

TEOFILO SISON, PLAINTIFF AND APPELLANT, VS. GOVERNMENT SERVICE INSURANCE SYSTEM, DEFENDANT AND APPELLEE.

G.R. No. 15637. February 22, 1961

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Direct appeal on points of law from the decision, dated April 30, 1959, of the Court of First Instance of Rizal in its Civil Case No. Q-3551, dismissing plaintiff's complaint without special pronouncement as to costs.

The facts are not in dispute. Plaintiff-appellant Teofilo Sison had held various government positions since 1901; first as a court stenographer, then "as Provincial Governor of Pangasinan later as Senator and finally, as Secretary of Justice. Then, on February 7, 1936, he was appointed Associate Justice of the Court of Appeals. He served in the appellate court until October 31, 1939, when he accepted an appointment as Secretary of National Defense, an office he assumed the following day or on November 1, 1939. Plaintiff thereafter continued serving in the government in different capacities until retirement at the age of 72 years on June 16, 1952, after rendering a total of 41 years, 4 months and 25 days of government service; 3 years 8 months and 24 days of which were spent as a magistrate of the appellate court.

Appellant Teofilo Sison was retired under Republic Act No. 660. He now claims to be entitled to be retired under the provisions of Republic Act No. 910, as amended by Republic Act No. 1057, this law being admittedly more beneficial to him if applied. Plaintiff predicates his claim on the basis of the amendment introduced by Republic Act No. 1057, approved on June 12, 1954, that extends the privileges of Republic Act No. 910 to Justices of the Supreme Court and of the Court of Appeals who ceased to hold such positions prior to the approval of the amendatory act (No. 1057) in order to accept another position in the Government or who resigned or retired from said courts after the effectivity of Commonwealth Act No. 536, without enjoying the benefits thereunder. The defendant rejected the claim, contending that, while Mr. Sison had rendered more than twenty years of government service, he lacks the ten continuous years of service in the judiciary that is required under Section 1 of the law invoked; appellant Sison having been considered resigned from the Court of Appeals at the age of 59 years.

The lower court sustained the defendant and thus dismissed plaintiff's plea. Hence, this appeal.

The entire issue revolves upon the correct application of Sections 1 and 2-A of Republic Act No. 910, as amended by Republic Act No. 1057. We will thus quote them in full.

"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 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 receiving. It is a condition of the pension provided for herein that no retiring justice 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 be 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, insular, provincial or municipal, or to any of its legally constituted officers."

"Sec. 2-A. Any Justice of the Supreme Court or of the Court of Appeals who ceased to hold such position prior to the approval of this amendatory Act, to accept another position in the Government or who resigned or retired from said courts after the effectivity of Commonwealth Act Numbered Five Hundred and thirty-six, entitled 'An Act authorizing the retirement of Justices of the Supreme Court, and making appropriations for the payment of a retirement gratuity', without enjoying the benefits thereunder shall be entitled to the benefits under the provisions of this Act; Provided, That at the time of his cessation in office or retirement as Justice of the Supreme Court or of the Court of Appeals, he possessed all the requirements prescribed by this Act: And provided, Further, That the benefits authorized hereunder shall accrue only from the date of the approval of this amendatory Act."

Observe that the law under Republic Act No. 910, as it stood before amendment, was prospectively, confined to cases of retirement of a Justice of the Supreme Court or of the Court of Appeals, attaining the age of 57 years or 70 years, as the case may be; and of resignation in the event of the Justice's incapacity to discharge fully the duties of his office, provided that retiree possesses all the conditions therein prescribed for each case: to wit, that he must have rendered at least 20 years' service in either or both the judiciary or any other branch of the government, in case of compulsory retirement (upon reaching the age of 70 years), or resignation by reason of incapacity to discharge the duties of his office; or in the case of optional retirement at the age of 57 years or over, 20 years service in the government, 10 or more of which must have been continuously rendered as such Justice or as Judge of a court of record. Republic Act No. 1057, in adding Section 2-A to the law, did not do away with any of these prerequisite conditions, as may be seen from the first proviso of said section—

"* * * That at the time of his cessation in office or retirement as Justice of the Supreme Court or of the Court of Appeals, he possessed all the requirements prescribed by this Act" (Italics supplied).

but simply extended the benevolent provisions thereof to those Justices who ceased to hold such positions prior to the approval of the amendatory legislation, in order to accept another position in the Government; or who resigned or retired from said courts after the effectivity of Commonwealth Act No. 536, without enjoying the benefits thereunder.

The same opinion is shared by both the Secretary of Justice (see Opinion No. 165, Series of 1958) and the Auditor General (see his 6th endorsement, dated September 3, 1958).

Thus construed, the amendatory provisions did not and could not cover the particular case of the herein appellant, who ceased to hold the position of Associate Justice of the Court of Appeals at the age of 59 years, to accept appointment as Secretary of National Defense, and having served a total of only 3 years, 8 months and 24 days in the Judiciary.

Appellant, however, insists that the ten-year continuous service in the judiciary is required only of those who permanently retire from government service at the age of 57; and that to require the satisfaction of that requirement by those who retired from the judiciary to serve the government in another capacity would render meaningless the legislative amendment.

We find the argument untenable. While the amendatory Act (No. 1057) retroactively extended the benefits of Republic Act No. 910 to those Justices of the Court of Appeals or of the Supreme Court who, prior to the passage of Republic Act No. 1057, ceased to hold their judicial position to accept another position in the government (and also to those who retired or assigned from either Court after the effectivity of Commonwealth Act No. 536), the benefits were extended upon the express condition that "at the time of his cessation in office or retirement as Justice of the Supreme Court or of the Court of Appeals he possessed all the requirements prescribed by this Act (No. 910)". This means, concretely, that if the Justice ceased to hold office at or above age 57 (but below 70) in order to accept another government position (and this is appellant Sison's case), he must possess a service record of 20 years, ten (10) of them continuously as Justice or as Judge of a court of record. Had the legislature intended that cessation to hold high judicial office in order to serve the government in another capacity should be deemed the equivalent of retirement at age 70, or resignation by reason of incapacity (when only 20 years government service is required, without more), it would have clearly so stated. It is well to note that of the beneficiaries under the Antendatory Act No. 1057, Chief Justice Moran and Justice Tuason ceased before reaching age 70, in order to serve in the Executive Branch; but both had already served the government for 20 years, of which ten or more years had been spent in the judiciary before accepting executive positions.

Finding no reversible error in the decision appealed from, the same is hereby affirmed, with costs against appellant.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, and Dizon, JJ., concur.

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