books except that which was created and established under PD 765 pursuant to the mandate of Article XV of the 1973 Constitution providing that the 'State shall establish and maintain an integrated national police force whose organization, administration and operation shall be provided by law.' Heretofore, INP was unknown. And the said law categorically declared the PC 'as the principal component of the Integrated National Police' (Sec. 5, PD 765)."

"The court was supplied by respondents (petitioners herein) with excerpts taken from the discussion amongst the members of Congress concerning the particular provision of Section 89. The court is not persuaded by said discussion; it was a simple matter for the members of the legislature to state precisely in clear and unequivocal terms their meaning, such as 'integrated police forces' as used in PD 765. Instead, they employed 'INP', a generic term that includes the PC as the principal component of the INP, *supra*. In failing to categorically restrict the application of Section 89 as the members of legislature are said to have intended, it gave rise to the presumption that it has not limited nor intended to limit the meaning of the word when the bill was finally passed into law. It is not difficult for the court to also presume that in drafting the wording of the PNP Law, the legislators were aware of the historical legislative origin of the 'INP'.

x x x

"The court takes particular note of the fact that Section 89 is found in the Transitory Provisions of the law which do not provide for any distinction between the former PC officers and those belonging to the civilian police forces. These provisions are specifically enacted to regulate the period covering the dissolution of the PC and the creation of the PNP, a period that necessarily would be attended by imbalances and or confusion occasioned by the wholesale and mass integration. In fact, the retirement payment scheme of the INP is still to be formulated, leaving the impression that nothing is really settled until after the transition of four years has lapsed. Section 89 therefore prevails over Section 39 up to the year 1995 when the retirement age for members

of the PNP shall then be age 56; after the year 1995, Section 39 shall be the applicable law on retirement of PNP members." (Rollo, pp. 27-28; underscoring supplied)

Petitioners disagree and claim that the use of the term INP in Sec. 89 does not imply the same meaning contemplated under PD 765 wherein it is provided:

"Section 1. Constitution of the Integrated National Police. - There is hereby established and constituted the Integrated National Police (INP) which shall be composed of the Philippine Constabulary as the nucleus, and the integrated police forces as established by Presidential Decrees Nos. 421, 482, 531, 585 and 641, as components, under the Department of National Defense.

On the other hand, private respondents assert that being the nucleus of the Integrated National Police (INP) under PD 765, former members of the Philippine Constabulary (PC) should not be discriminated against from the coverage of the term "INP" in Sec. 89, RA 6975. Clearly, it is argued, the term "INP" found in Section 89 of RA 6975 refers to the INP in PD 765. Thus, where the law does not distinguish, the courts should not distinguish.

Does the law, RA 6975, distinguish INP from the PC? Petitioners submit that it does and cite Sections 23 and 85 to stress the point, viz.:

"SEC. 23. Composition. - Subject to the limitations provided for in this Act, the Philippine National Police, hereinafter referred to as the PNP, is hereby established, initially consisting of the members of the police forces who were integrated into the Integrated National Police (INP) pursuant to Presidential Decree No. 765, and the officers and enlisted personnel of the Philippine Constabulary (PC). x x x

x x x

"The permanent civilian employees of the present PC, INP, Narcotics Command, CIS and the technical command of the AFP assigned with the PC, including NAPOLCOM hearing officers holding regular items as such, shall be absorbed by the Department as employees thereof, subject to existing laws and regulations.

x x x

"SEC. 85. Phases of Implementation. - The implementation of this Act shall be undertaken in three (3) phases, to wit:

Phase I - Exercise of option by the uniformed members of the Philippine Constabulary, the PC elements assigned with the Narcotics Command, CIS, and the personnel of the technical services of the AFP assigned with the PC to include the regular CIS investigating agents and the operatives and agents of the NAPOLCOM Inspection, Investigation and Intelligence Branch, and the personnel of the absorbed National Action Committee on Anti-Hijacking (NACAH) of the Department of National Defense, to be completed within six (6) months from the date of the effectivity of this Act. At the end of this phase, all personnel from the INP, PC, Technical Services, NACAH, and NAPOLCOM Inspection, Investigation and Intelligence Branch shall have been covered by official orders assigning them to the PNP x x x.

x x x

"x x x. Any PC-INP officer or enlisted personnel may, within the twelve-month period from the effectivity of this Act, retire x x x.

"Phase III. - x x x. To accomplish the tasks of Phase III, the Commission shall create a Board of Officers composed of the following: NAPOLCOM Commissioner as Chairman and one (1) representative each from the PC, INP, Civil Service Commission and the Department of Budget and Management."

Section 86 of the same law further provides:

"SEC. 86. Assumption by the PNP of Police Functions. - The PNP shall absorb the functions of the PC, the INP and the Narcotics Command upon the effectivity of this Act."

From a careful perusal of the above provisions, it appears therefore that the use of the term INP is not synonymous with the PC. Had it been otherwise, the statute could have just made a uniform reference to the members of the whole Philippine National Police (PNP) for retirement purposes and not just the INP. The law itself distinguishes INP from the PC and it cannot be construed that "INP" as used in Sec. 89 includes the members of the PC.

And contrary to the pronouncement of respondent judge that the law failed to define who constitutes the INP, Sec. 90 of RA 6975 has in fact defined the same. Thus.

"SEC. 90. Status of Present NAPOLCOM, PC--INP. -- Upon the effectivity of this Act, the present National Police Commission and the Philippine Constabulary-Integrated National Police shall cease to exist. The Philippine Constabulary, which is the nucleus of the Philippine Constabulary-Integrated National Police shall cease to be a major service of the Armed Forces of the Philippines. The Integrated National Police, which is the civilian component of the Philippine Constabulary-Integrated National Police, shall cease to be the national police force and lieu thereof, a new police force shall be established and constituted pursuant to this Act." (underscoring supplied)

It is not altogether correct to state, therefore, that the legislature failed to define who the members of the INP are. In this regard, it is of no moment that the legislature failed to categorically restrict the application of the transition period in Sec. 89 specifically in favor of the local police forces for it would be a mere superfluity as the PC component of the INP was already retireable at age fifty-six (56).

Having defined the meaning of INP, the trial court need not have belabored on the supposed dubious meaning of the term. Nonetheless, if confronted with such a situation, courts are not without recourse in determining the construction of the statute with doubtful meaning for they may avail themselves of the actual proceedings of the legislative body. In case of doubt as to what a provision of a statute means, the meaning put to the provision during the legislative deliberations may be adopted (*De Villa v. Court of Appeals*, 195 SCRA 722 [1991] citing *Palanca v. City of Manila*, 41 Phil. 125 [1920]; *Arenas v. City of San Carlos*, 82 SCRA 318 [1978]).

Courts should not give a literal interpretation to the letter of the law if it runs counter to the legislative intent (*Yellow Taxi and Pasay Transportation Workers' Assn. v. Manila Yellow Taxi Cab Co.*, 80 Phil. 83 [1948]).

Examining the records of the Bicameral Conference Committee, we find that the legislature did intend to exclude the members of the PC from the coverage of Sec. 89 insofar as the retirement age is concerned, thus:

"THE CHAIRMAN (SEN. MACEDA). Well, it seems what people really want is one common rule, so if it is fifty-six, fifty-six: of course, the PC wants sixty for everybody. Of course, it is not acceptable to us in the sense that we tied this up really to the question of: If you are lax in allowing their (the PC) entry into the PNP, then tighten up the retirement. If we will be strict in, like requiring examinations and other conditions for their original entry, then since we have sifted out a certain amount of undesirables, then we can allow a longer retirement age. That was the rationale, that was the tie-up. Since we are relaxing the entry, we should speed up ...

"THE CHAIRMAN (REP. GUTANG). Exit.

"THE CHAIRMAN (SEN. MACEDA) the retirement, the exit.

"THE CHAIRMAN (REP. GUTANG). So let me get it very clear, Mr. Chairman. Fifty-six, let's say, that will not make any adjustment in the PC because there (they) are (retirable at age) fifty-six.

"THE CHAIRMAN. (SEN. MACEDA). Kaya nga, wala na silang masasabi.

"THE CHAIRMAN. (REP. GUTANG). In the case of the Police, since they are retirable now at sixty, for the officers, it will be applicable to them on a one-year every year basis for a total period of four years transition." (Bicameral Conference Committee on National Defense, March 12, 1990)

"REP. GUTANG. On the first year of effectivity, the police will retire at 60 years.

"THE CHAIRMAN. (SEN. MACEDA). Sixty.

"REP. GUTANG. On the second year, 59.

"THE CHAIRMAN. (SEN. MACEDA). Oo.

"REP. GUTANG. On the third year, 58.

"THE CHAIRMAN. (SEN. MACEDA). Fifty-eight. So 'yung 55, on the third year, 58, doon siya re-retire.

"REP. GUTANG. Oo.

"SEN. SAGUISAG. So kung 55, when the law becomes effective . . .

"THE CHAIRMAN. (SEN. MACEDA). He will retire at 58, doon siya aabot.

"REP. UNICO. Pwede.

"SEN. SAGUISAG. Dahil 'yon, may time to . . .

"THE CHAIRMAN. (SEN. MACEDA). Walang problema dito sa transition ng pulis, acceptable ito, eh.

"THE CHAIRMAN. (REP. COJUANGCO). Sa PC?

"THE CHAIRMAN. (SEN. MACEDA). PC, walang mawawala sa kanila, 56 ang retirement age nilang talaga, eh. Kaya ayaw ko ngang dagdagan 'yung 56 nila at 'yon din ang sa Armed Forces, 56. (Ibid., May 22, 1990)

In applying the provisions of Sec. 89 in favor of the local police force as established in PD 765, the Court does not, in any manner, give any undue preferential treatment in favor of the other group. On the contrary, the Court is merely giving life to the real intent of the legislators based on the deliberations of the Bicameral Conference Committee that preceded the enactment of RA 6975.

The legislative intent to classify the INP in such manner that Section 89 of R.A. 6975 is applicable only to the local police force is clear. The question now is whether the classification is valid. The test for this is reasonableness such that it must conform to the following requirements: (1) It must be based upon substantial distinctions; (2) It must be germane to the purpose of the law; (3) It must not be limited to existing conditions only; and (4) It must apply equally to all members of the same class (People vs. Cayat, 68 Phil. 12 [1939]).

The classification is based upon substantial distinctions. The PC, before the effectivity of the law (RA 6975), were already retirable at age 56 while the local police force were retirable at 60, and governed by different laws (P.D. 1184, Sec. 33 and Sec. 50). The distinction is relevant for the purpose of the statute, which is to enable the local police force to plan for their retirement which would be earlier than usual because of the new law. Section 89 is merely transitory, remedial in nature, and loses its force and effect once the four-year transitory period has elapsed. Finally, it applies not only to some but to all local police officers.

It may be appropriate to state at this point that it seems absurd that a law will grant an extension to PC officers' retirable age from 56 to 60 and then gradually lower it back to 56 without any cogent reason at all. Why should the retirement age of PC officers be increased during the transitory period to the exclusion of other PC officers

who would retire at age 56 after such period? Such absurdity was never contemplated by the law and would defeat its purpose of providing a uniform retirement age for PNP members.

WHEREFORE, the petition is GRANTED. The writ of injunction issued on January 8, 1992 is hereby LIFTED and the assailed decision of respondent judge is REVERSED and SET ASIDE.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

Nocon, J., on leave.

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