

PHILIPPINE CONSTITUTION ASSOCIATION, INC., JOSE E. ROMERO, SALVADOR ARANETA, GUILLEKMO B. GUEVARA, PIO PEDROSA, CONRADO BENITEZ, JOSE M. ARIJEGO, SOTERO H. LAUREL, FELIXEERTO M....

G. R. No. 23326. December 18, 1965

Ponente: REGALA, J.

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REGALA, J.:

We are called upon in this case to decide the grave and fundamental problem of the constitutionality of Republic Act No. 3836 "insofar as the same allows retirement gratuity and commutation of vacation and sick leave to Senators and Representatives, and to the elective officials of both Houses (of Congress). The suit was instituted by the Philippine Constitution Association, Inc. (Philconsa, for short), a non-profit, civic organization, duly incorporated under Philippine laws, by way of petition for prohibition with preliminary injunction to restrain the Auditor General of the Philippines and the disbursing officers of both Houses of Congress from "passing in audit the vouchers, and from countersigning the checks or treasury warrants for the payment to any former Senator or former Member of the House of Representatives of retirement and vacation gratuities pursuant to Republic Act No. 3836; and likewise restraining the respondent disbursing officers of the House and Senate, respectively, and their successors in office from paying the said retirement and vacation gratuities."

It is argued that the above-numbered Republic Act, at least to the end that it provided for the retirement of the members of Congress in the manner and terms that it did, is unconstitutional and void. The challenge to the constitutionality of the law is centered on the following propositions:

- The provision for the retirement of the members and certain officers of Congress is not expressed in the title of the bill, in violation of Section 21 (1) of Article VI of the Constitution.
- The provision on retirement gratuity is an attempt to circumvent the Constitutional ban on increase of salaries of the members of Congress during their term of office, contrary to the provisions of Article VI, Section 14 of the Constitution.
- The same provision constitutes "selfish class legislation" because it allows members and officers of Congress to retire after twelve (12) years of service and gives them a gratuity equivalent to one year salary for every four years of service, which is not refundable in case of reinstatement or redemption of the retiree, while all other officers and employees of the government can retire only after at least twenty (20) years of service and are given a gratuity which is only equivalent to one month salary for every year of service, which, in any case, cannot exceed 24 months.
- The provision on vacation and sick leave, commutable at the highest rate received, insofar as members of Congress are concerned, is another attempt of the legislator to further increase their compensation in violation of

the Constitution.

The text of Republic Act No. 3836 reads:

"AN ACT AMENDING SUBSECTION (c), SECTION TWELVE OF COMMONWEALTH ACT NUMBERED ONE HUNDRED EIGHTY-SIX AS AMENDED BY REPUBLIC ACT NUMBERED THIRTY HUNDRED NINETY-SIX.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1, Subsection (c), Section twelve of Commonwealth Act Numbered One Hundred eighty-six as amended by Republic Acted Thirty hundred ninety-six, is further amended to read follows:

'(c) Retirement is likewise allowed to a member, regardless of age, who has rendered at least twenty years of service. The benefit shall in addition to the return of his personal contributions plus interest and the payment of the corresponding employer's premiums described in subsection (a) of Section five hereof, without interest, be only a gratuity equivalent to one month's salary for every year of service, based on the highest rate received!, but not to exceed twenty-four months; Provided, That the retiring officer or employee has been in the service of the said employer or office for at least four years immediately preceding his retirement.

'Retirement is also allowed to a senator or a member of the House of Representatives and to an elective officer of either House of the Congress, regardless of age, provided that in the case of a Senator or Member, lie must have served at least twelve years as a Senator and/or as a member of the House of Representatives, and, in the case of an elective officer of either House, he must have served the government for at least twelve years, not less than four years of which must have been rendered as such elective officer: Provided, That the gratuity payable to a retiring senator, member of the House of Representatives, or elective officer, of either House, shall be equivalent to one year's salary for every four years of service in the government and) the same shall be exempt from any tax whatsoever and shall be neither liable to attachment or execution nor refundable in case of reinstatement or re-election of the retiree.

This gratuity is payable by the employer of office concerned which is hereby authorized to provide the necessary appropriation or pay the same from any unexpended items of appropriations or savings in its appropriations.

'Elective or appointive officials and employees paid gratuity under this subsection shall be entitled to the commutation of the unused vacation and sick (leave, based on the highest rate received, which they may have to their credit at the time of retirement."

"SECTION 2. This Act shall take effect upon its approval.

"Approved, June 22, 1963."

The Solicitor General's Office, in representation of the respondents filed its answer on September 8, 1964, and contends, by way of special and affirmative defenses, that:

- The grant of retirement or pension benefits under Republic Act No. 3836 to the officers objected to by the petitioner does not constitute "forbidden compensation" within the meaning of Section 14 of Article VI of the Philippine Constitution.
- The title of the law in question sufficiently complies with the provisions of Section 21, Article VI, of the Constitution that "no bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill."

- The law in question does not constitute class legislation.
- Certain indispensable parties, specifically the elected officers of Congress who are authorized to approve vouchers for payments for funds under the Haw in question, and the claimants to the vouchers to be presented for payment under said items, were not included in the petition.
- The petitioner-has no standing to institute this suit.
- The payment of commutable vacation and sick leave benefits under the said Act is merely "in the nature of a basis for computing the gratuity due each retiring member" and, therefore, is not an indirect scheme to increase their salary.

A brief historical background of Republic Act No. 3836

Republic Act No. 3836 was originally House Bill No. 6051, which was introduced by Congressmen Marcial R. Pimentel of Camarines Norte and Marcelino R. Veloso of the Third District of Leyte, on May 6, 1963. On the same date, it was referred to the Committee on Civil service, which on the following May 8, submitted its REPORT No. 3129, recommending approval of the bill with amendments, among others, that the word "TWENTY" in the bill as filed—representing the number of years that a senator or member must serve in Congress to entitle him to retirement under the bill—must be reduced to TWELVE" years, and that the following words were inserted, namely, "AND THE SAME (referring to gratuity) shall be exempt from ANY TAX WHATSOEVER AND SHALL NOT BE LIABLE FROM ATTACHMENT OR EXECUTION NOR REFUNDABLE IN CASE OF REINSTATEMENT OR REELECTION OF THE RETIREE." On May 8, 1963, the bill with the proposed amendments was approved on second reading. It was passed on third reading on May 13, 1963, and on the same day was sent to the Senate, which, in turn, on May 23, 1963, passed it without amendment. The bill was finally-approved on June 22, 1963. As explained in the EXPLANATORY NOTE attached to the bill, among others—

" The inclusion of members of Congress in subsection (c), Section 12 C. A. 186, as amended, will enable them to retire voluntarily, regardless of age,, after serving a minimum of twenty years as a Member of Congress. This gratuity will insure the security of the family of the retiring member of Congress without the latter engaging in other activities which may detract from his exalted position and usefulness as lawmaker. It is expected that with this assurance of security for his, loved ones, deserving and well-intentioned but poor men will be attracted to serve their people in Congress."

As finally approved, the law (subsection (c), paragraph 2, Section 1, R.A. 3836) allows a senator or a member of the house of Representatives and an elective officer of either House of Congress to retire regardless of age. To be eligible for retirement, he must have served for at least twelve years as such Senator and or as member of the House of Representatives. For an elective officer of either House, he must have served the government for at least twelve years, of which not less than four years must have been rendered as such elective officer. The gratuity payable by the employer or office concerned is equivalent to one year's salary for every four years of service in the government. Said gratuity is exempt from taxation, not liable to attachment or execution, and not refundable in case of reinstatement or re-election of the retiree.

First legal point—Personality of the Petitioner to bring suit.

The first point to be considered is whether petitioner Philconsa has a standing to institute this action. This Court has not hesitated to examine past decisions involving this matter. This Court has repeatedly held that when the petitioner, like in this case, is composed of substantial taxpayers, and the outcome will affect their vital interest, they are allowed to bring this suit. (Pascual vs. Secretary, 110 Phil. 331: and Gonzales vs. Hechanova, 60 Off.

Gaz. 802 (1963).

The petitioner, Philconsa, is precisely a non-profit, civic organization composed of several leaders from all walks of life whose main objective is to uphold the principles of the Constitution.

In rejecting the motion to dismiss in the case of Pascual vs. Secretary, *supra*, this Court stated, among other things, that "there are many decisions nullifying, at the instance of the taxpayers, laws providing the disbursement of public funds, upon the theory that the expenditures of public funds by an officer of the State for the purpose of administering an unconstitutional act constitutes a misappropriation of such funds, which may be enjoined at the request of the taxpayers." [1] This legislation (Republic Act 3836) involved the disbursement of public funds.

We are not, however, unmindful of the ruling laid down by the Supreme Court of the United States in the case of *Massachusetts vs. Mellon*, 262 U.S. 447, holding that:

"* * * the relation of a taxpayer of the United States to the Federal Government is very different. His interest in the money of the Treasury—partly realized from taxation and partly from other sources—is shared with millions of others; is comparatively Minute and indeterminable; and the effect upon future taxation of any payment out of the funds, so remote, fluctuating and uncertain, that no basis is afforded for an appeal to the preventive Powers of equity."

The general view in the United States, which is followed Is stated in the American Jurisprudence, thus—

"In the determination of the degree of interest essential to give the requisite standing to attack the constitutionality of a statute the general rule is that not only persons individually affected, but also taxpayers have sufficient interest in preventing the illegal expenditures of moneys raised by taxation and may therefore question the constitutionality of statutes requiring expenditures of public moneys. (II Am. Jur. Italics supplied)

As far as the first point is concerned, We hold, therefore, that the contention of the Solicitor General is untenable. Second legal point—Whether or not Republic Act No. 3836 falls within the prohibition embodied in Art. VI, section 14 of the Constitution.

The first constitutional question is whether Republic Act 3836 violates Section 14, Article VI, of the Constitution, which reads as follows:

"The senators and the Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of travelling expenses to and from their respective district in the case of Members of the House of Representatives and to and from their places of residence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos-" (Italics supplied)

Before discussing this point, it is worthy to note that the Constitution embodies some limitations and prohibitions upon the members of Congress, to wit:

- They may not hold any other office or employment in the Government without forfeiting- their respective seats;
- They shall not be appointed, during the time for which they are elected, to any civil office which may have been created or the emoluments whereof shall have been increased while they were members of Congress; (Section 16, Article VI, Constitution)

- They cannot be financially interested in any franchise;
 - They cannot appear in any civil case wherein the Government is an adverse party;
 - They cannot appear as counsel before any Electoral Tribunal; and
 - They cannot appear as counsel in any criminal case where an officer or employee of the Government is accused.
- (Section 17, Article VI, Constitution)

In addition to the above prohibitions, the Anti-Graft Law' (Republic Act 3019) also prohibits members of Congress to have any special interest in any specific business which will directly or indirectly be favored by any law or resolution authorized by them during their term of office.

It is thus clear that the Constitutional Convention wisely surrounded the Constitution with these limitations and prohibitions upon Members of Congress. This is a practical demonstration or application of the principle of checks and balance which is one of the peculiar characteristics of our Constitution. In the light of this background, can We conclude that Congress can validly enact Republic Act 33S6, providing retirement benefits to its members, without violating the provisions in the aforementioned Article VI, Section 14, of the Constitution, regarding increase of the compensation as including other emoluments?

It is worthy to note that the original salary for the members of the National Assembly (unicameral body) was fixed at P5,000.00 per annum each. This was raised to P7,200 per annum by the enactment of the 1940 Constitutional amendment, when the unicameral body, the National Assembly, was changed to Congress, composed of two bodies, the Senate and the House of Representatives. Again, in 1964, by the enactment of Republic Act 4143, the salary for "the Members of Congress was raised to P32,000.00 per annum for each of them; and for the President of the Senate and the Speaker of the House of Representatives, to P40,000.00 per annum each.

Likewise, it is significant that, as stated above, when the Constitutional Convention first determined the compensation for the Members of Congress, the amount fixed by it was only P5,000.00 per annum but it embodies a special proviso which reads as follows: "No increase in said compensation shall take effect until after the expiration of the full term of all the members of the National Assembly elected subsequent to approval of such increase." In other words, under the original constitutional provision regarding the power of the National Assembly to increase the salaries of its members, no increase would take effect until after the expiration of the full term of the members of the Assembly elected subsequent to the approval of such increase. (See Aruego, *The Framing of the Constitution*, Vol. 1, pp. 296-300; Sinco, *Philippine Government and Political Law*, 4th ed. p. 187)

This goes to show how zealous were the members of the Constitutional Convention in guarding against the temptation for members of Congress to increase their salaries. However, the original strict prohibition was modified by the subsequent provision when the Constitutional amendments were approved in 1940.[2]

The Constitutional provision in the aforementioned Section 14, Article VI, includes in the term compensation "other emoluments". This is the pivotal point on this fundamental question as to whether the retirement benefit provided for in Republic Act 3836 fall within the purview of the term "other emoluments".

Most of the authorities and decided cases have regarded "emolument" as "the profit arising from office or employment; that which is received as compensation for services or which is annexed to the possession of an office, as salary, fees and perquisites." [3]

In another set of cases, "emolument" has been defined as "the profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office, as salary, fees and

perquisites; advantage, gain public or private. The gain, profit or advantage which is contemplated in the definition or significance of the word "emolument" as applied to public officers, clearly comprehends, We think, a gain, profit, or advantage which is pecuniary in character, (citing Taxpayers' League of Cargon County vs. McPherson, 54 P. 2d. 897, 901, 49 Wyo. 25; 106 A.L.R. 767)

In Schieffelin vs. Berry, 216 N.Y.S. (citing Wright vs. Craig, 202 App. Div. 684, 195 N.Y.S. 391, affirmed 234 N.Y. 548, 138 N.E. 441), it has been-established that pensions and retirement allowances are part of compensation of public officials; otherwise their payment would be unconstitutional.

In another case, State vs. Schmahl, 145 N. W. 795, 125 Minn. 104, it is stated that "as used in Article 4, section 9, of the Constitution of Minnesota, providing that no Senator or Representative shall hold any office, the emoluments of which have been increased during the session of the legislature of which he was member, until after the expiration of his term of office in the Legislature, the word "emoluments" does not refer to the fixed salary alone, but includes fees and compensation as the incumbent of the office is by law entitled to receive because he holds such office and performed some service required of the occupant thereof."

From the decisions of this cases, it is evident that retirement benefit is a form or another species of emolument, because it is a part of compensation for services of one possessing any office.

Republic Act 3836 provides for an increase in the emoluments of Senators and Members of the House of Representatives, to take effect upon the approval of said

Act, which was on June 22, 1963. Retirement benefits were immediately available thereunder, without awaiting the expiration of the full term of all the Members of the Senate and the House of Representatives approving such increase. Such provision clearly runs counter to the prohibition in Article VI, Section 14 of the Constitution.

Third Legal Point—Whether or not the law in question violates the equal protection clause of the Constitution.

Another reason in support of the conclusion reached herein is that the features of said Republic Act 3836 are patently discriminatory, and therefore violate the equal protection clause of the Constitution. (Art III, Sec. I, par. 1.)

In the first place, while the said law grants retirement benefits to Senators and Members of the House of Representatives who are elective officials, it does not include other elective officials such as the governors of provinces and the members of the provincial boards, and the elective officials of the municipalities and chartered cities.

The principles of equal protection of law embodied in our Constitution has been fully explained by Us in the case of People vs. Vera, 65 Phil. 56, 126, where we stated that the classification to be reasonable must be based upon substantial distinctions which make real differences and must be germane to the purposes of the law.

As well stated by Willoughby on the Constitution of the United States (second edition) p. 1937, the principle of the requirement of equal protection of law applies to all persons similarly situated. Why limit the application of the benefits of Republic Act 3836 to the elected members of Congress? We feel that the classification here is not reasonable. (See also Sinco, Philippine Political Law, 11th ed. [1962]; Selected Essays on Constitutional Law [1938-62], p. 789; The Equal Protection of the Laws, 37 Cal. Law Rev. 341.

Secondly, all members of Congress under Republic Act 3836 are given retirement benefits after serving twelve years, not necessarily continuous, whereas, most government officers and employees are given retirement benefits after serving for at least twenty years. In fact, the original bill of Act 3836 provided for twenty years of service.

In the third place, all government officers and employees are given only one retirement benefits irrespective of

their length of service in the government, whereas, under Republic Act 3836, because of no age limitation, a Senator or Member of the House of Representatives upon being elected for 24 years will be entitled to two retirement benefits or equivalent to six years' salary.

Also, while the payment of retirement benefits (annuity) to an employee who had been retired and reappointed is suspended during his new employment (under Commonwealth Act 186, as amended), this is not so under Republic Act 3836.

Lastly, it is peculiar that Republic Act 3836 grants retirement benefits to officials who are not members of the Government Service Insurance System. Most grantees of retirement benefits under the various retirement laws have to be members or must at least contribute a portion of their monthly salaries to the system.[4]

The arguments advanced against the discriminatory features of Republic Act 3836, as far as Members of Congress are concerned, apply with equal force to the elected officers of each House, such as the Secretaries and the Sergeants-at-arms. Under Republic Act 3836, the Secretary and Sergeants-at-arms of each House are given the benefits of retirement without having served for twenty years as required with other officers and employees of the Government.

Fourth Legal Point—Whether or not the title of Republic Act No. 3836 is germane to the subject matter expressed in the act.

Another Constitutional point to determine is whether the title of Republic Act 3836 complies with the requirement of paragraph 1, section 21, Article VI of the Constitution, which reads as follows:

"No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill."

We are not unmindful of the fact that there has been a general disposition in all courts to construe the constitutional provision with reference to the subject and title of the Act, liberally.

It is the contention of petitioner that the said title of Republic Act 3836 gives no inkling or notice whatsoever to the public regarding the retirement gratuities and corn-mutable vacation and sick leave privileges to members of Congress. It is claimed that petitioner learned of this law for the first time only when Jose Velasco, disbursing officer of the House, testified on January 30, 1964, before Justice Labrador, in connection with the hearing of the case, and he revealed that in 1963, Congress enacted the retirement law for its members. In fact the Appropriation Act for the fiscal year 1964-1965, Republic Act No. 4164, provides:

"13. For payment of retirement gratuities of members of the Senate pursuant to the provisions of Republic Act No. 3836: PROVIDED, That no portion of this Appropriation shall be transferred to any other item until approved claims shall have been paid P210,000.000

In the appropriation for the House of Representatives, the following items appear:

"7. For government share of premiums on life insurance and retirement of Members and employees of the House of Representatives, as provided for under Republic Act No. 1616—P1,300,000.00

"8. For payment of the cash commutation of the accumulated vacation and sick leaves as provided for under Republic Act, No-611, and retirement gratuities of Members and employees of the House of Representatives under Republic Act No. 1616—P1,300,000.00

In the Appropriations Act of 1965-1966 (Republic Act No. 4642), the following item appears in the appropriations for the Senate:

"13. For payment of retirement gratuities of Senate personnel pursuant to the provisions of Republic Act No. 1616: PROVIDED. That no portion of this appropriation shall be transferred to any other item until all approved claims shall have been paid— P100,000.00

It is thus clear that in the Appropriations Act for 1965-1966, the item in the Senate for P210,000.00 to implement Republic Act 3836, was eliminated.

In the appropriations for the House (1965-1966) the following items appear:

"7. For government share of premiums on life insurance and retirement of members and employees of the House of Representatives, as provided for under Republic Act No. 1616—P1,700,000.00

"8. For payment of the cash commutation of the accumulated vacation and sick leaves as provided for under Republic acts No. 611, and retirement gratuities of members and employees of the House of Representatives under Republic Act No. 1616— P1,700,000.00

It is to be observed that under Republic Act 3836, the first paragraph of section 12, subsection (c) of Commonwealth Act 186, as amended by Republic Act Nos. 660 and 3096, the retirement benefits are granted to members of the Government Service Insurance System, who have rendered at least twenty years of service regardless of age. This paragraph is related and germane to the subject of Commonwealth Act No. 186.

On the other hand, the succeeding paragraph of Republic Act 3836 refers to members of Congress and to elective officers thereof who are not members of the Government Service Insurance System. To provide retirement benefits, therefore, for these officials, would relate to subject matter which is not germane to Commonwealth Act No. 186. In other words, this portion of the amendment re retirement benefits for Members of Congress and elected officers, such as the Secretary and Sergeant-at-arms for each House) is not related in any manner to the subject of Commonwealth Act 186 establishing the Government Service Insurance System and which provides for both retirement and insurance benefits to its members.

Parenthetically, it may be added that the purpose of the requirement that the subject of an act should be expressed in its title is fully explained by Cooley, thus: (1) to prevent surprise or fraud upon the Legislature; and (2) to fairly apprise the people, through such publication of legislation that are being considered, in order that they may have the opportunity of being heard thereon by petition or otherwise, if they shall so desire. (Cooley, Constitutional Limitations, 8th ed., Vol. I, p. 162: See also Martin, Political Law Reviewer, Book One (1965) p. 119)

With respect to sufficiency of title this Court has ruled in two cases:

"The Constitutional requirements with respect to titles of statutes as sufficient to reflect their contents is satisfied if parts of a law relate to the subject expressed in its title, and it is not necessary that the title be a complete index of content." (People vs. Carlos, 78 Phil. 535)

"The Constitutional requirement that the subject of an act shall be expressed in its title should be reasonably construed so as not to interfere unduly with the enactment of necessary legislation. It should be given a practical, rather than technical, construction. It should be a sufficient compliance with such requirement if the title expresses the general subject and all the provisions of the statute are germane to that general subject." (Sumulong vs. The Commission on Elections, 73 Phil. 288, 291)

The requirement that the subject of an act shall be expressed in its title is wholly illustrated and explained in *Central Capiz vs. Ramirez*, 40 Phil. 883. In this case, the question raised was whether Commonwealth Act 2784, known as the Public Land Act, was limited in its application to lands of the public domain or whether its provisions also extended to agricultural lands held in private ownership. The Court held that the act was limited to lands of the public domain as indicated in its title, and did not include private agricultural lands. The Court further

stated that this provision of the Constitution expressing the subject matter of an Act in its title, is not a mere rule of legislative procedure, directory to Congress, but it is mandatory. It is the duty of the Court to declare void any statute not conforming to this constitutional provision. (See *Walker vs. State*, 49 Alabama 329; *Cooley, Constitutional Limitations*, pp. 162-164 [5]; See also *Agcaoili vs. Suguitan*, 48 Phil. 676; *Sutherland on Statutory Construction*. Sec. 111.)

In the light of the history and analysis of Republic Act 3836, We conclude that the title of said Republic Act 3836 is void as it is not germane to the subject matter and is a violation of the aforementioned paragraph 1, section 21, Article VI of the Constitution.

In short, Republic Act 3836 violates three constitutional Provisions, namely: first, the prohibition regarding increase in the salaries of Members of Congress; second, the equal protection clause; and third, the prohibition that the title of a bill shall not embrace more than one subject.

In view of the foregoing considerations, Republic Act No. 3836 is hereby declared null and void, in so far as it refers to the retirement of Members of Congress and the elected officials thereof, as being unconstitutional. The restraining order issued in our resolution on December 6, 1965 is hereby made permanent. No costs.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Dizon, Makalintal, Bengzon, J.P. and Zaldivar, JJ., concur

Petition granted.

[1] *Kubbs vs. Thompson*, 56 N.E. 2d 761; *Reid vs. Smith*, 375 Ill. 47, 30 N.E. 2d 908; *Fergus vs. Russel*, 270 Ill. 304, 110 N.E. 130; *Burke vs. Snively*, 208 Ill. 328; *Jones vs. Connel*, 266 Ill. 443, 107 N.E. 731; *Dudick vs. Baumann*, 349 Ill. 46, 181 N.E. 690.

[2] *Aruego. Know your Constitution*, p. 58.

[3] *Real V. Smith*, 56 p. 690. 8 Wyo. 159; *Apple V. Crowford County*, 105 Pa. 300, 51 Am. Rep. 205; 14 SKly. Notes Cas. 322, 41 Leg. Int. 322; *Vansant V. State*, 53 A. 711, 714; 6 Md. 110; *Town of Bruce V. Dickey*, 6 N.E. 435.

[4] In the case of Justices of the Supreme Court, Justices of the Court of Appeals, Judges of courts of record—all contribute a certain amount to the GSIS, although under a different plan of premiums from other members (See R.A. 910, as amended by R.A. Nos. 1057 and 2614).

In the case of the Armed Forces, officers and enlisted men are also members of the System, but their retirement benefits are Provided for under R.A. 340.

However, the Auditor General and the Chairman and Members of the Commission on Elections are entitled to retirement benefits, under R.A. 1568, notwithstanding the fact that they are not Members of the System, provided they have at least 20 years of service.

[5] 8th Edition. Volume I.

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